

SPECIAL ENVOY TO MONITOR AND COMBAT ANTI-SEMITISM
ACT OF 2017; SAM FARR PEACE CORPS ENHANCEMENT ACT;
ELIE WIESEL GENOCIDE AND ATROCITIES PREVENTION ACT
OF 2017; PROTECTING DIPLOMATS FROM SURVEILLANCE
THROUGH CONSUMER DEVICES ACT; INTERCOUNTRY ADOPTION
INFORMATION ACT OF 2018; CAMBODIA DEMOCRACY
ACT; AND BURMA ACT OF 2018

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

ON

**H.R. 1911, H.R. 2259, H.R. 3030, H.R. 4989,
H.R. 5626, H.R. 5754, and H.R. 5819**

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**SPECIAL ENVOY TO MONITOR AND COMBAT ANTI-SEMITISM
ACT OF 2017; SAM FARR PEACE CORPS ENHANCEMENT
ACT; ELIE WIESEL GENOCIDE AND ATROCITIES PREVEN-
TION ACT OF 2017; PROTECTING DIPLOMATS FROM SUR-
VEILLANCE THROUGH CONSUMER DEVICES ACT; INTER-
COUNTRY ADOPTION INFORMATION ACT OF 2018; CAM-
BODIA DEMOCRACY ACT; AND BURMA ACT OF 2018**

THURSDAY, MAY 17, 2018

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

The committee met, pursuant to notice, at 10:00 a.m., in room 2167 Rayburn House Office Building, Hon. Edward Royce (chairman of the committee) presiding.

Chairman ROYCE. The committee will come to order.

And pursuant to notice, we meet today to markup seven bipartisan measures. Without objection, all members may have 5 days to submit statements or extraneous materials on today's business.

As members were notified yesterday, we intend to consider today's measures en bloc, and so without objection the following items previously provided to members, and also in your packets, will be considered en bloc and are considered as read.

They are H.R. 1911, the Special Envoy the Monitor and Combat Anti-Semitism Act, Smith Amendment 96 in the nature of a substitute; H.R. 2259, the Sam Farr Peace Corps Enhancement Act, Poe Amendment 87 in the nature of a substitute; H.R. 3030, the Elie Wiesel Genocide and Atrocities Prevention Act with Wagner Amendment 33 in the nature of a substitute; H.R. 4989, Protecting Diplomats from Surveillance Through Consumer Devices Act; H.R. 5626, the Intercountry Adoption Information Act with the Kinzinger Amendment 28 and the Schneider Amendment Number 84; H.R. 5754, the Cambodian Democracy Act with Yoho Amendment 123 in the nature of a substitute and Yoho Amendment 125; and lastly, H.R. 5819, the Burma Act of 2018, Engel Amendment 98, and Wilson Amendment 60.

[The information referred to follows:]

115TH CONGRESS
1ST SESSION

H. R. 1911

To amend the State Department Basic Authorities Act of 1956 to monitor and combat anti-Semitism globally, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2017

Mr. SMITH of New Jersey (for himself, Mr. SCHNEIDER, Mr. ROSKAM, Mr. ENGEL, Mr. WEBER of Texas, Mrs. LOWEY, Mr. DEUTCH, Mr. BILIRAKIS, and Mr. VEASEY) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the State Department Basic Authorities Act of 1956 to monitor and combat anti-Semitism globally, and for other purposes.

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 “Special Envoy to Mon-
5 itor and Combat Anti-Semitism Act of 2017”.

6 **SEC. 2. FINDING.**

7 Congress finds that since the Global Anti-Semitism
8 Review Act of 2004 was enacted, in many foreign coun-
9 tries acts of anti-Semitism have been frequent and wide

1 in scope, the perpetrators and variety of threats to Jewish
2 communities and their institutions have proliferated, and
3 in some countries anti-Semitic attacks have increased in
4 frequency, scope, violence, and deadliness.

5 **SEC. 3. MONITORING AND COMBATING ANTI-SEMITISM.**

6 Subsection (a) of section 59 of the State Department
7 Basic Authorities Act of 1956 (22 U.S.C. 2731) is amend-
8 ed—

9 (1) in paragraph (2)—

10 (A) in subparagraph (A)—

11 (i) by inserting before the period at
12 the end the following: “, who shall be ap-
13 pointed by the President, by and with the
14 advice and consent of the Senate”; and

15 (ii) by adding at the end the following
16 new sentence: “The Special Envoy shall re-
17 port directly to the Secretary.”; and

18 (B) in subparagraph (B)—

19 (i) by striking the first sentence; and

20 (ii) in the third sentence, by striking
21 “The Secretary may allow such officer or
22 employee to retain the position (and the
23 responsibilities associated with such posi-
24 tion)” and inserting “Such officer or em-
25 ployee may not retain the position (or the

1 responsibilities associated with such posi-
2 tion)”; and

3 (2) by adding at the end the following new
4 paragraphs:

5 “(3) DUTIES.—The Special Envoy shall serve
6 as the primary advisor to, and coordinate efforts
7 across, the United States Government relating to
8 monitoring and combating anti-Semitism and anti-
9 Semitic incitement that occur in foreign countries.

10 “(4) RANK AND STATUS OF AMBASSADOR.—
11 The Special Envoy shall have the rank of ambas-
12 sador.

13 “(5) QUALIFICATIONS.—The Special Envoy
14 should be a person of recognized distinction in the
15 field of—

16 “(A) combating anti-Semitism; or

17 “(B) religious freedom.”.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1911
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Special Envoy to Mon-
3 itor and Combat Anti-Semitism Act of 2018”.

4 SEC. 2. FINDING.

5 Congress finds that since the Global Anti-Semitism
6 Review Act of 2004 was enacted, in many foreign coun-
7 tries acts of anti-Semitism have been frequent and wide
8 in scope, the perpetrators and variety of threats to Jewish
9 communities and their institutions have proliferated, and
10 in some countries anti-Semitic attacks have increased in
11 frequency, scope, violence, and deadliness.

12 SEC. 3. MONITORING AND COMBATING ANTI-SEMITISM.

13 (a) IN GENERAL.—Subsection (a) of section 59 of the
14 State Department Basic Authorities Act of 1956 (22
15 U.S.C. 2731) is amended—

16 (1) in paragraph (2)—

17 (A) in subparagraph (A)—

1 (i) by inserting before the period at
2 the end the following: “, who shall be ap-
3 pointed by the President, by and with the
4 advice and consent of the Senate”; and

5 (ii) by adding at the end the following
6 new sentence: “The Special Envoy shall re-
7 port directly to the Secretary.”; and

8 (B) in subparagraph (B)—

9 (i) in the heading, but striking “AP-
10 POINTMENT” and inserting “NOMINA-
11 TION”;

12 (ii) by striking the first sentence;

13 (iii) in the second sentence, by strik-
14 ing “If the Secretary determines that such
15 is appropriate, the Secretary may appoint”
16 and inserting “If the President determines
17 that such is appropriate, the President
18 may nominate”; and

19 (iv) in the third sentence, by striking
20 “The Secretary may allow such officer or
21 employee to retain the position (and the
22 responsibilities associated with such posi-
23 tion) held by such officer or employee prior
24 to the appointment” and inserting “Such
25 officer or employee may not retain the po-

1 sition (or the responsibilities associated
2 with such position) held by such officer or
3 employee prior to the nomination”; and

4 (2) by adding at the end the following new
5 paragraphs:

6 “(3) DUTIES.—The Special Envoy shall serve
7 as the primary advisor to, and coordinate efforts
8 across, the United States Government relating to
9 monitoring and combating anti-Semitism and anti-
10 Semitic incitement that occur in foreign countries.

11 “(4) RANK AND STATUS OF AMBASSADOR.—
12 The Special Envoy shall have the rank of ambas-
13 sador.

14 “(5) QUALIFICATIONS.—The Special Envoy
15 should be a person of recognized distinction in the
16 field of—

17 “(A) combating anti-Semitism;

18 “(B) religious freedom; or

19 “(C) law enforcement.”.

20 (b) NOMINATION.—Not later than 90 days after the
21 date of the enactment of this Act, and not later than 120
22 after any such position becomes vacant, the President
23 shall nominate the Special Envoy for Monitoring and
24 Combating anti-Semitism under section 59 of the State

8

4

- 1 Department Basic Authorities Act of 1956, as amended
- 2 by subsection (a) of this section.



115TH CONGRESS
1ST SESSION

H. R. 2259

To amend the Peace Corps Act to expand services and benefits for volunteers,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2017

Mr. POE of Texas (for himself and Mr. KENNEDY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Oversight and Government Reform, and Education and the Workforce, 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 amend the Peace Corps Act to expand services and
benefits for volunteers, and for other purposes.

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 “Sam Farr Peace Corps
5 Enhancement Act”.

6 **SEC. 2. PROVISIONS FOR CURRENT AND FORMER VOLUN-** 7 **TEERS OF THE PEACE CORPS.**

8 (a) ENHANCED COMPENSATION BENEFITS.—

1 (1) IN GENERAL.—Section 8142 of title 5,
2 United States Code, is amended—

3 (A) in subsection (c)—

4 (i) in paragraph (1), by striking “GS–
5 7” and inserting “GS–11”; and

6 (ii) by striking paragraph (2) and re-
7 designating paragraphs (3) and (4) as
8 paragraphs (2) and (3), respectively; and

9 (B) by adding at the end the following new
10 subsection:

11 “(d)(1) The Director of the Peace Corps shall provide
12 the initial furnishing of medical and other benefits under
13 section 8103(b) of this title to any former volunteer for
14 the 180-day period beginning on the date of termination
15 of the service of such volunteer, to the extent that the Di-
16 rector determines that such benefits are given with respect
17 to an injury that is probably compensable under this sec-
18 tion (as such term is defined for purposes of section
19 8103(b)). The provision of such benefits may be author-
20 ized directly or by the certification of vouchers, in accord-
21 ance with section 8103(b).

22 “(2) A volunteer may not be provided medical or
23 other benefits pursuant to paragraph (1) unless the injury
24 with respect to which such benefits would be provided was

1 proximately caused by the employment of such volunteer
2 under subsection (c)(2).

3 “(3) Notwithstanding the 180-day limitation period
4 under paragraph (1), a volunteer may receive medical or
5 other benefits provided pursuant to such paragraph with
6 respect to an injury until the date on which the Secretary
7 of Labor makes a final determination with respect to com-
8 pensation for such injury under this section, if the volun-
9 teer applied for such compensation before the last day of
10 such limitation period.

11 “(4) The Director shall consult with health experts
12 outside the Peace Corps, including experts licensed in the
13 field of mental health, in order to provide the best stand-
14 ard of care.

15 “(5) The provisions of section 8116(e) of this title
16 regarding liability shall apply with respect to benefits pro-
17 vided to a former volunteer under this section in the same
18 manner and to the same extent as such provisions apply
19 with respect to benefits provided to an employee of the
20 United States.”.

21 (2) APPLICABILITY.—The amendments made
22 by paragraph (1)(A) shall apply with respect to any
23 compensation paid pursuant to section 8142 of title
24 5, United States Code, on or after the date of the
25 enactment of this Act.

1 (b) HEALTH CARE FOR VOLUNTEERS; CRIMINAL LI-
2 ABILITY FOR ACTS AGAINST VOLUNTEERS.—Section 5 of
3 the Peace Corps Act (22 U.S.C. 2504) is amended—

4 (1) in subsection (e), by striking “receive such
5 immunization and dental care preparatory to their
6 service” and inserting “receive, preparatory to their
7 service, such immunization and dental care, and (in
8 accordance with subsection (o)) such trial prescrip-
9 tions”;

10 (2) in subsection (h), by striking “section, and”
11 and inserting “section), and”; and

12 (3) by adding at the end the following new sub-
13 sections:

14 “(o) The Director of the Peace Corps may only pre-
15 scribe mefloquine to a volunteer, including as a trial pre-
16 scription to a volunteer who chooses to use such medica-
17 tion before departing the United States to a post, on an
18 individual basis and in accordance with relevant rec-
19 ommendations or guidelines issued by the Director of the
20 Centers for Disease Control and Prevention or the Com-
21 missioner of Food and Drugs, after counseling such volun-
22 teer about the benefits, risks, and side effects of each
23 available medication for the prophylaxis of malaria. The
24 Director shall monitor the volunteer during the course of
25 such prescription for the development of any side effects

1 (or determine that the volunteer has been so monitored),
2 evaluate the volunteer at the completion of such course
3 for evidence of neuropsychiatric symptoms (or determine
4 that the volunteer has been so evaluated), and report to
5 the Director of the Centers for Disease Control and Pre-
6 vention and the Commissioner of Food and Drugs any
7 such side effects or symptoms. A volunteer may only
8 switch to the use of mefloquine from another drug for the
9 prophylaxis of malaria while serving at a post if another
10 medication for the prophylaxis of malaria is simulta-
11 neously provided to such volunteer in a manner that en-
12 sures continuous protection against malaria.

13 “(p) It is the policy of the United States to recognize
14 the importance of Peace Corps volunteers and the core
15 function that such volunteers play within the agency. The
16 President should therefore prioritize the provision of
17 health care services and necessary safety and security sup-
18 port for all volunteers.

19 “(q)(1) Whoever engages in conduct outside the
20 United States against a volunteer that would constitute
21 an offense under any section listed in paragraph (2) if the
22 conduct had been engaged in within the special maritime
23 and territorial jurisdiction of the United States (as defined
24 in section 7 of title 18, United States Code) shall be pun-
25 ished as provided for that offense.

1 “(2) The sections listed in this paragraph are sections
2 113, 1111, 1112, 1113, 1117 (to the extent that such sec-
3 tion applies to section 1111), 1201, 2241, 2242, 2244,
4 and 2261A of title 18, United States Code.

5 “(3) For purposes of this subsection, paragraph
6 (9)(B) (regarding residences in foreign countries) of sec-
7 tion 7 of title 18, United States Code, shall include the
8 residences used by volunteers in foreign countries and the
9 land appurtenant or ancillary thereto, irrespective of own-
10 ership.”.

11 **SEC. 3. PROVISIONS REGARDING EMPLOYEES OF THE**
12 **PEACE CORPS.**

13 Section 7 of the Peace Corps Act (22 U.S.C. 2506)
14 is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (5), by inserting “or
17 paragraph (8)” after “paragraph (6)”; and

18 (B) by adding at the end the following new
19 paragraph:

20 “(8)(A) The Director of the Peace Corps may des-
21 ignate a position as a ‘critical management position’ or
22 a ‘critical management support position’ if the position re-
23 quires specialized technical or professional skills and
24 knowledge of Peace Corps operations, such as positions
25 that involve volunteer health services, financial manage-

1 ment, information technology, procurement, personnel,
2 legal services, or safety or security.

3 “(B) Notwithstanding any limitation set forth in
4 paragraph (2) and subject to subparagraph (C), an ap-
5 pointment or assignment to a critical management posi-
6 tion or a critical management support position designated
7 under subparagraph (A) of this paragraph and any exten-
8 sion of such appointment or assignment shall be for a term
9 of not more than five years.

10 “(C) The Director shall ensure that any decision re-
11 garding an appointment, assignment, or extension of such
12 appointment or assignment to a critical management posi-
13 tion or a critical management support position shall be
14 consistent with Peace Corps policies and based on oper-
15 ational and programmatic factors.”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(d)(1)(A) The President shall ensure that each over-
19 seas post has the services of a medical office that is con-
20 sistent in size and scope with the needs of the Peace Corps
21 at such post, including, if necessary, by detailing to any
22 such post the licensed medical staff of other United States
23 departments, agencies, or establishments.

1 “(B) An individual may be hired as a Peace Corps
2 Medical Officer after consideration of the following cri-
3 teria:

4 “(i) Medical training, experience, accreditations,
5 and other qualifications.

6 “(ii) Administrative capabilities.

7 “(iii) Understanding of the local language and
8 culture.

9 “(iv) Ability to work in the English language.

10 “(v) Interpersonal skills.

11 “(vi) Record of performance.

12 “(vii) Any other factors the Director of the
13 Peace Corps determines appropriate.

14 “(2) The Director of the Peace Corps shall ensure
15 that each Peace Corps Medical Officer serving in a ma-
16 laria-endemic country receives training in the recognition
17 of the side effects caused by the use of mefloquine and
18 the data supporting the patient information handouts re-
19 quired by the Food and Drug Administration regarding
20 mefloquine, including the potential capacity of the drug
21 to cause permanent neuropsychiatric effects.”.

22 **SEC. 4. MONITORING TRAINING RECORDS.**

23 Section 8 of the Peace Corps Act (22 U.S.C. 2507)
24 is amended—

1 (1) in subsection (a), by adding at the end the
2 following new sentences: “As a part of such training,
3 the President, in coordination with the Inspector
4 General of the Peace Corps, shall provide each vol-
5 unteer with information regarding the mandate of
6 the Inspector General and the availability (including
7 contact information) of the Inspector General as a
8 resource for volunteers. The President shall provide
9 such information at least once during training that
10 occurs prior to enrollment and at least once during
11 each significant instance of training after enroll-
12 ment.”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(c) The President shall implement procedures to
16 maintain a written record verifying the attendance of each
17 individual completing training provided to meet each re-
18 quirement in this section and sections 8A, 8B, 8F, and
19 8G(b).”.

20 **SEC. 5. ADDITIONAL DISCLOSURES TO APPLICANTS FOR**
21 **ENROLLMENT AS VOLUNTEERS.**

22 Section 8A of the Peace Corps Act (22 U.S.C. 2507a)
23 is amended—

24 (1) by amending subsection (d) to read as fol-
25 lows:

1 “(d) INFORMATION REGARDING CRIMES AND
 2 RISKS.—Each applicant for enrollment as a volunteer
 3 shall be provided, with respect to the country in which the
 4 applicant has been invited to serve, with information re-
 5 garding crimes against and risks to volunteers, including
 6 an overview of past crimes against volunteers in such
 7 country, the current early termination rate of volunteers
 8 serving in such country, any health risks prevalent in such
 9 country, and the level of satisfaction reported by volun-
 10 teers serving in such country. Upon receiving such infor-
 11 mation, the applicant shall have the option to timely de-
 12 cline the invitation without retaliation and with priority
 13 to be invited to serve in a different country.”; and

14 (2) in subsection (f)(2)(B), in clause (iii), by
 15 striking “victim advocates” and inserting “Victim’s
 16 Advocates,”.

17 **SEC. 6. REPORTING REQUIREMENTS WITH RESPECT TO**
 18 **VICTIMS OF SEXUAL ASSAULT.**

19 Paragraph (3) of section 8B(a) of the Peace Corps
 20 Act (22 U.S.C. 2507b(a)) is amended—

21 (1) by striking “SARLs” and inserting “any
 22 employee of the Peace Corps”; and

23 (2) by striking “Victim Advocate” and inserting
 24 “Victim’s Advocate”.

1 **SEC. 7. OFFICE OF VICTIM ADVOCACY.**

2 Section 8C of the Peace Corps Act (22 U.S.C. 2507e)
3 is amended—

4 (1) by striking “victim advocate” in each place
5 it appears and inserting “Victim’s Advocate”;

6 (2) by striking “victim advocates” in each place
7 it appears and inserting “Victim’s Advocates”; and

8 (3) by striking subsection (e).

9 **SEC. 8. REFORM AND EXTENSION OF THE SEXUAL ASSAULT**
10 **ADVISORY COUNCIL.**

11 Section 8D of the Peace Corps Act (22 U.S.C.
12 2507d) is amended—

13 (1) in subsection (b)—

14 (A) by striking “not less than 8 individ-
15 uals” and inserting “not fewer than 8 and not
16 more than 14 individuals”;

17 (B) by inserting after the first sentence
18 the following new sentence: “At least one mem-
19 ber shall also be licensed in the field of mental
20 health.”; and

21 (C) by adding at the end the following new
22 sentence: “There shall be no limit to the num-
23 ber of terms an individual may serve as a mem-
24 ber of the Council.”;

25 (2) in subsection (e)—

1 (A) by inserting “and the implementation
2 of such policy” after “section 8B”; and

3 (B) by adding at the end the following new
4 sentence: “To carry out the functions in this
5 subsection, the Council shall conduct case re-
6 views and shall have access, including through
7 interviews or visits, to volunteers and staff in
8 the field, to volunteer surveys under section 8E,
9 to all data collected from restricted reporting,
10 and to any other information necessary to con-
11 duct case reviews, except that the Council may
12 not have access to any personally identifying in-
13 formation associated with such surveys or
14 data.”; and

15 (3) in subsection (g), by striking “2018” and
16 inserting “2023”.

17 **SEC. 9. PUBLICATION REQUIREMENT FOR VOLUNTEER**
18 **SURVEYS.**

19 Section 8E of the Peace Corps Act (22 U.S.C. 2507e)
20 is amended—

21 (1) in subsection (c)—

22 (A) in the first sentence, by striking
23 “2018” and inserting “2023”;

24 (B) in the third sentence, by striking “sub-
25 section (a)” and inserting “subsection (b)”; and

1 (C) by adding at the end the following new
 2 sentences: “The President shall publish on a
 3 publicly available website of the Peace Corps
 4 the results of each survey related to volunteer
 5 satisfaction in each country in which volunteers
 6 serve, and the early termination rate of volun-
 7 teers serving in each such country. The infor-
 8 mation published shall be posted in an easily
 9 accessible place near the description of the ap-
 10 propriate country and shall be written in an
 11 easily understood manner.”.

12 **SEC. 10. EXPERTS AND CONSULTANTS FOR THE INSPECTOR**
 13 **GENERAL.**

14 Section 13 of the Peace Corps Act (22 U.S.C. 2512)
 15 is amended—

16 (1) in subsection (a), by striking “Section” and
 17 inserting “section”; and

18 (2) by adding at the end the following new sub-
 19 section:

20 “(c) An expert, consultant, or organization thereof
 21 employed pursuant to subsection (a) by the Inspector Gen-
 22 eral of the Peace Corps may be compensated without re-
 23 gard to the daily equivalent of the highest rate payable
 24 under section 5332 of title 5, United States Code.”.

1 **SEC. 11. REPORT AND SURVEY ON VOLUNTEER ACCESS TO**
2 **HEALTH CARE BENEFITS.**

3 (a) REPORT.—Not later than one year after the date
4 of the enactment of this Act and annually thereafter for
5 four years, the Director of the Peace Corps shall submit
6 to the appropriate congressional committees a report in-
7 cluding each of the following:

8 (1) The number of Peace Corps volunteers who
9 returned to the United States in the prior year and
10 whom the Director assisted in resolving difficulties
11 in securing health care benefits through the Depart-
12 ment of Labor (including difficulties in receiving
13 health care services or reimbursement for such serv-
14 ices).

15 (2) The date on which the Director was con-
16 tacted by each such volunteer to request such assist-
17 ance.

18 (3) If such difficulties were successfully resolved
19 by the Director, the date of each such resolution.

20 (4) The average period of time that such resolu-
21 tion was pending, with respect to requests for such
22 assistance in the prior year.

23 (5) The rate of satisfaction of such returned
24 volunteers with the quality of such assistance.

25 (b) SURVEY.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act and an-
3 nually thereafter, the Director shall submit to the
4 appropriate congressional committees a report in-
5 cluding the results of the survey described in para-
6 graph (2).

7 (2) SCOPE OF SURVEY.—The survey described
8 in this paragraph is an annual survey, provided to
9 each former Peace Corps volunteer who accessed
10 post-service health care provided by the Peace
11 Corps, that assesses, with respect to such volunteers,
12 each of the following:

13 (A) The level of awareness of the existence
14 of the Federal Employees' Compensation pro-
15 gram and knowledge of the specific health care
16 benefits associated with Peace Corps service
17 that are available under the program.

18 (B) The level of awareness of the applica-
19 tion requirements of the program, including eli-
20 gibility requirements and the documentation
21 that the Department of Labor requires before
22 making a decision regarding benefits under the
23 program.

24 (C) The level of satisfaction with the pro-
25 gram, including the timeliness of processing ap-

1 plications and providing reimbursement for
2 health and other benefits.

3 (D) The average time taken by the Sec-
4 retary of Labor—

5 (i) to review and to approve or deny
6 an application for benefits under the pro-
7 gram; and

8 (ii) to provide a reimbursement for
9 submitted medical claims.

10 (E) The ability to access medical providers
11 using the benefits provided by the program.

12 (3) PAPERWORK REDUCTION ACT EXEMP-
13 TION.—The collection of data for purposes of a re-
14 port submitted under paragraph (1) is not subject to
15 the requirements of subchapter I of chapter 35 of
16 title 44, United States Code (commonly referred to
17 as the “Paperwork Reduction Act”).

18 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

19 In this section, the term “appropriate congressional com-
20 mittees” means—

21 (1) the Committee on Foreign Affairs and the
22 Committee on Appropriations of the House of Rep-
23 resentatives; and

- 1 (2) the Committee on Foreign Relations of the
- 2 Senate and the Committee on Appropriations of the
- 3 Senate.



**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2259
OFFERED BY MR. POE OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Sam Farr and Nick Castle Peace Corps Reform Act of
4 2018”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PEACE CORPS VOLUNTEER SUPPORT

Sec. 101. Peace Corps volunteer medical care reform.
Sec. 102. Post-service peace corps volunteer medical care reform.
Sec. 103. Peace Corps impact survey.
Sec. 104. Extension of positions for Peace Corps employees.

TITLE II—PEACE CORPS OVERSIGHT AND ACCOUNTABILITY

Sec. 201. Peace Corps volunteer access to Inspector General.
Sec. 202. Publication requirement for volunteer surveys.
Sec. 203. Consultation with Congress required before opening or closing overseas offices and country programs.

TITLE III—CRIME RISK REDUCTION ENHANCEMENTS

Sec. 301. Independent review of volunteer death.
Sec. 302. Additional disclosures to applicants for enrollment as volunteers.
Sec. 303. Additional protections against sexual misconduct.
Sec. 304. Extension of the office of victim advocacy.
Sec. 305. Reform and extension of the Sexual Assault Advisory Council.
Sec. 306. Experts and consultants for the Inspector General.
Sec. 307. Definitions.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
4 **TEES.**—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations of
7 the Senate;

8 (B) the Committee on Appropriations of
9 the Senate;

10 (C) the Committee on Foreign Affairs of
11 the House of Representatives; and

12 (D) the Committee on Appropriations of
13 the House of Representatives.

14 (2) **DIRECTOR.**—The term “Director” means
15 the Director of the Peace Corps.

16 (3) **PEACE CORPS VOLUNTEER.**—The term
17 “Peace Corps volunteer” means an individual de-
18 scribed in section 5(a) of the Peace Corps Act (22
19 U.S.C. 2504(a)).

20 **TITLE I—PEACE CORPS**
21 **VOLUNTEER SUPPORT**

22 **SEC. 101. PEACE CORPS VOLUNTEER MEDICAL CARE RE-**
23 **FORM.**

24 (a) **IN GENERAL.**—The Peace Corps Act is amend-
25 ed—

26 (1) in section 5 (22 U.S.C. 2504)—

1 (A) in subsection (e), in the first sentence,
2 by striking “receive such immunization and
3 dental care preparatory to their service” and in-
4 serting “receive, preparatory to their service,
5 such immunization, dental care, and informa-
6 tion on prescription options and potential inter-
7 actions, as necessary and appropriate and in ac-
8 cordance with subsection (f)”;

9 (B) by re-designating subsections (f), (g),
10 (h), (i), (j), (k), (l), (m), and (n) as subsections
11 (g), (h), (i), (j), (k), (l), (m), (n), and (o);

12 (C) by inserting after subsection (e) the
13 following new subsection—

14 “(f) The Director of the Peace Corps shall consult
15 with health experts outside the Peace Corps, including ex-
16 perts licensed in the field of mental health, and follow
17 guidance by the Centers for Disease Control and Preven-
18 tion regarding the prescription of medications to a volun-
19 teer.”; and

20 (D) in subsection (i), as so redesignated,
21 by striking “section, and” and inserting “sec-
22 tion), and”; and

23 (2) by inserting after section 5 the following
24 new section:

1 **“SEC. 5A. HEALTH CARE FOR VOLUNTEERS AT PEACE**
2 **CORPS POSTS.**

3 “(a) IN GENERAL.—The President shall ensure that
4 each overseas post has the services of a medical office that
5 is consistent in size and scope with the needs of the Peace
6 Corps at such post, including, if necessary, by detailing
7 to any such post the licensed medical staff of other United
8 States departments, agencies, or establishments.

9 “(b) HIRING CRITERIA.—In selecting medical officers
10 and support staff for overseas Peace Corps posts, the Di-
11 rector of the Peace Corps shall hire well-qualified and ca-
12 pable personnel to support the effectiveness of health care
13 for Peace Corps volunteers by evaluating each can-
14 didate’s—

15 “(1) medical training, experience, and accredi-
16 tations or other qualifications;

17 “(2) record of performance;

18 “(3) administrative capabilities;

19 “(4) understanding of the local language and
20 culture;

21 “(5) ability to work in the English language;

22 “(6) interpersonal skills; and

23 “(7) such other factors that the Director deter-
24 mines appropriate.

25 “(c) CERTAIN TRAINING.—The Director of the Peace
26 Corps shall ensure that each Peace Corps medical officer

1 serving in a malaria-endemic country receives training in
2 the recognition of the side effects of such medications.

3 “(d) REVIEW AND EVALUATION.—

4 “(1) IN GENERAL.—The Director of the Peace
5 Corps, acting through the Associate Director of the
6 Office of Health Services and the country directors,
7 shall review and evaluate the performance and
8 health care delivery of all Peace Corps medical staff,
9 including medical officers, to—

10 “(A) ensure compliance with all relevant
11 Peace Corps policies, practices, and guidelines;
12 and

13 “(B) ensure that medical staff complete
14 the necessary continuing medical education to
15 maintain their skills and satisfy licensing and
16 credentialing standards, as designated by the
17 Director.

18 “(2) REPORT TO CONGRESS.—The Director of
19 the Peace Corps shall include, in the annual Peace
20 Corps congressional budget justification, a confirma-
21 tion that the review and evaluation of all Peace
22 Corps medical staff required under paragraph (1)
23 has been completed.

24 “(e) ANTIMALARIAL DRUGS.—The Director of the
25 Peace Corps shall consult with experts at the Centers for

1 Disease Control and Prevention regarding recommenda-
2 tions for prescribing malaria prophylaxis, in order to pro-
3 vide the best standard of care within the context of the
4 Peace Corps environment.”.

5 (b) IMPLEMENTATION OF RECOMMENDATIONS BY
6 THE INSPECTOR GENERAL OF THE PEACE CORPS.—

7 (1) INSPECTOR GENERAL REPORT.—As prompt-
8 ly as practicable, the Director shall implement the
9 actions outlined in the agency response for all open
10 recommendations of the Inspector General of the
11 Peace Corps set forth in the report entitled “Final
12 Program Evaluation Report: OIG Follow-up Evalua-
13 tion of Issues Identified in the 2010 Peace Corps/
14 Morocco Assessment of Medical Care” (Report No.
15 IG-16-01-E).

16 (2) SEMIANNUAL REPORTS.—

17 (A) INITIAL REPORT.—Not later than 180
18 days after the date of the enactment of this
19 Act, the Director shall submit a report to the
20 appropriate congressional committees that de-
21 scribes the Director’s strategy for implementing
22 the recommendations referred to in paragraph
23 (1).

24 (B) SUBSEQUENT REPORTS.—Not later
25 than 180 days after the submission of the re-

1 port required under subparagraph (A), and
2 semiannually thereafter, the Director shall sub-
3 mit a report to the appropriate congressional
4 committees that describes the progress in imple-
5 menting the recommendations referred to in
6 paragraph (1) until all such recommendations
7 have been implemented in accordance with the
8 agency's response to the report referred to in
9 such paragraph.

10 (3) NOTIFICATION.—After the submission of
11 each report required under paragraph (2), the In-
12 spector General of the Peace Corps may notify the
13 appropriate congressional committees of any rec-
14 ommendations from the report referred to in para-
15 graph (1) that the Inspector General determines re-
16 main unresolved.

17 **SEC. 102. POST-SERVICE PEACE CORPS VOLUNTEER MED-**
18 **ICAL CARE REFORM.**

19 Section 8142 of title 5, United States Code, is
20 amended by adding at the end the following new sub-
21 section:

22 “(d)(1) The Secretary shall authorize the Director of
23 the Peace Corps to furnish medical benefits to a volunteer,
24 who is injured during the volunteer's period of service, for
25 a period of 120 days following the termination of such

1 service if the Director certifies that the volunteer's injury
2 probably meets the requirements under subsection (c)(3).
3 The Secretary may then certify vouchers for these ex-
4 penses for such volunteer out of the Employees' Com-
5 pensation Fund.

6 “(2) The Secretary shall prescribe the form and con-
7 tent of the certification required under paragraph (1).

8 “(3) A certification under paragraph (1) will cease
9 to be effective if the volunteer sustains compensable dis-
10 ability in connection with volunteer service.

11 “(4) Nothing in this subsection may be construed to
12 authorize the furnishing of any medical benefit that the
13 Secretary of Labor is not otherwise authorized to reim-
14 burse for former Peace Corps volunteers who receive treat-
15 ment for injury or disease proximately caused by their
16 service in the Peace Corps in accordance with this chap-
17 ter.”.

18 **SEC. 103. PEACE CORPS IMPACT SURVEY.**

19 (a) IN GENERAL.—Beginning not later than one year
20 after the date of the enactment of this Act and once every
21 two years thereafter for the following six years, the Direc-
22 tor shall conduct a survey of former Peace Corps volun-
23 teers.

24 (b) SCOPE OF SURVEY.—The survey required under
25 subsection (a) shall assess, with respect to each former

1 Peace Corps volunteer completing the survey, the impact
2 of the Peace Corps on the former volunteer, including the
3 volunteer's—

- 4 (1) well-being;
- 5 (2) career;
- 6 (3) civic engagement; and
- 7 (4) commitment to public service.

8 (c) REPORT.—The Director shall submit a report
9 containing the results of the survey conducted under sub-
10 section (a) to—

- 11 (1) the Committee on Foreign Relations of the
12 Senate;
- 13 (2) the Committee on Foreign Affairs of the
14 House of Representatives;
- 15 (3) the Committee on Appropriations of the
16 Senate; and
- 17 (4) the Committee on Appropriations of the
18 House of Representatives.

19 (d) PAPERWORK REDUCTION ACT EXEMPTION.—
20 Subchapter I of chapter 35 of title 44, United States Code
21 (commonly known as the “Paperwork Reduction Act of
22 1980”), shall not apply to the collection of information
23 through the survey required under this section.

1 **SEC. 104. EXTENSION OF POSITIONS FOR PEACE CORPS EM-**
2 **PLOYEES.**

3 Section 7(a) of the Peace Corps Act (22 U.S.C.
4 2506(a)) is amended by adding at the end the following
5 new paragraph:

6 “(8)(A) The Director of the Peace Corps may
7 designate Peace Corps positions as critical manage-
8 ment or management support positions that require
9 specialized technical or professional skills and knowl-
10 edge of Peace Corps operations. Such positions may
11 include positions in the following fields:

12 “(i) Volunteer health services.

13 “(ii) Financial management.

14 “(iii) Information technology.

15 “(iv) Procurement.

16 “(v) Personnel.

17 “(vi) Legal services.

18 “(vii) Safety and security.

19 “(B) Subject to subparagraphs (C) and (D),
20 with respect to positions designated pursuant to sub-
21 paragraph (A), the Director may make or extend re-
22 newable appointments or assignments under para-
23 graph (2) notwithstanding limitations under sub-
24 paragraphs (A) and (B) of paragraph (2) and para-
25 graph (5).

1 “(C) In exercising authority under subpara-
 2 graph (B), the Director shall ensure that all deci-
 3 sions regarding the appointment, assignment, or ex-
 4 tension of employees to any position designated pur-
 5 suant to subparagraph (A)—

6 “(i) are consistent with Federal law and
 7 Peace Corps policy; and

8 “(ii) are based upon operational and pro-
 9 grammatic factors.

10 “(D) The term of any appointment or assign-
 11 ment to any position designated pursuant to sub-
 12 paragraph (A) may not exceed five years.”.

13 **TITLE II—PEACE CORPS OVER-** 14 **SIGHT AND ACCOUNTABILITY**

15 **SEC. 201. PEACE CORPS VOLUNTEER ACCESS TO INSPEC-** 16 **TOR GENERAL.**

17 Section 8 of the Peace Corps Act (22 U.S.C. 2507)
 18 is amended—

19 (1) in subsection (a)—

20 (A) by striking “he” and inserting “the
 21 President”; and

22 (B) by adding at the end the following new
 23 sentences: “As part of the training provided to
 24 all volunteers under subsection (a), and in co-
 25 ordination with the Inspector General of the

1 Peace Corps, the President shall provide all vol-
 2 unteers with information regarding the mandate
 3 of the Inspector General and the availability
 4 (including contact information) of the Inspector
 5 General and the Office of Victim Advocacy as
 6 a resource for volunteers. The President shall
 7 ensure that volunteers receive such information
 8 at least once during training that occurs prior
 9 to enrollment and at least once during each sig-
 10 nificant instance of training after enrollment.”;
 11 and

12 (2) by adding at the end the following new sub-
 13 section:

14 “(c) The President shall implement procedures to
 15 maintain a record verifying each individual completing
 16 training provided to meet each requirement in this section
 17 and sections 8A, 8B, 8F, and 8G(b).”.

18 **SEC. 202. PUBLICATION REQUIREMENT FOR VOLUNTEER**
 19 **SURVEYS.**

20 Section 8E of the Peace Corps Act (22 U.S.C. 2507e)
 21 is amended—

22 (1) in subsection (b), in the first sentence—

23 (A) by inserting “, ensure that each such
 24 plan includes a consideration of the results,
 25 with respect to each such representative and the

1 country of service of each such representative,
2 of each survey conducted under subsection (c),”
3 after “standards for Peace Corps representa-
4 tives”; and

5 (B) by striking “and shall review” and in-
6 serting “, and review”; and
7 (2) in subsection (c)—

8 (A) in the first sentence, by striking
9 “2018” and inserting “2023”; and

10 (B) in the third sentence, by striking “sub-
11 section (a)” and inserting “subsection (b)”; and

12 (C) by adding at the end the following new
13 sentences: “The President shall publish, on a
14 publicly available website of the Peace Corps, a
15 report summarizing the results of each survey
16 related to volunteer satisfaction in each country
17 in which volunteers serve, and the early termi-
18 nation rate of volunteers serving in each such
19 country. The information published shall be
20 posted in an easily accessible place near the de-
21 scription of the appropriate country and shall
22 be written in an easily understood manner.”.

1 **SEC. 203. CONSULTATION WITH CONGRESS REQUIRED BE-**
2 **FORE OPENING OR CLOSING OVERSEAS OF-**
3 **FICES AND COUNTRY PROGRAMS.**

4 Section 10 of the Peace Corps Act (22 U.S.C. 2509)
5 is amended by adding at the end the following new sub-
6 section:

7 “(k)(1) Except as provided in paragraph (2), the Di-
8 rector of the Peace Corps may not open, close, signifi-
9 cantly reduce, or suspend a domestic or overseas office or
10 country program unless the Director has notified and con-
11 sulted with the appropriate congressional committees at
12 least 15 days in advance.

13 “(2) The Director of the Peace Corps may waive the
14 application of paragraph (1) for a period of not more than
15 five days after an action described in such paragraph if
16 the Director determines such action is necessary to amelio-
17 rate a substantial security risk to Peace Corps volunteers
18 or other Peace Corps personnel.

19 “(3) For the purposes of this subsection, the term
20 ‘appropriate congressional committees’ means—

21 “(A) the Committee on Foreign Affairs and the
22 Committee on Appropriations of the House of Rep-
23 resentatives; and

24 “(B) the Committee on Foreign Relations and
25 the Committee on Appropriations of the Senate.”.

TITLE III—CRIME RISK
REDUCTION ENHANCEMENTS

SEC. 301. INDEPENDENT REVIEW OF VOLUNTEER DEATH.

Section 5 of the Peace Corps Act (22 U.S.C. 2504), as amended by section 101 of this Act, is further amended by adding at the end the following new subsection:

“(p)(1) Not later than ten days after receiving notification of the death of a volunteer, the President shall provide a briefing to the Inspector General of the Peace Corps that includes—

“(A)(i) the available facts and circumstances surrounding the death of the volunteer, including a preliminary timeline of the events immediately preceding the death of the volunteer, subsequent actions taken by the Peace Corps, and any information available to the Peace Corps reflecting on the cause or root cause of the death of the volunteer; and

“(ii) a description of any steps the Peace Corps plans to take to inquire further into the cause or root cause of the death of the volunteer, including the anticipated date of the completion of such inquiry; or

“(B) an explanation of why the Peace Corps has determined that no further inquiry into the

1 cause or root cause of the death of the volunteer is
2 necessary, including—

3 “(i) a description of the steps the Peace
4 Corps took to determine further inquiry was not
5 necessary; and

6 “(ii) the basis for such determination.

7 “(2) If the Peace Corps has performed or engaged
8 another entity to perform a root cause analysis or similar
9 report that describes the cause or root cause of a volunteer
10 death, the President shall provide the Inspector General
11 of the Peace Corps with—

12 “(A) a copy of all information provided to such
13 entity at the time such information is provided to
14 such entity or used by the Peace Corps to perform
15 the analysis;

16 “(B) a copy of any report or study received
17 from the entity or used by the Peace Corps to per-
18 form the analysis; and

19 “(C) any supporting documentation upon which
20 the Peace Corps or such entity relied to make its de-
21 termination, including the volunteer’s complete med-
22 ical record, as soon as such information is available
23 to the Peace Corps.

24 “(3) If a volunteer dies, the Peace Corps shall take
25 reasonable measures, in accordance with local laws, to pre-

1 serve any information or material, in any medium or for-
2 mat, that may be relevant to determining the cause or root
3 cause of the death of the volunteer, including personal ef-
4 fects, medication, and other tangible items belonging to
5 the volunteer, as long as such measures do not interfere
6 with the legal procedures of the host country if the govern-
7 ment of the host country is exercising jurisdiction over the
8 investigation of such death. The Inspector General of the
9 Peace Corps shall be provided an opportunity to inspect
10 such items before their final disposition.

11 “(4) Consistent with the Inspector General Act of
12 1978 (5 U.S.C. App.), the Inspector General of the Peace
13 Corps may independently review the facts and cir-
14 cumstances surrounding the death of a volunteer and the
15 actions taken by the Peace Corps in responding to such
16 incident.

17 “(5) For the purposes of undertaking a review under
18 this section, an officer or employee of the United States
19 or a member of the Armed Forces may be detailed to the
20 Inspector General of the Peace Corps from another de-
21 partment of the United States Government on a non-
22 reimbursable basis, as jointly agreed to by the Inspector
23 General and the detailing department, for a period not to
24 exceed one year. This paragraph may not be construed to
25 limit or modify any other source of authority for reimburs-

1 able or nonreimbursable details. A nonreimbursable detail
 2 made under this section may not be considered an aug-
 3 mentation of the appropriations of the Peace Corps.

4 “(6) Upon request, the Peace Corps may make avail-
 5 able necessary funds to the Inspector General of the Peace
 6 Corps for reviews conducted by the Inspector General
 7 under this section. The request shall be limited to costs
 8 relating to hiring, procuring, or otherwise obtaining med-
 9 ical-related experts or expert services, and associated trav-
 10 el.

11 “(7) The undertaking of a review under this section
 12 may not be considered a transfer of program operating
 13 responsibilities to the Inspector General of the Peace
 14 Corps.”.

15 **SEC. 302. ADDITIONAL DISCLOSURES TO APPLICANTS FOR**

16 **ENROLLMENT AS VOLUNTEERS.**

17 Section 8A of the Peace Corps Act (22 U.S.C.
 18 2507a(d)) is amended—

19 (1) by amending subsection (d) to read as fol-
 20 lows:

21 “(d) INFORMATION REGARDING CRIMES AND
 22 RISKS.—

23 “(1) IN GENERAL.—Each applicant for enroll-
 24 ment as a volunteer shall be provided, with respect
 25 to each country in which the applicant may be in-

1 vited to serve, with specific, aggregated, and easily
2 accessible information regarding crimes against and
3 risks to volunteers, including—

4 “(A) an overview of past crimes against
5 volunteers in such country, including statistics
6 regarding unreported crime collected through
7 anonymous surveys;

8 “(B) the current early termination rate of
9 volunteers serving in such country;

10 “(C) health risks prevalent in such coun-
11 try;

12 “(D) the nature and frequency of sexual
13 harassment reported by volunteers serving in
14 such country;

15 “(E) the extent and types of services pro-
16 vided by the Peace Corps to volunteers serving
17 in such country, including access to medical
18 care, counseling services, and assistance from
19 the Office of Victim Advocacy; and

20 “(F) the level of satisfaction reported by
21 volunteers serving in such country.

22 “(2) OPTION TO TIMELY DECLINE.—Upon re-
23 ceiving information described in paragraph (1), the
24 applicant shall have the option to change the coun-

1 try of consideration and identify a substitute coun-
 2 try.”; and

3 (2) in subsection (f)(2)(B)(iii), by striking “vic-
 4 tim advocates” and inserting “Victim’s Advocates,”.

5 **SEC. 303. ADDITIONAL PROTECTIONS AGAINST SEXUAL**
 6 **MISCONDUCT.**

7 Section 8B(a) of the Peace Corps Act (22 U.S.C.
 8 2507b(a)) is amended—

9 (1) in paragraph (3)—

10 (A) by striking “SARIs” and inserting
 11 “any employee of the Peace Corps”;

12 (B) by striking “Victim Advocate” and in-
 13 serting “Victim’s Advocate”; and

14 (C) by inserting “and require the Peace
 15 Corps to designate the staff at each post who
 16 shall be responsible for providing the services
 17 described in subsection (c)” before the semi-
 18 colon at the end;

19 (2) in paragraph (5), by striking “and” at the
 20 end;

21 (3) in paragraph (6), by striking the period at
 22 the end and inserting a semicolon; and

23 (4) by adding at the end the following new
 24 paragraphs:

1 “(7) maintains a record documenting the resignation
2 of any employee or volunteer of the Peace Corps who re-
3 signs before a determination has been made regarding an
4 alleged violation of the sexual misconduct policy or other
5 serious policy violations;

6 “(8) takes into account the record maintained under
7 paragraph (7) before such employee or volunteer is hired,
8 enrolled, or otherwise invited to work with the Peace
9 Corps;

10 “(9) provides orientation or information regarding
11 the awareness and prevention of sexual assault and sexual
12 harassment to—

13 “(A) Peace Corps-selected host families; and

14 “(B) a designated person of authority at the
15 volunteer’s initial workplace; and

16 “(10) ensures, to the extent practicable and appro-
17 priate, that any assault on, or any harm or injury to, a
18 volunteer that is committed by any member of a host fam-
19 ily or any national of a host country that was assigned
20 by the Peace Corps to facilitate volunteer work is—

21 “(A) documented in an appropriate site history
22 file and in the global tracking and recording system
23 established pursuant to section 8H(c); and

24 “(B) taken into account with respect to deter-
25 minations regarding placements of future volunteers

1 at such post and the provision of any funds or other
2 benefit by the Peace Corps.”.

3 **SEC. 304. EXTENSION OF THE OFFICE OF VICTIM ADVO-**
4 **CACY.**

5 Section 8C of the Peace Corps Act (22 U.S.C. 2507c)
6 is amended—

7 (1) by striking “victim advocate” each place it
8 appears and inserting “Victim’s Advocate”;

9 (2) by striking “victim advocates” each place it
10 occurs and inserting “Victim’s Advocates”; and

11 (3) by amending subsection (c) to read as fol-
12 lows:

13 “(e) The Director of the Peace Corps shall include
14 the head of the Office of Victim Advocacy in agency-wide
15 policymaking processes in the same manner and to the
16 same extent as the directors or associate directors of other
17 offices within the Peace Corps.”.

18 **SEC. 305. REFORM AND EXTENSION OF THE SEXUAL AS-**
19 **SAULT ADVISORY COUNCIL.**

20 Section 8D of the Peace Corps Act (22 U.S.C.
21 2507d) is amended—

22 (1) in subsection (b)—

23 (A) by striking “not less than 8 individuals
24 selected by the President, not later than 180
25 days after the date of the enactment of this sec-

1 tion,” and inserting “not fewer than 8 and not
2 more than 14 individuals selected by the Presi-
3 dent”; and

4 (B) by inserting after the first sentence
5 the following new sentence: “At least one mem-
6 ber should be licensed in the field of mental
7 health and have prior experience working as a
8 counselor or therapist providing mental health
9 care to survivors of sexual assault in a victim
10 services agency or organization.”; and
11 (2) in subsection (c)—

12 (A) by inserting “and implemented” after
13 “sexual assault policy developed”; and

14 (B) by adding at the end the following new
15 sentence: “To carry out this subsection, the
16 Council may conduct case reviews and is au-
17 thorized to have access, including through inter-
18 views or visits, to current and former volunteers
19 (to the extent that such volunteers provide the
20 Peace Corps express consent to be interviewed
21 by the Council), to volunteer surveys under sec-
22 tion 8E, to all data collected from restricted re-
23 porting, and to any other information necessary
24 to conduct case reviews, except that the Council
25 may not have access to any personally identi-

1 fying information associated with such surveys,
2 data, or information.”; and
3 (3) in subsection (g), by striking “2018” and
4 inserting “2023”.

5 **SEC. 306. EXPERTS AND CONSULTANTS FOR THE INSPEC-**
6 **TOR GENERAL.**

7 Section 13 of the Peace Corps Act (22 U.S.C. 2512)
8 is amended—

9 (1) in subsection (a), by striking “Section” and
10 inserting “section”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(c) An expert, consultant, or organization thereof
14 employed pursuant to subsection (a) by the Inspector Gen-
15 eral of the Peace Corps may be compensated without re-
16 gard to the daily equivalent of the highest rate payable
17 under section 5332 of title 5, United States Code.”.

18 **SEC. 307. DEFINITIONS.**

19 Section 26 of the Peace Corps Act (22 U.S.C. 2522)
20 is amended—

21 (1) by redesignating subsections (a), (b), (c),
22 (d), (e), (f), and (g) as paragraphs (1), (6), (2), (3),
23 (8), (7), and (5), respectively, by arranging such re-
24 designated paragraphs in numerical order, and by
25 moving such paragraphs 2 ems to the right;

1 (2) in paragraph (1), as redesignated, by strik-
2 ing “(1)” and inserting the following:

3 “In this Act:

4 “(1)”; and

5 (3) by inserting after paragraph (3), as redesign-
6 ated, the following:

7 “(4) The term ‘medical officer’ means a physi-
8 cian, nurse practitioner, physician’s assistant, or
9 registered nurse with the professional qualifications,
10 expertise, and abilities consistent with the needs of
11 the Peace Corps and the post to which he or she is
12 assigned, as determined by the Director of the Peace
13 Corps.”.



115TH CONGRESS
1ST SESSION

H. R. 3030

To help prevent acts of genocide and other atrocity crimes, which threaten national and international security, by enhancing United States Government capacities to prevent, mitigate, and respond to such crises.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2017

Mrs. WAGNER (for herself, Mr. WEBER of Texas, Mr. COHEN, Mr. MESSER, Ms. WILSON of Florida, Ms. TENNEY, Mr. MCGOVERN, Mr. ENGEL, Ms. MCCOLLUM, Mr. KEATING, Mr. SENSENBRENNER, Mr. KHANNA, Mr. PAULSEN, Mr. EVANS, Mr. CROWLEY, Mr. CRIST, Mr. ELLISON, Mr. CARTWRIGHT, Ms. SHEA-PORTER, Mr. COFFMAN, Mrs. WATSON COLEMAN, Mr. SHERMAN, Ms. ROSEN, Mrs. COMSTOCK, Mr. FITZPATRICK, Mr. RASKIN, Mr. THOMAS J. ROONEY of Florida, and Mr. RODNEY DAVIS of Illinois) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Permanent Select Committee on Intelligence, 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 help prevent acts of genocide and other atrocity crimes, which threaten national and international security, by enhancing United States Government capacities to prevent, mitigate, and respond to such crises.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Elie Wiesel Genocide and Atrocities Prevention Act of
4 2017”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Statement of policy regarding genocide and other atrocity crimes prevention.

Sec. 5. Mass Atrocities Task Force.

Sec. 6. Training of Foreign Service officers in conflict and atrocity crimes prevention.

Sec. 7. Report of the Director of National Intelligence.

Sec. 8. Complex Crises Fund.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) The nature of genocide and other atrocity
10 crimes, including war crimes, crimes against human-
11 ity, and ethnic cleansing, includes shocking acts of
12 violence perpetrated by governments and non-state
13 actors, which have killed millions of civilians and
14 other innocent individuals.

15 (2) The commitment to prevent acts of genocide
16 and other atrocity crimes has been a centerpiece of
17 policy by consecutive administrations of the United
18 States Government.

19 (3) The United States was the first country in
20 the world to sign the Convention on the Prevention
21 and Punishment of the Crime of Genocide, signed at

1 Paris December 9, 1948, and President Ronald
2 Reagan signed implementing legislation allowing the
3 United States to become a party to the Convention
4 on November 25, 1988.

5 (4) In the 2006 National Security Strategy,
6 President George W. Bush highlighted the “moral
7 imperative that states take action to prevent and
8 punish genocide”.

9 (5) In 2008, the bipartisan Genocide Prevention
10 Task Force, which was co-chaired by former Sec-
11 retary of Defense William Cohen and former Sec-
12 retary of State Madeleine Albright—

13 (A) stated “genocide and mass atrocities
14 also threaten core U.S. national interests”; and

15 (B) recommended the creation of “a new
16 standing interagency mechanism for analysis of
17 threats [of genocide and other mass atrocities]
18 and coordination of appropriate preventive ac-
19 tion”.

20 (6) In December 2010, the Senate unanimously
21 passed Senate Concurrent Resolution 71, which rec-
22 ognized the United States “national interest in help-
23 ing to prevent and mitigate acts of genocide and
24 other mass atrocities against civilians, and sup-
25 porting and encouraging efforts to develop a whole

1 of government approach to prevent and mitigate
2 such acts”.

3 (7) In 2012, President Obama, in Presidential
4 Study Directive 10, which ordered the creation of
5 the Atrocities Prevention Board, stated that he
6 would ensure that the United States Government
7 has the required structures, tools, and mechanisms
8 to better prevent and respond to atrocity crimes.

9 (8) In February 2014, James Clapper, the
10 former Director of National Intelligence, stated in
11 his annual national security threat assessment to
12 Congress—

13 (A) “The overall risk of mass atrocities
14 worldwide will probably increase in 2014 and
15 beyond.”;

16 (B) “Many countries at risk of mass atroc-
17 ities will likely be open to influence to prevent
18 or mitigate them.”; and

19 (C) “Much of the world will almost cer-
20 tainly turn to the United States for leadership
21 to prevent and respond to mass atrocities.”.

22 (9) In February 2016, former Director of Na-
23 tional Intelligence Clapper stated, in his annual
24 tional security threat assessment to Congress,
25 “Risks of atrocities, large-scale violence, and regime-

1 threatening instability will remain elevated in
2 2016.”.

3 (10) The United States can strengthen its
4 atrocity crimes prevention and peacebuilding efforts
5 by—

6 (A) supporting civil society which serves a
7 central role in promoting nonviolent conflict
8 resolution and supporting early warning;

9 (B) enhancing cooperation and under-
10 standing among ethnic and religious groups,
11 communities, and factions;

12 (C) working with the international commu-
13 nity to ensure shared responsibility by enhanc-
14 ing multilateral and regional mechanisms that
15 seek to prevent genocide and other atrocity
16 crimes;

17 (D) promoting effective accountability
18 mechanisms to deter individuals and entities
19 that may incite or commit genocide or other
20 atrocity crimes; and

21 (E) implementing policies that hold ac-
22 countable individuals and entities that incite or
23 commit genocide or other atrocity crimes.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) ATROCITY CRIMES; MASS ATROCITIES.—The
2 terms “atrocity crimes” and “mass atrocities” mean
3 large scale and deliberate acts of violence against ci-
4 vilians and include genocide, war crimes, crimes
5 against humanity, and ethnic cleansing.

6 (2) GENOCIDE.—The term “genocide” has the
7 meaning given the term in section 1091(a) of title
8 18, United States Code.

9 (3) PEACEBUILDING.—The term “peacebuild-
10 ing” means nonviolent activities designed to prevent
11 conflict through—

12 (A) addressing root causes of violence;

13 (B) promoting sustainable peace;

14 (C) delegitimizing violence as a dispute
15 resolution strategy;

16 (D) building capacity within society to
17 peacefully manage disputes, including the ca-
18 pacity of governments to address citizen griev-
19 ances; and

20 (E) reducing vulnerability to triggers that
21 may spark violence.

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of State.

1 (5) WAR CRIME.—The term “war crime” has
2 the meaning given the term in section 2441(c) of
3 title 18, United States Code.

4 **SEC. 4. STATEMENT OF POLICY REGARDING GENOCIDE**
5 **AND OTHER ATROCITY CRIMES PREVENTION.**

6 It is the policy of the United States—

7 (1) to regard the prevention of genocide and
8 other atrocity crimes as a core national security in-
9 terest and a core moral responsibility;

10 (2) to mitigate threats to United States security
11 by addressing the root causes of insecurity and vio-
12 lent conflict to prevent—

13 (A) the mass slaughter of civilians;

14 (B) conditions that prompt internal dis-
15 placement and the flow of refugees across bor-
16 ders; and

17 (C) other violence that wreaks havoc on re-
18 gional stability and livelihoods;

19 (3) to enhance our Nation’s capacity to identify,
20 prevent, address, and respond to the drivers of
21 atrocity crimes and violent conflict as part of our
22 humanitarian, development, and strategic interests;

23 (4) to pursue a Government-wide strategy to
24 prevent and respond to the risk of genocide and
25 other atrocity crimes by—

1 (A) strengthening the diplomatic, risk
2 analysis and monitoring, strategic planning,
3 early warning, and response capacities of the
4 United States Government;

5 (B) improving the use of foreign assistance
6 to respond early, effectively, and urgently in
7 order to address the root causes and drivers of
8 violence, systemic patterns of human rights
9 abuses, and atrocity crimes;

10 (C) strengthening diplomatic response and
11 the use of foreign assistance to support transi-
12 tional justice measures, including criminal ac-
13 countability, for past atrocity crimes;

14 (D) supporting international atrocity
15 crimes prevention, conflict prevention, peace-
16 keeping, and peacebuilding mechanisms;

17 (E) supporting and strengthening local
18 civil society, including human rights defenders
19 and others working to help prevent and respond
20 to atrocity crimes, and protecting their ability
21 to receive support from and partner with civil
22 society at large; and

23 (F) promoting financial transparency and
24 enhancing anti-corruption initiatives as part of
25 addressing a root cause of insecurity; and

1 (5) to employ a variety of unilateral, bilateral,
2 and multilateral means to prevent and respond to
3 conflicts and atrocity crimes by—

4 (A) placing a high priority on timely, pre-
5 ventive diplomatic efforts; and

6 (B) exercising a leadership role in pro-
7 moting international efforts to end crises peace-
8 fully.

9 **SEC. 5. MASS ATROCITIES TASK FORCE.**

10 (a) **ESTABLISHMENT.**—The President shall instruct
11 the Secretary to establish a Mass Atrocities Task Force
12 (referred to in this section as the “Task Force”) with the
13 mandate—

14 (1) to strengthen the Department of State’s ef-
15 forts at atrocity prevention and response; and

16 (2) to assist other departments and agencies in
17 their efforts to do the same.

18 (b) **LEADERSHIP.**—The Under Secretary of State for
19 Civilian Security, Democracy, and Human Rights, or an-
20 other position of equivalent rank, shall serve as the Chair
21 of the Task Force and shall report to the Secretary.

22 (c) **RESPONSIBILITIES.**—Under the direction of the
23 Chair, the Task Force shall—

- 1 (1) meet regularly to ensure that atrocity
2 crimes and the risk of atrocity crimes throughout
3 the world are adequately considered and addressed;
- 4 (2) facilitate the development and execution of
5 policies and tools to enhance the capacity of the
6 United States to prevent and respond to atrocity
7 crimes worldwide;
- 8 (3) monitor developments throughout the world
9 that heighten the risk of atrocity crimes;
- 10 (4) analyze and closely review specific atrocity
11 crimes threats or situations of heightened concern;
- 12 (5) identify any gaps in United States foreign
13 policy concerning regions or particular countries re-
14 lated to atrocity crimes prevention and response;
- 15 (6) incorporate lessons learned from past
16 United States Government efforts to prevent and re-
17 spond to atrocity crimes;
- 18 (7) provide the Secretary with recommendations
19 and potential improvements to policies, programs,
20 resources, and tools related to atrocity crimes pre-
21 vention and response;
- 22 (8) coordinate the Department of State's en-
23 gagement in interagency processes led by the Na-
24 tional Security Council that share the Task Force's
25 objectives;

1 (9) conduct outreach, including consultations,
2 not less frequently than biannually, with representa-
3 tives of nongovernmental organizations dedicated to
4 atrocities prevention and response and other
5 appropriate parties—

6 (A) to receive assistance for the Task
7 Force's efforts to address emerging atrocity
8 crimes threats or situations and develop new or
9 improved policies and tools; and

10 (B) to provide an appropriate public un-
11 derstanding of the work of the Task Force;

12 (10) in carrying out paragraphs (1) through
13 (9), focus on particular ways for the United States
14 Government to develop, strengthen, and enhance its
15 capabilities to—

16 (A) monitor, receive early warning of, and
17 coordinate responses to potential atrocity
18 crimes;

19 (B) deter and isolate perpetrators of atroc-
20 ity crimes through all available authorities;

21 (C) promote criminal accountability and
22 deny impunity for perpetrators of atrocity
23 crimes within the United States and throughout
24 the world;

1 (D) engage allies and partners, including
2 the United Nations Office on Genocide Preven-
3 tion and the Responsibility to Protect and other
4 multilateral and regional institutions, to build
5 capacities and mobilize action for preventing
6 and responding to atrocity crimes;

7 (E) encourage the deployment of civilian
8 advisors to prevent and respond to atrocity
9 crimes;

10 (F) increase capacity and develop doctrine
11 for the United States Foreign Service, civil
12 service, Armed Forces, development profes-
13 sionals, and other actors to engage in the full
14 spectrum of atrocity crimes prevention and re-
15 sponse activities;

16 (G) develop and implement tailored foreign
17 assistance programs that address and mitigate
18 the risks of atrocity crimes;

19 (H) ensure intelligence collection, analysis,
20 and sharing of appropriate information; and

21 (I) address any other issues that the Task
22 Force determines to be appropriate; and

23 (11) in carrying out paragraphs (1) through
24 (9), receive support from—

1 (A) the Bureau of Conflict and Stabiliza-
2 tion Operations;

3 (B) the Office of Global Criminal Justice;

4 (C) the Bureau of Democracy, Human
5 Rights and Labor;

6 (D) the Bureau of International Narcotics
7 and Law Enforcement Affairs;

8 (E) the Bureau of International Organiza-
9 tion Affairs; and

10 (F) other bureaus and offices of the De-
11 partment of State, as appropriate.

12 (d) COMPOSITION.—The Task Force shall—

13 (1) seek to ensure that its efforts complement
14 and support interagency processes led by the Na-
15 tional Security Council that share the Task Force's
16 objectives; and

17 (2) operate with regular consultation and par-
18 ticipation of designated representatives, at the As-
19 sistant Secretary level or higher, of—

20 (A) the Department of State;

21 (B) the United States Agency for Inter-
22 national Development;

23 (C) the Department of Defense;

24 (D) the Department of Justice;

25 (E) the Department of the Treasury;

- 1 (F) the Department of Homeland Security;
- 2 (G) the Central Intelligence Agency;
- 3 (H) the Office of the Director of National
- 4 Intelligence;
- 5 (I) the United States Mission to the
- 6 United Nations;
- 7 (J) the Federal Bureau of Investigation;
- 8 (K) the National Security Council; and
- 9 (L) such other executive departments,
- 10 agencies, or offices as the Chair may designate.

11 (c) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act and every three years there-
13 after for the following six years, the Secretary, in consulta-
14 tion with the Task Force, shall submit an unclassified re-
15 port, with a classified annex if necessary, to the Com-
16 mittee on Foreign Relations of the Senate, the Committee
17 on Appropriations of the Senate, the Committee on For-
18 eign Affairs of the House of Representatives, and the
19 Committee on Appropriations of the House of Representa-
20 tives that includes—

- 21 (1) a review, in consultation with the represent-
- 22 atives listed in subsection (d), consisting of—

- 23 (A) an evaluation of the efficacy of current
- 24 efforts based on United States and locally iden-
- 25 tified indicators, including capacities and con-

1 strains for Government-wide detection, early
2 warning and response, information-sharing,
3 contingency planning, and coordination of ef-
4 forts to prevent and respond to situations of
5 atrocity crimes and other mass violence, such as
6 gender-based violence;

7 (B) an assessment of the funding expended
8 by relevant Federal agencies on atrocity crimes
9 prevention activities, including transitional jus-
10 tice measures and the legal, procedural, and re-
11 source constraints faced by the Department of
12 State and the United States Agency for Inter-
13 national Development throughout respective
14 budgeting, strategic planning, and management
15 cycles to support conflict and atrocity crimes
16 prevention activities in countries identified to be
17 at risk of atrocity crimes;

18 (C) current annual global assessments of
19 sources of instability, conflict, and atrocity
20 crimes;

21 (D) recommendations to further strength-
22 en United States capabilities described in sub-
23 paragraph (A); and

24 (E) consideration of analysis, reporting,
25 and policy recommendations to prevent and re-

1 spond to atrocity crimes produced by civil soci-
2 ety, academic, and other nongovernmental orga-
3 nizations and institutions;

4 (2) recommendations to ensure shared responsi-
5 bility by—

6 (A) enhancing multilateral mechanisms for
7 preventing atrocity crimes, including strength-
8 ening the role of international organizations
9 and international financial institutions in con-
10 flict prevention, mitigation, and response; and

11 (B) strengthening regional organizations;
12 and

13 (3) the implementation status of the rec-
14 ommendations contained in the review described in
15 paragraph (1).

16 (f) MATERIALS AND BRIEFINGS.—The Chair and
17 members of the Task Force shall annually (or more often
18 as appropriate)—

19 (1) provide briefings to the Committee on For-
20 eign Relations of the Senate and the Committee on
21 Foreign Affairs of the House of Representatives;
22 and

23 (2) provide briefings and materials, as appro-
24 priate, to the relevant congressional committees.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated such sums as may be
 3 necessary for fiscal years 2018, 2019, and 2020 to carry
 4 out this section.

5 **SEC. 6. TRAINING OF FOREIGN SERVICE OFFICERS IN CON-**
 6 **FLICT AND ATROCITY CRIMES PREVENTION.**

7 Paragraph (1) of section 708(a) of the Foreign Serv-
 8 ice Act of 1980 (22 U.S.C. 4028(a)) is amended—

9 (1) in subparagraph (B), by striking “and” at
 10 the end;

11 (2) in subparagraph (C), by striking the period
 12 at the end and inserting “; and”; and

13 (3) by adding at the end the following new sub-
 14 paragraph:

15 “(D) instruction on recognizing patterns of
 16 escalation and early warning signs of potential
 17 atrocity crimes or violence, including gender-
 18 based violence, and methods of conflict assess-
 19 ment, peacebuilding, mediation for prevention,
 20 early action and response, and transitional jus-
 21 tice measures to address atrocity crimes.”.

22 **SEC. 7. REPORT OF THE DIRECTOR OF NATIONAL INTEL-**
 23 **LIGENCE.**

24 The Director of National Intelligence is encouraged
 25 to include in the Director’s annual (or more often as ap-

1 appropriate) unclassified testimony, accompanied by a classi-
2 fied annex, if necessary, to Congress on threats to United
3 States national security—

4 (1) a review of countries and regions at risk of
5 atrocity crimes; and

6 (2) whenever possible, specific mention of coun-
7 tries and regions at immediate risk of atrocity
8 crimes, including most likely pathways to violence,
9 specific risk factors, potential groups of perpetra-
10 tors, and at-risk target groups.

11 **SEC. 8. COMPLEX CRISES FUND.**

12 (a) **ESTABLISHMENT.**—There is established in the
13 Treasury of the United States a fund, which shall be
14 known as the “Complex Crises Fund” (referred to in this
15 section as the “Fund”), to enable the Secretary of State
16 and the Administrator of the United States Agency for
17 International Development to support programs and ac-
18 tivities to prevent or respond to emerging or unforeseen
19 foreign challenges and complex crises overseas, including
20 potential atrocity crimes.

21 (b) **PURPOSES OF ASSISTANCE.**—Notwithstanding
22 any other provision of law, except section 620M of the
23 Foreign Assistance Act of 1961 (22 U.S.C. 2378d),
24 amounts in the Fund may be used to carry out the provi-

1 sions of the Foreign Assistance Act of 1961 (22 U.S.C.
2 2151 et seq.) to support programs and activities that—

3 (1) mitigate or respond to emerging or unfore-
4 seen complex crises, including urgent humanitarian,
5 political, social, justice, or economic challenges that
6 threaten stability in any country or region;

7 (2) prevent, counter, and respond to the rise of
8 violent conflict and instability, including atrocity
9 crimes; or

10 (3) advance the consolidation of peace and de-
11 mocracy.

12 (c) LIMITATIONS.—

13 (1) IN GENERAL.—Amounts in the Fund may
14 not be expended for lethal assistance or to respond
15 to natural disasters.

16 (2) ADMINISTRATIVE EXPENSES.—Not more
17 than five percent of the amounts in the Fund may
18 be used for administrative expenses.

19 (d) CONGRESSIONAL NOTIFICATION.—Not later than
20 five days before amounts from the Fund are obligated, the
21 Secretary of State or the Administrator of the United
22 States Agency for International Development, as appro-
23 priate, shall submit notification of such obligation to—

24 (1) the Committee on Foreign Relations of the
25 Senate;

1 (2) the Committee on Appropriations of the
2 Senate;

3 (3) the Committee on Foreign Affairs of the
4 House of Representatives; and

5 (4) the Committee on Appropriations of the
6 House of Representatives.

7 (e) WAIVER.—The notification requirement under
8 subsection (d) may be waived if—

9 (1) failure to do so would pose a substantial
10 risk to human health or welfare; and

11 (2) the congressional committees set forth in
12 subsection (d)—

13 (A) are notified not later than three days
14 after an obligation of funds; and

15 (B) are provided with an explanation of
16 the emergency circumstances that necessitated
17 the waiver.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3030
OFFERED BY MRS. WAGNER OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Elie Wiesel Genocide
3 and Atrocities Prevention Act of 2018”.

4 SEC. 2. SENSE OF CONGRESS.

5 It is the sense of Congress that the United States
6 affirms the critical importance of strengthening the
7 United States Government’s efforts at atrocity prevention
8 and response through interagency coordination such as the
9 Atrocities Prevention Board (referred to in this section as
10 the “Board”) or successor entity. In carrying out the work
11 of the Board or successor entity, appropriate officials of
12 the United States Government should—

13 (1) meet regularly to monitor developments
14 throughout the world that heighten the risk of atroc-
15 ities;

16 (2) identify any gaps in United States foreign
17 policy concerning regions or particular countries re-
18 lated to atrocity prevention and response;

1 (3) facilitate the development and implementa-
2 tion of policies to enhance the capacity of the United
3 States to prevent and respond to atrocities world-
4 wide;

5 (4) provide the President with recommendations
6 to improve policies, programs, resources, and tools
7 related to atrocity prevention and response;

8 (5) conduct outreach, including consultations,
9 not less frequently than biannually, with representa-
10 tives of nongovernmental organizations and civil so-
11 ciety dedicated to atrocity prevention and response;

12 (6) operate with regular consultation and par-
13 ticipation of designated interagency representatives
14 of relevant Federal agencies, executive departments,
15 or offices; and

16 (7) ensure funds are made available for the
17 policies, programs, resources, and tools related to
18 atrocity prevention and response, including through
19 mechanisms such as the Complex Crises Fund or
20 other related accounts.

21 **SEC. 3. STATEMENT OF POLICY.**

22 It shall be the policy of the United States to—

23 (1) regard the prevention of genocide and other
24 atrocities as in its national security interests;

1 (2) mitigate threats to United States security
2 by addressing the root causes of insecurity and vio-
3 lent conflict to prevent—

4 (A) the mass slaughter of civilians;

5 (B) conditions that prompt internal dis-
6 placement and the flow of refugees across bor-
7 ders; and

8 (C) other violence that wreaks havoc on re-
9 gional stability and livelihoods;

10 (3) enhance the capacity of the United States
11 to identify, prevent, address, and respond to the
12 drivers of atrocities and violent conflict as part of
13 the United States' humanitarian, development, and
14 strategic interests; and

15 (4) pursue a Government-wide strategy to pre-
16 vent and respond to the risk of genocide and other
17 atrocities by—

18 (A) strengthening the diplomatic, risk
19 analysis and monitoring, strategic planning,
20 early warning, and response capacities of the
21 Government;

22 (B) improving the use of foreign assistance
23 to respond early, effectively, and urgently in
24 order to address the root causes and drivers of

1 violence, and systemic patterns of human rights
2 abuses and atrocities;

3 (C) strengthening diplomatic response and
4 the use of foreign assistance to support transi-
5 tional justice measures, including criminal ac-
6 countability, for past atrocities;

7 (D) supporting and strengthening local
8 civil society, including human rights defenders
9 and others working to help prevent and respond
10 to atrocities, and protecting their ability to re-
11 ceive support from and partner with civil soci-
12 ety at large;

13 (E) promoting financial transparency and
14 enhancing anti-corruption initiatives as part of
15 addressing a root cause of insecurity; and

16 (F) employing a variety of unilateral, bilat-
17 eral, and multilateral means to prevent and re-
18 spond to conflicts and atrocities by—

19 (i) placing a high priority on timely,
20 preventive diplomatic efforts; and

21 (ii) exercising a leadership role in pro-
22 moting international efforts to end crises
23 peacefully.

1 **SEC. 4. TRAINING OF FOREIGN SERVICE OFFICERS IN CON-**
2 **FLICT AND ATROCITIES PREVENTION.**

3 Section 708 of the Foreign Service Act of 1980 (22
4 U.S.C. 4028) is amended—

5 (1) in subsection (a)(1)—

6 (A) in subparagraph (B), by striking
7 “and” at the end;

8 (B) in subparagraph (C), by striking the
9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following new
11 subparagraph:

12 “(D) instruction on recognizing patterns of
13 escalation and early warning signs of potential
14 atrocities or violence, including gender-based vi-
15 olence, and methods of conflict assessment,
16 peacebuilding, mediation for prevention, early
17 action and response, and transitional justice
18 measures to address atrocities.”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(d) DEFINITION.—In this section, the term
22 ‘peacebuilding’ means nonviolent activities designed to
23 prevent conflict through—

24 “(1) addressing root causes of violence;

25 “(2) promoting sustainable peace;

1 “(3) delegitimizing violence as a dispute resolu-
2 tion strategy;

3 “(4) building capacity within society to peace-
4 fully manage disputes, including the capacity of gov-
5 ernments to address citizen grievances; and

6 “(5) reducing vulnerability to triggers that may
7 spark violence.”.

8 **SEC. 5. REPORTS.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act and annually thereafter for the following
11 six years, the President shall transmit to the Committee
12 on Foreign Affairs of the House of Representatives and
13 the Committee on Foreign Relations of the Senate a re-
14 port, with a classified annex if necessary, that includes—

15 (1) a review, in consultation with appropriate
16 interagency representatives, consisting of a detailed
17 description of—

18 (A) current efforts based on United States
19 and locally identified indicators, including ca-
20 pacities and constraints for Government-wide
21 detection, early warning and response, informa-
22 tion-sharing, contingency planning, and coordi-
23 nation of efforts to prevent and respond to situ-
24 ations of genocide and atrocities and other

1 mass violence, such as gender-based violence
2 and violence against religious minorities;

3 (B) recommendations to further strengthen
4 United States capabilities described in subpara-
5 graph (A);

6 (C) funding expended by relevant Federal
7 departments and agencies on atrocities preven-
8 tion activities, including transitional justice
9 measures and the legal, procedural, and re-
10 source constraints faced by the Department of
11 State and the United States Agency for Inter-
12 national Development throughout respective
13 budgeting, strategic planning, and management
14 cycles to support conflict and atrocities preven-
15 tion activities in countries identified to be at
16 risk of atrocities;

17 (D) current annual Government global as-
18 sessments of sources of instability, conflict, and
19 atrocities, the outcomes and findings of such
20 assessments, and, where relevant, a review of
21 activities, and the efficacy of such activities,
22 that the Atrocities Prevention Board or suc-
23 cessor entity undertook to respond to sources of
24 instability, conflict, and atrocities;

1 (E) consideration of analysis, reporting,
2 and policy recommendations to prevent and re-
3 spond to atrocities produced by civil society,
4 academic, and other nongovernmental organiza-
5 tions and institutions;

6 (F) countries and regions at risk of atroc-
7 ities, including a description of most likely
8 pathways to violence, specific risk factors, po-
9 tential groups of perpetrators, and at-risk tar-
10 get groups; and

11 (G) instruction on recognizing patterns of
12 escalation and early warning signs of potential
13 atrocities and methods of conflict assessment,
14 peace-building, mediation for prevention, early
15 action and response, and transitional justice
16 measures to address atrocities in the Federal
17 training programs for Foreign Service officers;

18 (2) recommendations to ensure shared responsi-
19 bility by—

20 (A) enhancing multilateral mechanisms for
21 preventing atrocities, including strengthening
22 the role of international organizations and
23 international financial institutions in conflict
24 prevention, mitigation, and response; and

25 (B) strengthening regional organizations;

1 (3) implementation status of the recommenda-
2 tions contained in such review; and

3 (4) identification of the Federal departments
4 and agencies and civil society, academic, and non-
5 governmental organizations and institutions con-
6 sulted for preparation of such report.

7 **SEC. 6. DEFINITION.**

8 In this Act, the term “genocide” means an offense
9 under subsection (a) of section 1091 of title 18, United
10 States Code, or any substantially similar conduct.



115TH CONGRESS
2D SESSION

H. R. 4989

To require the Department of State to establish a policy regarding the use of location-tracking consumer devices by employees at diplomatic and consular facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2018

Mr. CASTRO of Texas (for himself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To require the Department of State to establish a policy regarding the use of location-tracking consumer devices by employees at diplomatic and consular facilities, and for other purposes.

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 “Protecting Diplomats
5 from Surveillance Through Consumer Devices Act”.

1 **SEC. 2. SECURE UNITED STATES DIPLOMATIC AND CON-**
2 **SULAR FACILITIES AGAINST CYBERSURVEIL-**
3 **LANCE.**

4 (a) **POLICY ON LOCATION-TRACKING CONSUMER DE-**
5 **VICES.**—Not later than 60 days after the date of the en-
6 actment of this Act, the Secretary of State shall establish
7 a policy on the use of location-tracking consumer devices,
8 including GPS-enabled devices, at United States diplo-
9 matic and consular facilities by United States Government
10 employees, contractors, locally employed staff and mem-
11 bers of other agencies deployed to or stationed at such
12 facilities.

13 (b) **SECURITY BRIEFING.**—Existing and new employ-
14 ees at United States diplomatic and consular facilities, in-
15 cluding contractors, locally employed staff, and members
16 of other agencies deployed to or stationed at such facili-
17 ties, shall, as a part of the security briefings provided to
18 such employees, be informed of the policy described in sub-
19 section (a) and given instructions on the use of location-
20 tracking consumer devices both on and off the premises
21 of such facilities.

22 (c) **COORDINATION.**—The Secretary of State may co-
23 ordinate with the heads of any other agencies whose em-
24 ployees are deployed to or stationed at United States dip-
25 lomatic and consular facilities in the formulation of the

1 policy described in subsection (a) and the dissemination
2 of such policy pursuant to subsection (b).

3 (d) REPORT.—Not later than 30 days after the for-
4 mulation of the policy described in subsection (a), the Sec-
5 retary of State shall submit to the Committee on Foreign
6 Affairs of the House of Representatives and the Com-
7 mittee on Foreign Relations of the Senate a report on the
8 details of such policy.

115TH CONGRESS
2D SESSION

H. R. 5626

To amend the Intercountry Adoption Act of 2000 to require the Secretary of State to report on intercountry adoptions from countries which have significantly reduced adoption rates involving immigration to the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2018

Mr. COLLINS of Georgia (for himself, Mr. FITZPATRICK, Mrs. LAWRENCE, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Intercountry Adoption Act of 2000 to require the Secretary of State to report on intercountry adoptions from countries which have significantly reduced adoption rates involving immigration to the United States, and for other purposes.

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 “Intercountry Adoption
5 Information Act of 2018”.

1 **SEC. 2. ADDITIONAL INFORMATION TO BE INCLUDED IN**
2 **ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.**
3 **TIONS.**

4 (a) **REPORT ELEMENTS.**—Section 104(b) of the
5 Intercountry Adoption Act of 2000 (42 U.S.C. 14914(b))
6 is amended by adding at the end the following new para-
7 graphs:

8 “(9) A list of countries that established and
9 carried out a policy or law that, with respect to
10 adoptions involving immigration to the United
11 States, regardless of whether the adoptions occurred
12 under the Convention—

13 “(A) reduced the number of such adop-
14 tions; or

15 “(B) prevented or prohibited such adop-
16 tions.

17 “(10) Information on efforts taken with respect
18 to a country listed under paragraph (9) to encourage
19 the resumption of halted or stalled adoption pro-
20 ceedings involving immigration to the United States,
21 regardless of whether the adoptions would have oc-
22 curred under the Convention.”.

23 (b) **PUBLIC AVAILABILITY OF REPORT.**—Section 104
24 of the Intercountry Adoption Act of 2000 (42 U.S.C.
25 14914) is amended by adding at the end the following new
26 subsection:

1 “(c) PUBLIC AVAILABILITY OF REPORT.—The Sec-
2 retary shall make the information contained in the report
3 required under subsection (a) available to the public on
4 the website of the Department of State.”.

5 (c) PRIVACY CONCERNS.—In complying with the
6 amendments made by subsections (a) and (b), the Sec-
7 retary shall avoid, to the maximum extent practicable, dis-
8 closing any personally identifiable information relating to
9 United States citizens or the adoptees of such citizens.

10 (d) CONFORMING AMENDMENT.—Section 104(a) of
11 the Intercountry Adoption Act of 2000 (42 U.S.C.
12 14914(a)) is amended by striking “International Rela-
13 tions” and inserting “Foreign Affairs”.

14 (e) APPLICATION DATE.—The amendments made by
15 this section shall apply with respect to reports required
16 to be submitted under section 104 of the Intercountry
17 Adoption Act of 2000 (42 U.S.C. 14914) beginning on the
18 date that is 1 year after the date of enactment of this
19 Act.

AMENDMENT TO H.R. 5626
OFFERED BY MR. KINZINGER OF ILLINOIS

Page 2, line 22, strike the quotation mark and period at the end.

Page 2, after line 22, insert the following:

1 “(11) Information on any action the Secretary
2 carried out that prevented, prohibited, or halted any
3 adoptions involving immigration to the United
4 States, regardless of whether the adoptions occurred
5 under the Convention.”.



AMENDMENT TO H.R. 5626
OFFERED BY MR. SCHNEIDER OF ILLINOIS

Page 2, strike lines 8 through 16 and insert the following:

1 “(9) A list of countries that established or
2 maintained a law or policy that prevented or prohib-
3 ited adoptions involving immigration to the United
4 States, regardless of whether such adoptions oc-
5 curred under the Convention.
6 “(10) For each country listed under paragraph
7 (9), the date on which the law or policy was initially
8 implemented.”.

Page 2, line 17, strike “(10)” and insert “(11)”.



.....
(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To promote free and fair elections, political freedoms, and human rights
in Cambodia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. YOHO introduced the following bill; which was referred to the Committee
on _____

A BILL

To promote free and fair elections, political freedoms, and
human rights in Cambodia, and for other purposes.

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 “Cambodia Democracy
5 Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Cambodia’s present political system was es-
9 tablished in 1991, after decades of internal conflict,

1 by the United Nations-brokered Paris Peace Ac-
2 cords. The first national elections under this system
3 were administered by the United Nations in 1993.
4 Hun Sen, the current Prime Minister of Cambodia,
5 has been in power in Cambodia since before this
6 time, serving as premier from 1985 to 1993, and as
7 Prime Minister thereafter. Hun Sen has used his po-
8 sition to cling to the pinnacle of power in Cambodia
9 for 32 years, through tactics including coup d'état,
10 irregular election procedures, and the silencing of
11 opposition voices.

12 (2) In Cambodia's most recent general elections
13 in 2013, Hun Sen's Cambodian People's Party
14 (CPP) maintained its parliamentary majority by the
15 smallest margin to date, while a unified opposition
16 Cambodia National Rescue Party (CNRP) made
17 substantial gains. The Department of State's Coun-
18 try Reports on Human Rights Practices for 2016
19 described Cambodia's 2013 elections as "largely free
20 of intimidation, in contrast to previous national elec-
21 tions", yet also "fraught with irregularities". Subse-
22 quent local elections marked similar setbacks for the
23 ruling CPP.

24 (3) Cambodia's next general elections will occur
25 in June 2018. According to the 2017 Freedom in

1 the World Report issued by Freedom House, in the
2 intervening period Hun Sen has overseen “a decisive
3 crackdown on the country’s beleaguered opposition
4 and press corps as his [CPP] prepared for national
5 elections”. Regional experts have reached a general
6 consensus that Hun Sen and the CPP have under-
7 taken this crackdown to consolidate power ahead of
8 an election that may have ended their grip on power.

9 (4) Hun Sen’s actions in late 2017 pushed
10 Cambodia further away from democracy. In late Au-
11 gust 2017, the regime shut down the National
12 Democratic Institute and expelled its entire foreign
13 staff from the country within a week. Less than a
14 week later, radio stations carrying Radio Free Asia
15 and Voice of America were also shut down by the re-
16 gime. On September 3, 2017, authorities arrested
17 Kem Sokha, the leader of the CNRP, and charged
18 him with treason, allegedly for participating in an
19 American plot to undermine Hun Sen’s regime. Kem
20 Sokha remains in detention. On November 16, 2017,
21 Cambodia’s Supreme Court dissolved the CNRP,
22 eliminating the most popular and viable challenger
23 to Hun Sen’s regime. Subsequent actions by Hun
24 Sen have aimed to “cement total control over Cam-

1 bodian government and business”, according to
2 Human Rights Watch.

3 (5) Since the dissolution of the CNRP, both the
4 Department of State and the White House have
5 issued statements condemning the Hun Sen regime’s
6 actions to undermine democracy and calling for Kem
7 Sokha’s release. On November 16, 2017 the White
8 House announced that the United States would ter-
9 minate support for Cambodia’s National Election
10 Committee. On December 6, 2017, the Department
11 of State began implementing visa restrictions for of-
12 ficials responsible for undermining Cambodian de-
13 mocracy. On February 27, 2018, the White House
14 announced further assistance reductions following
15 Cambodian Senate elections on February 25 which
16 did not represent the genuine will of the Cambodian
17 people.

18 **SEC. 3. SANCTIONS RELATING TO UNDERMINING DEMOC-**
19 **RACY IN CAMBODIA.**

20 (a) DESIGNATION OF PERSONS RESPONSIBLE FOR
21 UNDERMINING DEMOCRACY IN CAMBODIA.—Not later
22 than 180 days after the date of enactment of this Act,
23 the President shall apply the sanctions described in sub-
24 section (b) on—

1 (1) each senior official of the Government, mili-
2 tary, or security forces of Cambodia that the Presi-
3 dent determines has directly and substantially un-
4 dermined democracy in Cambodia and

5 (2) each senior official of the Government, mili-
6 tary, or security forces of Cambodia that the Presi-
7 dent determines has committed or directed serious
8 human rights violations associated with undermining
9 democracy in Cambodia.

10 (b) SANCTIONS DESCRIBED.—

11 (1) ASSET BLOCKING.—The President shall ex-
12 ercise all of the powers granted to the President
13 under the International Emergency Economic Pow-
14 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
15 essary to block and prohibit all transactions in prop-
16 erty and interests in property of a person designated
17 under subsection (a) if such property and interests
18 in property are in the United States, come within
19 the United States, or are or come within the posses-
20 sion or control of a United States person.

21 (2) VISA RESTRICTIONS.—

22 (A) IN GENERAL.—The Secretary of State,
23 in consultation with the Secretary of Homeland
24 Security, shall continue to implement the policy
25 announced by the Department of State on De-

1 ember 6, 2017, to restrict entry into the
2 United States of person involved in under-
3 mining democracy in Cambodia, including any
4 person designated under subsection (a).

5 (B) EXCEPTION FOR MULTILATERAL AC-
6 TIVITIES.—Persons otherwise restricted from
7 entry into the United States under this section
8 may be admitted if such admission is necessary
9 to comply with United States obligations under
10 the Agreement between the United Nations and
11 the United States of America regarding the
12 Headquarters of the United Nations, signed at
13 Lake Success June 26, 1947, and entered into
14 force November 21, 1947, or under the Conven-
15 tion on Consular Relations, done at Vienna
16 April 24, 1963, and entered into force March
17 19, 1967, or other applicable international obli-
18 gations of the United States.

19 (3) PENALTIES.—The penalties provided for in
20 subsections (b) and (c) of section 206 of the Inter-
21 national Emergency Economic Powers Act (50
22 U.S.C. 1705) shall apply to a person that violates,
23 attempts to violate, conspires to violate, or causes a
24 violation of paragraph (1) to the same extent that
25 such penalties apply to a person that commits an

1 unlawful act described in subsection (a) of such sec-
2 tion 206.

3 (e) LIST OF DESIGNATED PERSONS.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the
6 President shall transmit to the appropriate congres-
7 sional committees a list of persons designated under
8 subsection (a).

9 (2) UPDATES.—The President shall transmit to
10 the appropriate congressional committees updated
11 lists under paragraph (1) as new information be-
12 comes available.

13 (f) IMPLEMENTATION.—The President may exercise
14 all authorities provided under sections 203 and 205 of the
15 International Emergency Economic Powers Act (50
16 U.S.C. 1702 and 1704) to carry out this section.

17 (g) WAIVER.—The President may waive the applica-
18 tion of sanctions described in subsection (b) with respect
19 to a person described in subsection (a) if the President
20 determines and certifies to the appropriate congressional
21 committees that such waiver is in the national interest of
22 the United States.

23 **SEC. 4. SUSPENSION AND TERMINATION OF SANCTIONS.**

24 (a) SUSPENSION.—The sanctions described in section
25 3 may be suspended for up to one year upon certification

1 by the President to the appropriate congressional commit-
2 tees that Cambodia is making meaningful progress toward
3 the following:

4 (1) Ending government efforts to undermine
5 democracy.

6 (2) Ending human rights violations associated
7 with undermining democracy.

8 (3) Conducting free and fair elections which
9 allow for the active participation of credible opposi-
10 tion candidates.

11 (b) RENEWAL OF SUSPENSION.—The suspension de-
12 scribed in subsection (a) may be renewed for additional,
13 consecutive 180-day periods if the President certifies to
14 the appropriate congressional committees that Cambodia
15 is continuing to make meaningful progress towards satis-
16 fying the conditions described in such subsection during
17 the previous year.

18 **SEC. 5. SUNSET.**

19 This Act shall terminate on the date that is five years
20 after the date of the enactment of this Act.

21 **SEC. 6. DEFINITIONS.**

22 In this Act:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means the Committee on Foreign Affairs

1 and the Committee on Financial Services of the
2 House of Representatives, and the Committee on
3 Foreign Relations and the Committee on Banking,
4 Housing, and Urban Affairs of the Senate.

5 (2) UNITED STATES PERSON; PERSON.—The
6 term “United States person” means—

7 (A) a United States citizen or an alien law-
8 fully admitted for permanent residence to the
9 United States; or

10 (B) an entity organized under the laws of
11 the United States or of any jurisdiction of the
12 United States, including a foreign branch of
13 such an entity.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5754
OFFERED BY MR. YOHIO OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Cambodia Democracy
3 Act of 2018”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) Prime Minister Hun Sen has been in power
7 in Cambodia since 1985 and is the longest-serving
8 leader in Southeast Asia. Despite decades of inter-
9 national attention and assistance to promote a plu-
10 ralist, multi-party democratic system in Cambodia,
11 the Government of Cambodia continues to be
12 undemocratically dominated by the ruling Cambodia
13 People’s Party (CPP), which controls every agency
14 and security apparatus of the state.

15 (2) In 2015, the CPP-controlled parliament
16 passed the “Law on Associations and Non-Govern-
17 mental Organizations”, which gave the government
18 sweeping powers to revoke the registration of NGOs

1 that the government believed to be operating with a
2 political bias in a blatant attempt to restrict the le-
3 gitimate work of civil society. On August 23, 2017,
4 Cambodia's Ministry of Foreign Affairs ordered the
5 closure of the National Democratic Institute and the
6 expulsion of its foreign staff. On September 15,
7 2017, Prime Minister Hun Sen called for the with-
8 drawal of all volunteers from the United States
9 Peace Corps, which has operated in Cambodia since
10 2006 with 500 United States volunteers providing
11 English language and healthcare training.

12 (3) The Government of Cambodia has taken
13 several measures to restrict its media environment,
14 especially through politicized tax investigations
15 against independent media outlets that resulted in
16 the closure of The Cambodian Daily and Radio Free
17 Asia in early September 2017. Additionally, the Gov-
18 ernment of Cambodia has ordered several radio sta-
19 tions to stop the broadcasting of Radio Free Asia
20 and Voice of America programming.

21 (4) Each of the five elections that have taken
22 place in Cambodia since 1991 were conducted in cir-
23 cumstances that were not free and fair, and were
24 marked by fraud, intimidation, violence, and the gov-

ernment's misuse of legal mechanisms to weaken opposition candidates and parties.

(5) On September 3, 2017, Kem Sokha, the President of the Cambodia National Rescue Party (CNRP), was arrested on politically motivated charges, including treason and conspiring to overthrow the Government of Cambodia, and faces up to 30 years in prison. The CNRP's previous leader, Sam Rainsy, remains in exile. On November 16, 2017, Cambodia's Supreme Court dissolved the CNRP, eliminating the CPP's only viable challenger.

(6) The United States is committed to promoting democracy, human rights, and the rule of law in Cambodia. The United States continues to urge the Government of Cambodia to immediately release Mr. Kem Sokha, reinstate the political status of the CNRP and its 55 elected seats in the National Assembly, support electoral reform efforts in Cambodia with free and fair elections in 2018 monitored by international observers.

SEC. 3. SANCTIONS RELATING TO UNDERMINING DEMOCRACY IN CAMBODIA.

(a) DESIGNATION OF PERSONS RESPONSIBLE FOR UNDERMINING DEMOCRACY IN CAMBODIA.—Not later than 180 days after the date of enactment of this Act,

1 the President shall apply the sanctions described in sub-
2 section (b) on—

3 (1) each senior official of the Government, mili-
4 tary, or security forces of Cambodia that the Presi-
5 dent determines has directly and substantially un-
6 dermined democracy in Cambodia and

7 (2) each senior official of the Government, mili-
8 tary, or security forces of Cambodia that the Presi-
9 dent determines has committed or directed serious
10 human rights violations associated with undermining
11 democracy in Cambodia.

12 (b) SANCTIONS DESCRIBED.—

13 (1) ASSET BLOCKING.—The President shall ex-
14 ercise all of the powers granted to the President
15 under the International Emergency Economic Pow-
16 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
17 essary to block and prohibit all transactions in prop-
18 erty and interests in property of a person designated
19 under subsection (a) if such property and interests
20 in property are in the United States, come within
21 the United States, or are or come within the posses-
22 sion or control of a United States person.

23 (2) VISA RESTRICTIONS.—

24 (A) IN GENERAL.—The Secretary of State,
25 in consultation with the Secretary of Homeland

1 Security, shall continue to implement the policy
2 announced by the Department of State on De-
3 cember 6, 2017, to restrict entry into the
4 United States of person involved in under-
5 mining democracy in Cambodia, including any
6 person designated under subsection (a).

7 (B) EXCEPTION FOR MULTILATERAL AC-
8 TIVITIES.—Persons otherwise restricted from
9 entry into the United States under this section
10 may be admitted if such admission is necessary
11 to comply with United States obligations under
12 the Agreement between the United Nations and
13 the United States of America regarding the
14 Headquarters of the United Nations, signed at
15 Lake Success June 26, 1947, and entered into
16 force November 21, 1947, or under the Conven-
17 tion on Consular Relations, done at Vienna
18 April 24, 1963, and entered into force March
19 19, 1967, or other applicable international obli-
20 gations of the United States.

21 (3) PENALTIES.—The penalties provided for in
22 subsections (b) and (c) of section 206 of the Inter-
23 national Emergency Economic Powers Act (50
24 U.S.C. 1705) shall apply to a person that violates,
25 attempts to violate, conspires to violate, or causes a

1 violation of paragraph (1) to the same extent that
2 such penalties apply to a person that commits an
3 unlawful act described in subsection (a) of such sec-
4 tion 206.

5 (e) LIST OF DESIGNATED PERSONS.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the
8 President shall transmit to the appropriate congres-
9 sional committees a list of persons designated under
10 subsection (a).

11 (2) UPDATES.—The President shall transmit to
12 the appropriate congressional committees updated
13 lists under paragraph (1) as new information be-
14 comes available.

15 (f) IMPLEMENTATION.—The President may exercise
16 all authorities provided under sections 203 and 205 of the
17 International Emergency Economic Powers Act (50
18 U.S.C. 1702 and 1704) to carry out this section.

19 (g) WAIVER.—The President may waive the applica-
20 tion of sanctions described in subsection (b) with respect
21 to a person described in subsection (a) if the President
22 determines and certifies to the appropriate congressional
23 committees that such waiver is in the national interest of
24 the United States.

1 **SEC. 4. SUSPENSION OF SANCTIONS.**

2 (a) **SUSPENSION.**—The sanctions described in section
3 3 may be suspended for up to one year upon certification
4 by the President to the appropriate congressional commit-
5 tees that Cambodia is making meaningful progress toward
6 the following:

7 (1) Ending government efforts to undermine
8 democracy.

9 (2) Ending human rights violations associated
10 with undermining democracy.

11 (3) Conducting free and fair elections which
12 allow for the active participation of credible opposi-
13 tion candidates.

14 (b) **RENEWAL OF SUSPENSION.**—The suspension de-
15 scribed in subsection (a) may be renewed for additional,
16 consecutive 180-day periods if the President certifies to
17 the appropriate congressional committees that Cambodia
18 is continuing to make meaningful progress towards satis-
19 fying the conditions described in such subsection during
20 the previous year.

21 **SEC. 5. SUNSET.**

22 This Act shall terminate on the date that is five years
23 after the date of the enactment of this Act.

24 **SEC. 6. DEFINITIONS.**

25 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means the Committee on Foreign Affairs
4 and the Committee on Financial Services of the
5 House of Representatives, and the Committee on
6 Foreign Relations and the Committee on Banking,
7 Housing, and Urban Affairs of the Senate.

8 (2) UNITED STATES PERSON; PERSON.—The
9 term “United States person” means—

10 (A) a United States citizen or an alien law-
11 fully admitted for permanent residence to the
12 United States; or

13 (B) an entity organized under the laws of
14 the United States or of any jurisdiction of the
15 United States, including a foreign branch of
16 such an entity.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5754
OFFERED BY MR. YOHIO OF FLORIDA**

Page 3, line 18, insert “and” before “support”.

Page 3, line 25, insert “the” before “enactment”.

Page 5, line 4, strike “person” and insert “persons”.



.....
(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To promote democracy and human rights in Burma, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ENGEL introduced the following bill; which was referred to the Committee
on _____

A BILL

To promote democracy and human rights in Burma, and
for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Burma Unified through Rigorous Military Accountability
6 Act of 2018” or the “BURMA Act of 2018”.

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

- Sec. 1. Short title; table of contents.
Sec. 2. Appropriate congressional committees defined.

TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA

- Sec. 101. Findings.
 Sec. 102. Statement of policy.
 Sec. 103. Sense of Congress with respect to humanitarian assistance, freedom of movement, and rights of returnees.
 Sec. 104. Sense of Congress on press freedom.
 Sec. 105. Sense of Congress with respect to imposition of sanctions under the Global Magnitsky Human Rights Accountability Act.

TITLE II—ASSISTANCE AND SANCTIONS WITH RESPECT TO BURMA

- Sec. 201. Authorization for humanitarian assistance and reconciliation.
 Sec. 202. Limitation on security assistance and military and security sector cooperation.
 Sec. 203. Imposition of sanctions with respect to certain foreign persons.
 Sec. 204. Forfeiture of property.

TITLE III—GOVERNANCE OF THE BURMESE MINING AND GEMSTONE SECTOR

- Sec. 301. Sense of Congress on the Burmese mining sector and the importation of Burmese gemstones or minerals.
 Sec. 302. Responsibility and transparency in the mining sector.

TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES AND STRATEGY FOR ECONOMIC GROWTH

- Sec. 401. Determination and report on accountability for ethnic cleansing, crimes against humanity, and genocide in Burma.
 Sec. 402. Strategy for promoting economic growth and development.

1 **SEC. 2. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
 2 **FINED.**

3 In this Act, the term “appropriate congressional com-
 4 mittees” means—

5 (1) the Committee on Foreign Affairs and the
 6 Committee on Armed Services of the House of Rep-
 7 resentatives; and

8 (2) the Committee on Foreign Relations and
 9 the Committee on Armed Services of the Senate.

1 **TITLE I—MATTERS RELATING**
2 **TO THE CONFLICT IN BURMA**

3 **SEC. 101. FINDINGS.**

4 Congress finds the following:

5 (1) On August 25, 2017, Burmese military and
6 security forces violently and disproportionately re-
7 sponded to an attack on security outposts, resulting
8 in a mass exodus of Rohingya from the Rakhine
9 State of Burma into Bangladesh, which the Inter-
10 national Organization of Migration called “unprece-
11 dented in terms of volume and speed”.

12 (2) Between August 2017 and March 2018, in
13 response to the violence perpetrated by the Burmese
14 military and security forces, the United Nations esti-
15 mates more than 693,000 Rohingya, approximately
16 78 percent of whom are women and children, have
17 fled to Bangladesh, fearing loss of life, livelihoods,
18 and shelter.

19 (3) Despite the steps taken toward democracy
20 in Burma, there exists limited control by the civilian
21 government over civilian agencies and no meaningful
22 civilian control over the military or security forces
23 that carried out the violence in Rakhine State and
24 that continues to engage in grave human rights

1 abuses against ethnic minorities throughout in the
2 country.

3 (4) Both government- and military-initiated in-
4 vestigations into human rights abuses in Burma in-
5 volving violence between ethnic minorities and Bur-
6 mese security forces have failed to yield credible re-
7 sults or meaningfully hold perpetrators accountable.

8 (5) In a public address on October 12, 2017,
9 State Counsellor Aung San Suu Kyi laid out the fol-
10 lowing goals for the State of Rakhine:

11 (A) Repatriation of those who have crossed
12 over to Bangladesh.

13 (B) Effective provision of humanitarian as-
14 sistance.

15 (C) Resettlement of displaced populations.

16 (D) Economic development and durable
17 peace.

18 (6) Due to restrictions enforced by the Rakhine
19 State government and the military and security
20 forces, there has been little progress made since that
21 time and limited ability for the international commu-
22 nity to meaningfully support, verify, or evaluate the
23 Government of Burma's efforts. There are also cred-
24 ible reports of Burmese military and security forces
25 bulldozing villages where violence occurred, thus de-

1 stroying physical evidence of what may have oc-
2 curred there.

3 (7) Human rights organizations have reported
4 and documented a campaign of violence perpetrated
5 by the security forces of Burma, which indiscrimi-
6 nately fired on and killed civilians, raped women and
7 girls, and arbitrarily arrested Rohingya men without
8 any cause or charges. Satellite images obtained by
9 Amnesty International reveal that, out of the ap-
10 proximately 470 villages in northern Rakhine State,
11 nearly 300 were partially or completely destroyed by
12 fire since August 25, 2017, most of which were com-
13 pletely or partially populated by Rohingya Muslims.

14 (8) On October 10, 2017, at a hearing before
15 the House Foreign Affairs Committee, the Deputy
16 Assistant Secretary of State for Population, Refu-
17 gees, and Migration Mark Storella testified that of
18 the \$434,000,000 required by the United Nations
19 for emergency response in the first 6 months of this
20 crisis, “[i]n fiscal year 2017, the United States con-
21 tributed nearly \$104 million in assistance to the dis-
22 placed populations in Burma for refugees from
23 Burma throughout the region”.

24 (9) The United Nations Joint Response Plan to
25 fund assistance to Rohinyga refugees and the host

1 community in Bangladesh through the end of 2018
2 requires almost \$1,000,000,000 in assistance.

3 (10) On November 22, 2017, Secretary of State
4 Rex Tillerson stated that, “After careful and
5 through analysis of available facts, it is clear that
6 the situation in northern Rakhine state constitutes
7 ethnic cleansing against the Rohingya. Those re-
8 sponsible for these atrocities must be held account-
9 able”. He also said the violence “has a number of
10 characteristics of certainly crimes against human-
11 ity”.

12 (11) Yanghee Lee, the United Nations Special
13 Rapporteur on the situation of human rights in
14 Myanmar said, “I am becoming more convinced that
15 the crimes committed following 9 October 2016 and
16 25 August 2017 bear the hallmarks of genocide and
17 call in the strongest possible terms for account-
18 ability.”

19 (12) On December 12, 2017, Wa Lone and
20 Kyaw Soe Oo, two Reuters reporters covering the
21 crisis in Rakhine State, were entrapped, arrested,
22 and charged with violating the Official Secrets Act,
23 continuing a trend of restricting media and free
24 speech and attempting to thwart coverage of the
25 events in Rakhine State.

1 **SEC. 102. STATEMENT OF POLICY.**

2 It shall be the policy of the United States to—

3 (1) support a complete transition to democracy
4 and genuine national reconciliation in Burma which
5 cannot be achieved without appropriate account-
6 ability for the atrocities committed by the Burmese
7 military against the Rohingya population and other
8 ethnic minorities throughout the country;

9 (2) pursue a strategy of calibrated engagement,
10 which is essential to support the establishment of a
11 peaceful, prosperous, and democratic Burma that in-
12 cludes respect for the human rights of all its people
13 regardless of ethnicity and religion; and

14 (3) ensure that the guiding principles of such a
15 strategy include—

16 (A) supporting meaningful legal and con-
17 stitutional reforms that remove remaining re-
18 strictions on civil and political rights and en-
19 sure civilian governance, including reforms to
20 the current constitutional provision reserving 25
21 percent of parliamentary seats for appointments
22 by the military, which provides the military with
23 veto power over constitutional amendments;

24 (B) establishing a fully democratic, plural-
25 istic, and representative political system that in-

1 cludes regularized free and fair elections in
2 which all people of Burma can vote;

3 (C) promoting genuine national reconcili-
4 ation, the conclusion of a credible and sustain-
5 able nationwide cease-fire agreement, including
6 political accommodation of ethnic Shan, Kachin,
7 Chin, Karen, and other ethnic groups, measures
8 to address natural resource governance and rev-
9 enue-sharing, and constitutional change ena-
10 bling inclusive, permanent peace;

11 (D) ensuring accountability for human
12 rights abuses, ethnic cleansing, crimes against
13 humanity, or genocide perpetrated against the
14 Rohingya, Kachin, Shan, Chin, and other ethnic
15 minorities by the military of Burma and other
16 combatants involved in the conflict;

17 (E) strengthening civilian institutions in
18 the government, including support for greater
19 transparency and accountability;

20 (F) establishing professional and non-
21 partisan military, security, and police forces
22 that operate under civilian control, subject to
23 civilian oversight, and are held fully accountable
24 for human rights abuses, corruption, or other
25 abuses of power;

1 (G) combating rampant corruption and il-
2 legal economic activity, including that which in-
3 volves the military and its close allies;

4 (H) empowering local communities, civil
5 society, and independent media;

6 (I) ensuring that the Government of
7 Burma provides full citizenship for the
8 Rohingya population in Burma as well as for
9 those displaced in Bangladesh;

10 (J) promoting responsible international
11 and regional engagement;

12 (K) strengthening respect for and protec-
13 tion of human rights and religious freedom; and

14 (L) addressing and ending the humani-
15 tarian and human rights crises and supporting
16 the ability of the displaced Rohingya to volun-
17 tarily return to their homes, under safe, dig-
18 nified, and internationally approved conditions.

19 **SEC. 103. SENSE OF CONGRESS WITH RESPECT TO HUMANI-**
20 **TARIAN ASSISTANCE, FREEDOM OF MOVE-**
21 **MENT, AND RIGHTS OF RETURNEES.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) significant and sustained international sup-
25 port, from both public and private sources, will be

1 necessary to address the medium- and long-term im-
2 pacts of the crisis in Burma and the impact of the
3 crisis on Bangladesh; and

4 (2) the United States should make resolving the
5 Rohingya crisis one of its top priorities in its en-
6 gagement with regional institutions such as the As-
7 sociation of Southeast Asian Nations.

8 (b) RESTORATION OF HUMANITARIAN ACCESS AND
9 ACCOUNTABILITY IN RAKHINE STATE.—Congress calls on
10 the Government of Burma and Burmese security forces
11 to ensure complete and unfettered humanitarian access in
12 the State of Rakhine and to support an independent inter-
13 national fact-finding mission to investigate allegations of
14 ethnic cleansing, crimes against humanity, and genocide.

15 (c) RIGHTS OF REFUGEES, INTERNALLY DISPLACED
16 PERSONS, AND RETURNEES.—Congress calls on the Gov-
17 ernment of Burma to—

18 (1) ensure that Rohingya have freedom of
19 movement and under no circumstances are subject
20 to unsafe, involuntary, or uninformed repatriation;

21 (2) create conditions for return of those dis-
22 placed from their homes by fully implementing the
23 recommendations of the Advisory Commission on
24 Rakhine State and implementing full and equal citi-
25 zenship;

1 (3) to work closely with the international com-
2 munity including the United Nations High Commis-
3 sioner for Refugees to ensure the dignified, safe, and
4 voluntary return of all those displaced from their
5 homes, especially from Rakhine State, without an
6 unduly high burden of proof; and

7 (4) to offer to those refugees who do not want
8 to return a meaningful alternative, including com-
9 pensation or restitution.

10 **SEC. 104. SENSE OF CONGRESS ON PRESS FREEDOM.**

11 It is the sense of Congress that in order to promote
12 the freedom of the press in Burma—

13 (1) Wa Lone and Kyaw Soe Oo should be im-
14 mediately and unconditionally released and should
15 have access to legal counsel and to their families;
16 and

17 (2) the decision to use a colonial-era law to ar-
18 rest these reporters underscores the need for serious
19 legal reform, including reform of the Official Secrets
20 Act, 1923 and the Unlawful Association Act, 1908.

1 **SEC. 105. SENSE OF CONGRESS WITH RESPECT TO IMPOSI-**
 2 **TION OF SANCTIONS UNDER THE GLOBAL**
 3 **MAGNITSKY HUMAN RIGHTS ACCOUNT-**
 4 **ABILITY ACT.**

5 It is the sense of Congress that the President should
 6 impose appropriate sanctions under the Global Magnitsky
 7 Human Rights Accountability Act (subtitle F of title XII
 8 of Public Law 114–328; 130 Stat. 2533; 22 U.S.C. 2656
 9 note) against officials and other persons in Burma who
 10 are responsible for gross violations of internationally rec-
 11 ognized human rights or acts of significant corruption.

12 **TITLE II—ASSISTANCE AND**
 13 **SANCTIONS WITH RESPECT**
 14 **TO BURMA**

15 **SEC. 201. AUTHORIZATION FOR HUMANITARIAN ASSIST-**
 16 **ANCE AND RECONCILIATION.**

17 There is authorized to be appropriated \$151,600,000
 18 for fiscal year 2019 for humanitarian assistance for
 19 Burma, Bangladesh, and the surrounding region, includ-
 20 ing—

21 (1) assistance for the victims of the Burmese
 22 military’s ethnic cleansing campaign targeting the
 23 Rohingya in Rakhine State, including those dis-
 24 placed in Bangladesh, Burma, and the surrounding
 25 region;

1 (2) support for voluntary resettlement or repa-
2 triation efforts regionally; and

3 (3) humanitarian assistance to victims of vio-
4 lence and destruction in Rakhine State.

5 **SEC. 202. LIMITATION ON SECURITY ASSISTANCE AND MILI-**
6 **TARY AND SECURITY SECTOR COOPERATION.**

7 (a) LIMITATION ON MILITARY AND SECURITY SEC-
8 TOR COOPERATION.—Except as provided in subsection
9 (b), the United States may not provide any security assist-
10 ance or engage in any military-to-military programs with
11 the military or security forces of Burma, including
12 through training, observation, or participation in regional
13 exercises, until the date on which the Secretary of State,
14 in consultation with the Secretary of Defense, certifies to
15 the appropriate congressional committees that the military
16 and security forces of Burma have demonstrated signifi-
17 cant progress in abiding by international human rights
18 standards and are undertaking meaningful and significant
19 security sector reform, including reforms that enhance
20 transparency and accountability, to prevent future abuses
21 and that each of the following criteria have been met:

22 (1) The Burmese military and security forces
23 adhere to international humanitarian law, dem-
24 onstrate significant progress in abiding by inter-

1 national standards for human rights, and pledge to
2 stop future human rights abuses.

3 (2) The Burmese military and security forces
4 support efforts to carry out meaningful and com-
5 prehensive investigations of alleged abuses and are
6 taking steps to hold accountable those members of
7 such military and security forces responsible for
8 human rights abuses.

9 (3) The Government of Burma, including the
10 military and security forces, allow immediate and
11 unfettered humanitarian access to communities in
12 areas affected by conflict, including Rohingya com-
13 munities in the State of Rakhine.

14 (4) The Government of Burma, including the
15 military and security forces, cooperates with the
16 United Nations High Commissioner for Refugees
17 and organizations affiliated with the United Nations
18 to ensure the protection of displaced persons and the
19 safe, voluntary, and dignified return of refugees and
20 internally displaced persons.

21 (5) The Burmese military and security forces
22 cease their attacks against ethnic minority groups
23 and constructively participate in the conclusion of a
24 credible, nationwide ceasefire agreement, political ac-

1 commodation, and constitutional change, including
2 the restoration of the citizenship of the Rohingya.

3 (6) The Government of Burma, including the
4 military and security forces, defines a transparent
5 plan with a binding timeline for professionalizing the
6 military and security forces and includes a process
7 by which the military withdraws from private-sector
8 business enterprises and ceases involvement in the il-
9 legal trade in natural resources and narcotics.

10 (7) The Government of Burma establishes ef-
11 fective civilian control over the finances of its mili-
12 tary and security forces, including by ensuring that
13 the military does not have access to off-budget in-
14 come and that military expenditures are subject to
15 adequate civilian oversight.

16 (b) EXCEPTIONS.—

17 (1) CERTAIN EXISTING AUTHORITIES.—The
18 Secretary of Defense shall retain the authority to
19 conduct consultations with Burma pursuant to the
20 authorization under section 1253 of the Carl Levin
21 and Howard P. “Buck” McKeon National Defense
22 Authorization Act for Fiscal Year 2015 (22 U.S.C.
23 2151 note).

24 (2) HOSPITALITY.—The Secretary of State and
25 the United States Agency for International Develop-

1 ment may provide assistance authorized under part
2 I of the Foreign Assistance Act of 1961 (22 U.S.C.
3 2151 et seq.) to provide hospitality during research,
4 dialogues, meetings, or other activities by the parties
5 attending the Union Peace Conference 21st Century
6 Paneling or related processes seeking inclusive, sus-
7 tainable reconciliation.

8 (c) **MILITARY REFORM.**—The certification required
9 under subsection (a) shall include a written justification
10 in unclassified form that may contain a classified annex
11 describing the Burmese military’s efforts to implement re-
12 forms, end impunity for human rights abuses, and in-
13 crease transparency and accountability.

14 (d) **RULE OF CONSTRUCTION.**—Nothing in this Act
15 may be construed to authorize the Secretary of Defense
16 to provide assistance to the Government of Burma except
17 as provided in this section.

18 (e) **REPORT.**—

19 (1) **IN GENERAL.**—Not later than 180 days
20 after the date of the enactment of this Act, and an-
21 nually thereafter, the Secretary of Defense and the
22 Secretary of State shall submit to the appropriate
23 congressional committees a report, in unclassified
24 form with a classified annex, on the strategy and
25 plans for military-to-military engagement between

1 the United States Armed Forces and the military
2 and security forces of Burma.

3 (2) ELEMENTS.—The report required under
4 paragraph (1) shall include the following elements:

5 (A) A description and assessment of the
6 Government of Burma's strategy for security
7 sector reform, including plans to withdraw the
8 military from owning or controlling private-sec-
9 tor business entities and end involvement in the
10 illicit trade in jade and other natural resources,
11 reforms to end corruption and illicit drug traf-
12 ficking, and constitutional reforms to ensure ci-
13 vilian control.

14 (B) A list of ongoing military activities
15 conducted by the United States Government
16 with the Government of Burma, and a descrip-
17 tion of the United States strategy for future
18 military-military engagements between the
19 United States and Burma's military and secu-
20 rity forces, including the military of Burma, the
21 Burma Police Force, and armed ethnic groups.

22 (C) An assessment of the progress of the
23 military and security forces of Burma towards
24 developing a framework to implement human
25 right reforms, including—

1 (i) cooperation with civilian authori-
2 ties to investigate and prosecute cases of
3 serious, credible, or gross human rights
4 abuses;

5 (ii) steps taken to demonstrate respect
6 for and implementation of the laws of war;
7 and

8 (iii) a description of the elements of
9 the military-to-military engagement be-
10 tween the United States and Burma that
11 promote such implementation.

12 (D) An assessment of progress on the
13 peaceful settlement of armed conflicts between
14 the Government of Burma and ethnic minority
15 groups, including actions taken by the military
16 of Burma to adhere to cease-fire agreements,
17 allow for safe and voluntary returns of dis-
18 placed persons to their homes, and withdraw
19 forces from conflict zones.

20 (E) An assessment of the Burmese's mili-
21 tary recruitment and use of children as soldiers.

22 (F) An assessment of the Burmese's mili-
23 tary's use of violence against women, sexual vio-
24 lence, or other gender-based violence as a tool
25 of terror, war, or ethnic cleansing.

1 (f) REGULAR CONSULTATIONS.—Any new program
2 or activity carried out under this section shall be subject
3 to prior consultation with the appropriate congressional
4 committees.

5 **SEC. 203. IMPOSITION OF SANCTIONS WITH RESPECT TO**
6 **CERTAIN FOREIGN PERSONS.**

7 (a) IN GENERAL.—For the 8-year period beginning
8 on the date that is 270 days after the date of the enact-
9 ment of this Act, the President shall impose the sanctions
10 described in subsection (b) with respect to each foreign
11 person that the President determines—

12 (1) is a current or former senior official of the
13 military or security forces of Burma who know-
14 ingly—

15 (A) perpetrated or is responsible for order-
16 ing or otherwise directing serious human rights
17 abuses in Burma; or

18 (B) failed to investigate serious human
19 rights abuses allegedly committed by one or
20 more subordinates of such official, including
21 against the Rohingya community in the state of
22 Rakhine;

23 (2) is an entity owned or controlled by any per-
24 son described in paragraph (1);

1 (3) has knowingly provided or received signifi-
2 cant financial, material, or technological support to
3 or from a foreign person, including the immediate
4 family members of such person, described in para-
5 graph (1) for any of the acts described in subpara-
6 graph (A) or (B) of such paragraph.

7 (b) SANCTIONS.—The sanctions described in this sec-
8 tion are the following:

9 (1) ASSET BLOCKING.—Notwithstanding the re-
10 quirements of section 202 of the International
11 Emergency Economic Powers Act (50 U.S.C. 1701),
12 the exercise of all powers granted to the President
13 by such Act to the extent necessary to block and
14 prohibit all transactions in all property and interests
15 in property of a person the President determines
16 meets one or more of the criteria described in sub-
17 section (a) if such property and interests in property
18 are in the United States, come within the United
19 States, or are or come within the possession or con-
20 trol of a United States person..

21 (2) ALIENS INELIGIBLE FOR VISAS, ADMISSION,
22 OR PAROLE.—

23 (A) VISAS, ADMISSION, OR PAROLE.—An
24 alien who the Secretary of State or the Sec-
25 retary of Homeland Security (or a designee of

1 one of such Secretaries) knows, or has reason
2 to believe, meets any of the criteria described in
3 subsection (a) is—

4 (i) inadmissible to the United States;

5 (ii) ineligible to receive a visa or other
6 documentation to enter the United States;
7 and

8 (iii) otherwise ineligible to be admitted
9 or paroled into the United States or to re-
10 ceive any other benefit under the Immigra-
11 tion and Nationality Act (8 U.S.C. 1101 et
12 seq.).

13 (B) CURRENT VISAS REVOKED.—

14 (i) IN GENERAL.—The issuing con-
15 sular officer, the Secretary of State, or the
16 Secretary of Homeland Security (or a des-
17 ignee of one of such Secretaries) shall re-
18 voke any visa or other entry documentation
19 issued to an alien who meets any of the
20 criteria described in subsection (a) regard-
21 less of when issued.

22 (ii) EFFECT OF REVOCATION.—A rev-
23 ocation under clause (i)—

24 (I) shall take effect immediately;

25 and

1 (II) shall automatically cancel
2 any other valid visa or entry docu-
3 mentation that is in the alien's pos-
4 session.

5 (3) EXCEPTION TO COMPLY WITH UNITED NA-
6 TIONS HEADQUARTERS AGREEMENT.—Sanctions
7 under paragraph (2) shall not apply to an alien if
8 admitting the alien into the United States is nec-
9 essary to permit the United States to comply with
10 the Agreement regarding the Headquarters of the
11 United Nations, signed at Lake Success June 26,
12 1947, and entered into force November 21, 1947,
13 between the United Nations and the United States,
14 or other applicable international obligations.

15 (c) PENALTIES.—Any person that violates, attempts
16 to violate, conspires to violate, or causes a violation of this
17 section or any regulation, license, or order issued to carry
18 out subsection (b) shall be subject to the penalties set
19 forth in subsections (b) and (c) of section 206 of the Inter-
20 national Emergency Economic Powers Act (50 U.S.C.
21 1705) to the same extent as a person that commits an
22 unlawful act described in subsection (a) of that section.

23 (d) EXCEPTIONS.—Subsection (b)(2) shall not apply
24 to the admission of an individual to the United States if
25 such admission is necessary to comply with United States

1 obligations under the Agreement between the United Na-
2 tions and the United States of America regarding the
3 Headquarters of the United Nations, signed at Lake Suc-
4 cess June 26, 1947, and entered into force November 21,
5 1947, or under the Convention on Consular Relations,
6 done at Vienna April 24, 1963, and entered into force
7 March 19, 1967, or other international obligations of the
8 United States.

9 (e) IMPLEMENTATION.—The President may exercise
10 the authorities provided under section 203 and 205 of the
11 International Emergency Economic Powers Act (50
12 U.S.C. 1702 and 1704) to carry out this section.

13 (f) WAIVER.—

14 (1) IN GENERAL.—The President may annually
15 waive the application of sanctions required by sub-
16 section (a) with respect to a person if the Presi-
17 dent—

18 (A) determines that such waiver is in the
19 national interest of the United States; and

20 (B) not later than the date on which such
21 waiver will take effect, submits to the congres-
22 sional committees listed in paragraph (2) a no-
23 tice of and justification for such waiver.

1 (2) CONGRESSIONAL COMMITTEES LISTED.—
2 The congressional committees listed in this para-
3 graph are the following:

4 (A) The Committee on Foreign Affairs, the
5 Committee on Appropriations, and the Com-
6 mittee on Financial Services of the House of
7 Representatives.

8 (B) The Committee on Foreign Relations,
9 the Committee on Appropriations, and the
10 Committee on Banking, Housing, and Urban
11 Affairs of the Senate.

12 (g) DEFINITIONS.—In this section:

13 (1) ADMITTED; ALIEN.—The terms “admitted”
14 and “alien” have the meanings given those terms in
15 section 101 of the Immigration and Nationality Act
16 (8 U.S.C. 1001).

17 (2) FOREIGN PERSON.—The term “foreign per-
18 son” means a person that is not a United States
19 person.

20 (3) KNOWINGLY.—The term “knowingly”
21 means, with respect to conduct, a circumstance, or
22 a result, means that a person has actual knowledge,
23 or should have known, of the conduct, the cir-
24 cumstance, or the result.

1 (4) UNITED STATES PERSON.—The term
2 “United States person” means—

3 (A) a United States citizen, an alien law-
4 fully admitted for permanent residence to the
5 United States, or any other individual subject
6 to the jurisdiction of the United States; or

7 (B) an entity organized under the laws of
8 the United States or of any jurisdiction within
9 the United States, including a foreign branch of
10 such entity.

11 **SEC. 204. FORFEITURE OF PROPERTY.**

12 (a) AMENDMENT TO PROPERTY SUBJECT TO FOR-
13 FEITURE.—Section 981(a)(1) of title 18, United States
14 Code, is amended by adding at the end the following:

15 “(J) Any property, real or personal, that is
16 involved in a violation or attempted violation of,
17 or which constitutes or is derived from proceeds
18 traceable to, a prohibition imposed pursuant to
19 section 203 of the Burma Unified through Rig-
20 orous Military Accountability Act of 2018.”.

21 (b) AMENDMENT TO DEFINITION OF CIVIL FOR-
22 FEITURE.—Section 983(i)(2)(D) of title 18, United States
23 Code, is amended—

24 (1) by striking “, or the” and inserting “, the”;
25 and

1 (2) by adding at the end before the semicolon
2 the following: “, or section 203 of the Burma United
3 through Rigorous Military Accountability Act of
4 2018”.

5 **TITLE III—GOVERNANCE OF THE**
6 **BURMESE MINING AND GEM-**
7 **STONE SECTOR**

8 **SEC. 301. SENSE OF CONGRESS ON THE BURMESE MINING**
9 **SECTOR AND THE IMPORTATION OF BUR-**
10 **MESE GEMSTONES OR MINERALS.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) In 2015, the nongovernmental organization
13 Global Witness estimated that the value of total pro-
14 duction of jade in Burma in 2014 was
15 \$31,000,000,000, almost 48 percent of the official
16 gross domestic product of Burma. As much as 80
17 percent of that jade sold is smuggled out of Burma.

18 (2) Burma’s military and associated entities, in-
19 cluding companies owned or controlled by Myanmar
20 Economic Corporation and Myanmar Economic
21 Holding Limited, their affiliated companies and
22 companies owned or controlled by current and
23 former senior military officers or their family mem-
24 bers, are deeply embedded in the mining sector, in-
25 cluding the gemstone industry, and benefit finan-

1 cially from widespread illicit smuggling of jade and
2 rubies from Burma.

3 (3) Illegal trafficking in precious and
4 semiprecious stones from Burma, including the lu-
5 crative trade in high-value jade and rubies, deprives
6 the people of Burma and the civilian government of
7 critical revenue and instead benefits military-linked
8 entities, non-state armed groups, and transnational
9 organized criminal networks.

10 (4) The Government of Burma has begun to
11 take steps to reform aspects of the mining sector, in-
12 cluding governance in the gemstone industry by tem-
13 porarily suspending the issuance or renewal of jade
14 and gemstone mining permits; commissioning an en-
15 vironmental management plan for some mining
16 areas; and establishing the multi-stakeholder Jade
17 and Gemstone Support Committee under the Min-
18 istry of Natural Resources and Environmental Con-
19 servation to develop recommendations for a new in-
20 dustry-wide policy and limited gemstone payment
21 disclosures under the Myanmar Extractives Industry
22 transparency Initiative.

23 (5) The lifting in October 2016 of United
24 States sanctions on the importation of jadeite and
25 rubies from Burma allowed such gemstones to le-

1 gally enter the United States market, but some re-
2 tailers have refrained from sourcing gemstones of
3 Burmese origin due to governance and reputational
4 concerns.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) the United States should deepen engage-
8 ment with the Government of Burma with respect to
9 the mining sector and should make available tech-
10 nical, capacity-building and other assistance through
11 the Department of State or the United States Agen-
12 cy for International Development to support the
13 Government of Burma in efforts to reform the gem-
14 stone industry; and

15 (2) companies that seek to import into the
16 United States gemstones or minerals that may be of
17 Burmese origin or articles of jewelry containing such
18 gemstones should—

19 (A) obtain such materials exclusively from
20 entities that satisfy the transparency criteria
21 described in section 302(b) or from third par-
22 ties that can credibly demonstrate that they
23 sourced the materials from entities that meet
24 such criteria;

1 (B) undertake robust due diligence proce-
 2 dures in line with the Due Diligence Guidance
 3 for Responsible Business Conduct and Due
 4 Diligence Guidance for Responsible Supply
 5 Chains of Minerals from Conflict-Affected and
 6 High-Risk Areas of the Organization for Eco-
 7 nomic Cooperation and Development.

8 **SEC. 302. RESPONSIBILITY AND TRANSPARENCY IN THE**
 9 **MINING SECTOR.**

10 (a) LIST OF PARTICIPATING ENTITIES.—

11 (1) IN GENERAL.—Not later than 120 days
 12 after the date of the enactment of this Act, and not
 13 less than annually thereafter until the date described
 14 in subsection (e), the Secretary of State shall submit
 15 to the appropriate congressional committees a list of
 16 the entities described in each of subparagraphs (A)
 17 and (B) of paragraph (2) that—

18 (A) participate in Burma’s mining sector;

19 (B) meet the criterion described in sub-
 20 section (b)(1); and

21 (C) meet or have made significant progress
 22 towards meeting the criteria in subsections
 23 (b)(2) through (b)(5).

24 (2) ENTITIES DESCRIBED.—The entities de-
 25 scribed in this paragraph are the following:

1 (A) Entities that produce or process pre-
2 cious and semiprecious gemstones.

3 (B) Entities that sell or export precious
4 and semiprecious gemstones from Burma or ar-
5 ticles of jewelry containing such gemstones.

6 (b) CRITERIA DESCRIBED.—The criteria described in
7 this subsection are the following with respect to an entity:

8 (1) The entity publicly discloses beneficial own-
9 ership, as such term is defined for purposes of the
10 Myanmar Extractive Industry Transparency Initia-
11 tive (Myanmar EITI), and the entity is not owned
12 or controlled, either directly or indirectly, by the
13 Burmese military or security forces, any current or
14 former senior Burmese military officer, or any per-
15 son sanctioned by the United States pursuant to any
16 relevant sanctions authority.

17 (2) The entity publicly discloses any politically
18 exposed persons as defined by the Extractive Indus-
19 try Transparency Initiative who are beneficial own-
20 ers as defined under the Myanmar EITI.

21 (3) The entity publicly discloses valid authoriza-
22 tion, license, or permit to produce, process, sell, or
23 export minerals or gemstones, as applicable.

24 (4) The entity publicly discloses payments to
25 the Government of Burma, including tax and non-

1 tax, license, or royalty payments, and other pay-
2 ments or contract terms as may be required under
3 Myanmar Extractive Industry Transparency Initia-
4 tive standards.

5 (5) The entity undertakes robust due diligence,
6 in line with the OECD Due Diligence Guidance for
7 Responsible Supply Chains of Minerals from Con-
8 flict-Affected and High-Risk Areas, including public
9 reporting.

10 (c) PUBLICATION OF LIST.—The Secretary of State
11 shall publish the list under subsection (a) and shall peri-
12 odically update such list as appropriate.

13 (d) GUIDANCE.—The Secretary of State shall issue
14 guidance to relevant companies regarding supply-chain
15 due diligence best practices applicable to importation of
16 gemstones or minerals that may be of Burmese origin or
17 articles of jewelry containing such gemstones to mitigate
18 the potential risks associated with the importation of such
19 items.

20 (e) TERMINATION.—The requirement under sub-
21 section (a) shall terminate on the date on which the Presi-
22 dent certifies to the appropriate congressional committees
23 that the Government of Burma has taken substantial
24 measures to reform the mining sector in Burma, including
25 the following:

1 (1) Requiring the mandatory disclosure of pay-
2 ments, permit and license allocations, project reve-
3 nues, relevant contract terms, and beneficial owner-
4 ship, including identifying any politically exposed
5 persons who are beneficial owners, consistent with
6 the approach agreed under the Myanmar EITI and
7 with due regard for civil society participation.

8 (2) Separating the commercial, regulatory, and
9 revenue collection responsibilities within the
10 Myanmar Gems Enterprise and other key state-
11 owned enterprises to remove existing conflicts of in-
12 terest.

13 (3) Monitoring and undertaking enforcement
14 actions, as warranted, to ensure that entities fully
15 adhere to environmental and social impact assess-
16 ment and management standards in accordance with
17 international responsible mining practices, the coun-
18 try's environmental conservation law and other ap-
19 plicable laws and regulations, and that they uphold
20 occupational health and safety standards and codes
21 of conduct that are aligned with the core labor
22 standards of the International Labour Organisation
23 and domestic law.

24 (4) Actively seeking a comprehensive peace
25 agreement that addresses the transparent and fair

1 distribution of benefits from natural resources, in-
2 cluding local benefit-sharing, taking into consider-
3 ation proposals on fiscal federalism for new govern-
4 ance arrangements in resource-rich regions.

5 (5) Implementing on a timely basis policy re-
6 forms aligned with the recommendations of the
7 multi-stakeholder Jade and Gemstone Support Com-
8 mittee and reporting regularly on such reforms.

9 (6) Reforming the process for valuation of
10 gemstones at the mine-site, including developing an
11 independent valuation system to prevent undervalu-
12 ation and tax evasion.

13 (7) Requiring companies bidding for jade and
14 ruby permits to be independently audited upon the
15 request of Myanmar Gems Enterprise or the Min-
16 ister of Natural Resources and Environmental Con-
17 servation, and making the results of all such audits
18 public.

19 (8) Establishing a credible and transparent per-
20 mitting process that closely scrutinizes applicants,
21 including based on past performance, and prevents
22 unscrupulous entities from gaining authorized access
23 to concessions or the right to trade in minerals or
24 gemstones.

1 (9) Establishing effective oversight of state-
2 owned enterprises operating in such sector, including
3 through parliamentary oversight or requirements for
4 independent financial auditing.

5 (f) AUTHORIZATION.—The Secretary of State is au-
6 thorized to consult with appropriate officials of the Gov-
7 ernment of Burma to obtain such private-sector informa-
8 tion as may be necessary to carry out this section.

9 **TITLE IV—ACCOUNTABILITY**
10 **FOR HUMAN RIGHTS ABUSES**
11 **AND STRATEGY FOR ECO-**
12 **NOMIC GROWTH**

13 **SEC. 401. DETERMINATION AND REPORT ON ACCOUNT-**
14 **ABILITY FOR ETHNIC CLEANSING, CRIMES**
15 **AGAINST HUMANITY, AND GENOCIDE IN**
16 **BURMA.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of State
19 shall submit to the appropriate congressional committees
20 a report that—

21 (1) describes—

22 (A) allegations of ethnic cleansing, crimes
23 against humanity, and genocide in Burma; and

24 (B) potential transitional justice mecha-
25 nisms in Burma; and

1 (2) includes a determination whether the events
2 that took place in the state of Rakhine in Burma,
3 starting on August 25, 2017, constitute ethnic
4 cleansing, crimes against humanity, or genocide.

5 (b) ELEMENTS.—The report required under sub-
6 section (a) shall include—

7 (1) a description of—

8 (A) incidents that may constitute ethnic
9 cleansing, crimes against humanity, or genocide
10 committed by the Burmese military against the
11 Rohingya minority and the identities of any
12 other actors involved in such incidents;

13 (B) the role of the civilian government in
14 the commission of such incidents;

15 (C) incidents that may constitute ethnic
16 cleansing, crimes against humanity, or genocide
17 committed by violent extremist groups or anti-
18 government forces;

19 (D) incidents that may violate the principle
20 of medical neutrality and, to the extent possible,
21 the identities of any individuals who engaged in
22 or organized such incidents; and

23 (E) to the extent possible, a description of
24 the conventional and unconventional weapons

1 used for such crimes and the sources of such
2 weapons;

3 (2) a description and assessment by the Depart-
4 ment of State, the United States Agency for Inter-
5 national Development, the Department of Justice,
6 and other appropriate Federal departments and
7 agencies of programs that the United States has al-
8 ready undertaken or is planning to undertake to en-
9 sure accountability for ethnic cleansing, crimes
10 against humanity, and genocide perpetrated against
11 the Rohingya by the military and security forces of
12 Burma, the state government of Rakhine, Buddhist
13 militias, and all other armed groups fighting in
14 Rakhine, including programs to—

15 (A) train civilian investigators within and
16 outside of Burma and Bangladesh on how to
17 document, investigate, develop findings of, and
18 identify and locate alleged perpetrators of eth-
19 nic cleansing, crimes against humanity, or
20 genocide in Burma;

21 (B) promote and prepare for a transitional
22 justice process or processes for the perpetrators
23 of ethnic cleansing, crimes against humanity,
24 and genocide occurring in the State of Rakhine
25 in 2017; and

1 (C) document, collect, preserve, and pro-
2 tect evidence of ethnic cleansing, crimes against
3 humanity, and genocide in Burma, including by
4 providing support for Burmese, Bangladeshi,
5 foreign, and international nongovernmental or-
6 ganizations, the United Nations Human Rights
7 Council's investigative team, and other entities
8 engaged in such investigative activities; and

9 (3) a detailed study of the feasibility and desir-
10 ability of potential transitional justice mechanisms
11 for Burma, including a hybrid tribunal, to address
12 ethnic cleansing, crimes against humanity, and geno-
13 cide perpetrated in Burma, including recommenda-
14 tions on which transitional justice mechanisms the
15 United States should support, why such mechanisms
16 should be supported, and what type of support
17 should be offered.

18 (c) PROTECTION OF WITNESSES AND EVIDENCE.—
19 The Secretary of State shall take due care to ensure that
20 the identification of witnesses and physical evidence are
21 not publicly disclosed in a manner that might place such
22 persons at risk of harm or encourage the destruction of
23 evidence by the Government of Burma.

24 (d) AUTHORIZATION TO PROVIDE TECHNICAL AS-
25 SISTANCE.—

1 (1) IN GENERAL.—The Secretary of State, in
2 consultation with the Attorney General and the
3 heads of other appropriate Federal departments and
4 agencies, is authorized to provide assistance to sup-
5 port appropriate entities that are undertaking the
6 efforts described in paragraph (2) with respect to
7 ethnic cleansing, crimes against humanity, and geno-
8 cide perpetrated by the military and security forces
9 of Burma, the state government of Rakhine, Bud-
10 dhist militias, and all other armed groups fighting in
11 Rakhine State.

12 (2) EFFORTS AGAINST HUMAN RIGHTS
13 ABUSES.—The efforts described in this paragraph
14 are the following:

15 (A) Identifying suspected perpetrators of
16 ethnic cleansing, crimes against humanity, and
17 genocide.

18 (B) Collecting, documenting, and pro-
19 tecting evidence of such crimes and preserve the
20 chain of custody for such evidence.

21 (C) Conducting criminal investigations.

22 (D) Supporting investigations conducted
23 by other countries, as appropriate.

24 (3) ADDITIONAL SUPPORT.—The Secretary of
25 State, in consultation with the heads of other appro-

1 appropriate Federal departments and agencies and the ap-
2 propriate congressional committees, and taking into
3 account any relevant findings in the report required
4 by subsection (a), is authorized to support the cre-
5 ation and operation of transitional justice mecha-
6 nisms, including a potential hybrid tribunal, to pros-
7 ecute individuals suspected of committing ethnic
8 cleansing, crimes against humanity, or genocide in
9 Burma.

10 **SEC. 402. STRATEGY FOR PROMOTING ECONOMIC GROWTH**
11 **AND DEVELOPMENT.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary of State,
14 the Secretary of the Treasury, and the Administrator of
15 the United States Agency for International Development
16 shall jointly submit to the appropriate congressional com-
17 mittees a strategy to support inclusive and enduring eco-
18 nomic growth and development, in accordance with the
19 priorities of the Government of Burma to improve eco-
20 nomic conditions.

21 (b) ELEMENTS.—The strategy required by subsection
22 (a) shall include a plan to promote inclusive and enduring
23 economic growth and development, including the following
24 elements:

1 (1) A road map for economic reforms that
2 will—

3 (A) create an enabling environment for
4 economic growth and opportunity;

5 (B) enhance transparency, accountability
6 and good governance;

7 (C) diversify control and create competi-
8 tion in key industries and sectors dominated by
9 the current and former military officials, the
10 family members of such officials, and
11 businesspeople connected to the military.

12 (D) increase transparency disclosure re-
13 quirements in key sectors to promote respon-
14 sible investment;

15 (E) identify needs and opportunities to
16 provide technical assistance to key ministries,
17 institutions, and organizations to enact eco-
18 nomic reforms, including revisions to existing
19 policies on public disclosure of beneficial owner-
20 ship of companies in key sectors that will allow
21 for identification of those seeking or securing
22 access to Burma's most valuable natural re-
23 sources; and

24 (F) promote responsible investment.

1 (2) A work-plan, developed in collaboration with
2 the Government of Burma and the Myanmar Invest-
3 ment Commission to—

4 (A) establish a mechanism and enhance
5 the capacity of the Myanmar Investment Com-
6 mission to identify and exclude investors with a
7 negative track record with respect to corruption
8 or fiscal, social, or environmental harms;

9 (B) enhance transparency and disclosure
10 through the development and enforcement of
11 robust transparency and disclosure measures
12 under domestic law, including through incorpo-
13 ration of necessary elements of the Organiza-
14 tion for Economic Cooperation and Develop-
15 ment's due diligence frameworks into corporate
16 disclosure requirements;

17 (C) build capacity within civilian govern-
18 ment institutions, including to carry out effec-
19 tive oversight over public- and military-owned
20 entities and to appropriately regulate private
21 and public entities with regard to environ-
22 mental, social, financial, and governance issues;

23 (D) support reform of the gemstone indus-
24 try, including through technical, capacity-build-
25 ing, and other assistance, to address serious

1 challenges and help ensure that business activ-
2 ity in this industry benefits the people of
3 Burma;

4 (E) promote universal access to reliable,
5 affordable, and efficient electricity, including by
6 leveraging United States assistance to support
7 reforms in the electricity sector and electrifica-
8 tion projects that increase energy access
9 through partnership with multilateral organiza-
10 tions and the private sector;

11 (F) improve the government of Burma's
12 ranking in the World Bank's "Doing Business"
13 report; and

14 (G) secure private property rights and land
15 tenure.

16 (c) CONSULTATION REQUIRED.—In developing the
17 strategy required by subsection (a), the Secretary of State
18 shall consult with appropriate officials of the Government
19 of Burma.

20 (d) REPORT ON IMPLEMENTATION.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the submission of the strategy re-
23 quired by subsection (a), the Secretary of State, the
24 Secretary of the Treasury, and the Administrator of
25 the United States Agency for International Develop-

1 ment shall jointly submit to the appropriate congres-
2 sional committees a report in unclassified form, that
3 may contain a classified annex, that describes the
4 extent to which United States assistance and the ef-
5 forts of the Government of Burma have promoted
6 inclusive and enduring economic development in ac-
7 cordance with such strategy.

8 (2) ELEMENTS.—The report required by para-
9 graph (1) shall also address the efforts undertaken,
10 progress achieved, and any next steps planned by ei-
11 ther the United States or the Government of Burma
12 with respect to—

13 (A) the elements in section 301(b);

14 (B) the promotion of accountability and
15 transparency, including through the collection,
16 verification, and publication of beneficial owner-
17 ship information related to extractive industries;
18 and

19 (C) the promotion of best practices regard-
20 ing—

21 (i) environmental conservation, man-
22 agement, and planning;

23 (ii) social impact assessments, includ-
24 ing social and cultural protection and free,
25 prior, and informed consent and meaning-

1 ful participation of local populations, par-
2 ticularly minority ethnic nationalities;

3 (iii) avoidance of displacement of local
4 populations without meaningful consulta-
5 tion and consent, harm mitigation, or com-
6 pensation; and

7 (iv) due diligence procedures in ac-
8 cordance with the United Nations Guiding
9 Principles on Business and Human Rights
10 and the Due Diligence Guidance for Re-
11 sponsible Business Conduct and Due Dili-
12 gence Guidance for Responsible Supply
13 Chains of Minerals from Conflict-Affected
14 and High-Risk Areas of the Organization
15 for Economic Cooperation and Develop-
16 ment.

AMENDMENT TO H.R. 5819

OFFERED BY MR. ENGEL OF NEW YORK

Page 12, line 17, strike “\$151,600,000” and insert “\$195,600,000”.

Page 13, line 9, insert “for the 8-year period beginning on the date of the enactment of this Act,” before “the United States”.

Page 13, line 10, strike “military-to-military programs” and insert “security cooperation”.

Page 13, beginning line 11, strike “, including through training, observation, or participation in regional exercises,”.

Page 13, beginning line 13, strike “the Secretary of State” and all that follows through “appropriate congressional committees” and insert “the Secretary of State certifies to the appropriate congressional committees with respect to security assistance, as such term is defined in section 502B(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)), and, in consultation with the Secretary of Defense, with respect to security cooperation programs and activities of the Department of Defense, as

such term is defined in section 301 of title 10, United States Code,”.

Page 13, line 20, insert “, such as the following:” after “to prevent future abuses”.

Page 13, strike line 21.

Page 15, line 5, strike “binding”.

Page 16, line 6, strike “Paneling” and insert “Panglong”.

Page 19, line 18, strike “failed to investigate” and insert “has taken significant steps to impede investigations or prosecutions of”.

Page 22, beginning line 23, strike subsection (d).

Page 27, beginning line 10, amend paragraph (4) to read as follows:

- 1 (4) The Government of Burma has begun to
- 2 take steps to reform aspects of the mining sector, in-
- 3 cluding governance in the gemstone industry—
- 4 (A) by temporarily suspending the issuance
- 5 or renewal of jade and gemstone mining per-
- 6 mits;
- 7 (B) by commissioning an environmental
- 8 management plan for some mining areas;

1 (C) by establishing the multi-stakeholder
 2 Jade and Gemstone Support Committee under
 3 the Ministry of Natural Resources and Environ-
 4 mental Conservation to develop recommenda-
 5 tions for a new industry-wide policy; and
 6 (D) through gemstone payment disclosures
 7 under the Myanmar Extractive Industry Trans-
 8 parency Initiative.

Page 30, beginning line 18, strike “Extractive In-
 dustry Transparency Initiative” and insert “Myanmar
 EITI”.

Page 34, beginning line 5, strike subsection (f).

Page 38, beginning line 1, strike “, in consultation
 with” and all that follows through “agencies,”.

Page 38, beginning line 25, strike “in consultation
 with” and all that follows through “committees, and”.

Page 39, beginning line 13, strike “the Secretary of
 State,” and all that follows through “jointly submit” and
 insert “the President shall submit”.

Page 39, line 19, insert “, to the extent practicable,”
 after “Government of Burma”.

Page 42, line 19, insert “and of other countries” be-
 fore the period at the end.

Page 42, beginning line 23, strike “the Secretary of State,” and all that follows through “jointly submit” and insert “the President shall submit”.

Page 43, line 13, strike “the elements in section 301(b)” and insert “the measures described in section 302(e)”.



AMENDMENT TO H.R. 5819
OFFERED BY MR. WILSON OF SOUTH CAROLINA

At the end of title I, add the following new section:

1 **SEC. ____ . SENSE OF CONGRESS WITH RESPECT TO NON-**
2 **PROLIFERATION COMMITMENTS.**

3 It is the sense of Congress that the Government of
4 Burma should take all necessary steps to—

5 (1) bring into force the Additional Protocol to
6 its safeguards agreement with the International
7 Atomic Energy Agency (IAEA);

8 (2) modify its Small Quantities Protocol to con-
9 form with current IAEA standards; and

10 (3) provide the IAEA with a comprehensive
11 declaration of its nuclear facilities and nuclear-re-
12 lated activities.



Chairman ROYCE. So I will now recognize myself to speak on today's business. First, I'd just like to mention on the Cambodian Democracy Act, I want to thank Chairman Yoho. I think this is a very important bill to support the people of Cambodia.

Hun Sen aspires to be a tyrant there and he is behaving right now as a tyrant in terms of what he has done to the political opposition and to his people, and I am very proud to support this act, which will hold Hun Sen and hold his regime accountable for systematic human rights abuses.

I also want to recognize in the audience today our colleague, Congressman Alan Lowenthal, who's been a leader in Congress on U.S.-Cambodia issues. So, Alan, thanks for being with us.

Next, we have H.R. 5819, the BURMA Act. For over three decades, Burma has systematically denied the Rohingya even the most basic of human rights.

Last year, this ethnic cleansing reached new horrific levels. The Burmese military drove 700,000 Rohingya from their homes, burning villages, raping women, and killing thousands.

A Burmese commander told fleeing Rohingya, "We will turn your village into soil," and, tragically, that's what they did.

So I thank the ranking member, Mr. Engel, for introducing this important legislation aimed at stopping these horrific acts.

I'd like to comment on the Intercountry Adoption Information Act. International adoption is an issue that impacts Americans across the country.

I've been honored to help bring many families together and we played a role in going to the Congo in order to bring families back home here who were stranded there and we thank the members of this committee who participated in that.

This act requires the State Department to report annually on countries that have enacted new laws or policies that would impact inter-country adoptions and this information, obviously, would have been very helpful, for example, when the Congo or when Ethiopia both adopted sweeping new laws that put on hold adoptions for American families and left the families stuck there.

So I am glad to support this bill.

Next, we have H.R. 2259, the Sam Farr and Nick Castle Peace Corps Reform Act. We have worked closely with Judge Ted Poe on this issue.

This bill would ensure that Peace Corps volunteers have some say in where they are placed, to make sure that those volunteers are more aware of risks in the field, and that they have better access to qualified medical personnel when they are in the field.

It also extends and enhances expiring provisions in the Kate Puzey Act to provide services to victims who have been victims of sexual assault.

Our young men and women who volunteer with the Peace Corps deserve to have the information and support that they need as they represent our country overseas and this bill does that.

Next, we consider H.R. 3030, the Elie Wiesel Genocide and Atrocities Prevention Act. The U.S. must be a world leader in efforts to prevent genocide, in efforts to prevent crimes against humanity, and this act improves interagency coordination, it bolsters training for our diplomats in the field, and it strengthens congressional

oversight to make programs aimed at preventing global atrocities far more effective than they are today.

Next, we have Chairman Smith's H.R. 1911. As anti-Semitism is on the rise around the world, this bill ensures that the Special Envoy to Monitor and Combat Anti-Semitism has direct access to the Secretary of State. Elevating this office will help keep our promise of "never again."

And finally, we have H.R. 4989, the Protecting Diplomats From Surveillance Through Consumer Devices Act. This bill rightly addresses the need for the State Department to develop a clear modern policy regarding the use of devices that may have GPS tracking capability—frequently do—and I thank Representative Castro for this timely measure, which will ensure that the department's policies keep pace with evolving technology. Why? Because we need to keep our men and women safe overseas.

And I now recognize the ranking member, Mr. Engel of New York, for his remarks.

Mr. ENGEL. Thank you, Mr. Chairman. Thank you for calling this markup, and let me thank our colleagues for all the hard work on the measures we are considering this morning.

I'll start with the bill I introduced. I want to thank the chairman again for bringing it forward today and I am glad we are going to address the ongoing tragedy in Burma.

This crisis has been smoldering for years. The Rohingya in the northern part of Burma's Rakhine State have endured hatred, bigotry, and systematic discrimination. They've had their citizenship revoked and have been pushed to the margins of society.

Last August, the fire began to burn out of control with the Burmese military's violent crackdown on the Rohingya, driving nearly 700,000 people into Bangladesh, nearly 80 percent women and children, many of whom are now victims of horrific gender-based violence.

Humanitarian workers expect up to 40,000 births resulting from rape in the refugee camps. That is just horrific, it is gut wrenching, and shame on us. The United States has slammed the door on refugees when Bangladesh, one of the most densely populated countries in the world, has welcomed these people with open arms.

The administration wants to slash resources for combating gender-based violence. It has cut off funding for the U.N. Population Fund, which works in refugees camps to provide access to vital services—things so basic as making sure women have a safe place to shower.

So no thanks to us, the U.N. has requested more than \$1 billion to meet needs just this year, funding which would provide round-the-clock lifesaving assistance.

But with the coming rainy season threatening to wipe out the rickety infrastructure around these desperate people, there is no end to this tragedy in sight.

So we need to do more to alleviate this crisis. We also need to remember this crisis is manmade. It is ethnic cleansing and many believe it is genocide. Nothing has been done to hold perpetrators accountable.

The Burmese civilian government has become more closed, not more open, since this tragedy, and meanwhile, our administration

seems reticent to hold perpetrators accountable and publicly call for justice.

It's unacceptable. It's a betrayal of our values when we see this sort of abuse. There must be consequences.

My bill would dole out these consequences in the form of new sanctions against Burmese military and security forces involved. It would limit American military engagement with Burma's military, promote civil society, push a political reform, and require a full accounting of what's taken place.

I am grateful for the bipartisan collaboration in advancing this bill and I ask all members for their support and I thank the chairman for helping to push this bill forward.

Next, I want to thank Chairman Yoho of the Asia and the Pacific Subcommittee and Congressman Lowenthal for bringing forward the Cambodia Democracy Act. I want to recognize Mr. Lowenthal, who is the lead Democratic co-sponsor of H.R. 5754, the Cambodia Democracy Act, who was here.

He was once a member of this committee and welcome back to the Foreign Affairs Committee. Thank you.

For far too often, we see authoritarian leaders following China's lead, abandoning democracy in pursuit of short-term political gain.

This bill makes existing sanctions permanent to hold Cambodia's leaders accountable for their crackdowns on democracy and stripping the Cambodian people of their rights.

I support this bill and I urge all members to do the same.

Next, I am a proud original co-sponsor of the Special Envoy to Combat and Monitor Anti-Semitism Act. Every day, more and more alarming anti-Semitic attacks shock the world and yet the Special Envoy position is still vacant.

That's outrageous. We must have a senior official to push back against the intolerance and hatred of anti-Semitism. This bill would elevate the position and require the President to put forward a nominee no more than 120 days after a vacancy.

American leadership is needed in the fight against anti-Semitism. The measure has my strong support. History has shown that failing to address anti-Semitism can lead to violence and genocide as a foreign policy priority to prevent these tragedies.

So I thank Representatives Wagner and Crowley for authoring the Elie Wiesel Genocide and Atrocities Prevention Act, which would improve our ability to prevent and respond to genocide and other horrific mass atrocities.

Let's work on harnessing American capabilities to stop these tragedies before they start. I urge my colleagues to join me in supporting this bill.

Next, let me thank Congressmen Poe and Kennedy for their bill, the Sam Farr and Nick Castle Peace Corps Enhancement Act. This bill works to improve the health, safety, and security of Peace Corps volunteers.

The Peace Corps represents America's best values around the world. Volunteers dedicate their time to promote people-to-people diplomacy and community-based development in far corners of the world.

This is one of our most cost-effective efforts and we should do everything we can to take care of these committed young public servants. I very much support this bill.

I am also glad to support the Intercountry Adoption Information Act. Too often we hear heart wrenching stories of American families whose adoption process was halted by a foreign government's change in policy.

These families are often left in the dark when these changes happen. This bill presents a straightforward fix, requiring the State Department to provide this information that affects prospective adoptive American families.

And lastly, I'd like to thank Mr. Castro for introducing the Protecting Diplomats From Surveillance Through Consumer Devices Act.

This bill would help the Department of State prevent our adversaries from tracking American diplomats through their GPS-enabled devices.

From FitBits and smart watches to phones in cars, most of us have at least one tracking device with us at all times. Obviously, that can be a security risk. This common sense measure would make sure the department takes necessary steps to tackle this problem.

These are all good measures in front of us today. I support them all. I thank the chairman for his hard work and I urge all members to support them as well.

I yield back.

Chairman ROYCE. Thank you, Mr. Engel.

We go to Ileana Ros-Lehtinen of Florida.

Ms. ROS-LEHTINEN. Thank you so much, Chairman Royce and Ranking Member Engel. I offer my support for all of the bills under consideration and will speak briefly in support of three of them.

I am proud to be a sponsor of my friend, Chris Smith's, bill, H.R. 1911, the Special Envoy to Monitor and Combat Anti-Semitism Act of 2017.

This elevates the critical position to the rank of Ambassador. This bill has broad bipartisan support including from many members of our committee and from all the co-chairs of our bipartisan task force for combating anti-Semitism.

As a fellow founding member and co-chair of the task force, along with Ted Deutch, Chris, and Ranking Member Engel, this is an issue that is of utmost importance, given the current climate in Europe and elsewhere toward Jews.

This vital position has remained vacant since President Trump took office and that is woefully inadequate. The United States is a leader in fighting anti-Semitism and we condemn all forms of this ancient bigotry.

But sometimes our message falls far short when other countries see that our own administration does not view this position as one that is important enough to fill.

We need our Special Envoy front and center working with other governments to help them address and fight anti-Semitism.

At a time when we see vicious attacks against Jews in France and other countries in Europe and when Jewish leaders are issuing warnings to their communities to not show outward signs of their

religious identity, we need American leadership and American pressure to help counter this hatred.

But we cannot do that when we have individuals working part time, unable to devote the requisite amount of time to this issue. That is why we need the Special Envoy and that is why we need that position filled immediately.

Not only does it require full time attention but it is vital that we have someone at the Ambassador level ranked in that position so they have access to the highest level officials in other countries.

We need to show other nations how serious we are in taking this issue head on and, as such, we need to bestow upon that individual who will take this role the appropriate rank and title so they can cut through the bureaucratic red tape of other nations and have the serious conversations that need to be had.

I am also pleased that my language adding a deadline for the appointment—90 days from the enactment of this act and 120 days from when this position becomes vacant—that has been included.

And as we have seen not just with this administration but previous administrations have allowed this statutorily mandated position to remain open for an extended period of time.

That is why it's important that we put a deadline for this appointment. I urge my colleagues to support Chris' bill. I urge the administration to fill this position immediately.

I also want to offer my strong support to Ambassador Wagner's bill, H.R. 3030, the Elie Wiesel Genocide and Atrocities Prevention Act, of which I am proud to be a co-sponsor.

Ambassador Wagner's bill takes necessary and overdue steps to make preventing genocide and preventing atrocities a priority in our foreign policy.

For too often and in too many places, these acts are met with indifference or neutrality—the kind of neutrality that the bill's namesake rightly said only encourages more torment and abuses.

As Holocaust survivor Elie Wiesel once said, whenever men and women are persecuted because of their race, religion, or political views, that place must at that moment become the center of the universe.

Whenever and wherever these acts are occurring we must work together and ensure that the United States is at the forefront with the full weight of our foreign policy to prevent them from ever happening again.

It is a core national security interest, it is our moral responsibility, and I commend always Ambassador Wagner for her work on this issue.

And finally, some words to offer my strong support for Ranking Member Engel and Steve Chabot's H.R. 5819, the BURMA Act of 2018, of which I am also proud to be a co-sponsor.

As the former chairman of the Asia and Pacific Subcommittee, Steve has been a tireless champion on human rights in Burma. I want to commend him and the ranking member for their work on this bill.

The Burmese military ethnic cleansing campaign is a crime against humanity, exactly the type of atrocity that Ambassador Wagner's bill is seeking to prevent.

Among other provisions, this bill would authorize humanitarian assistance for victims of the Burmese military campaign, limit security assistance with security forces, and impose targeted sanctions against those responsible for these serious human rights abuses.

We cannot allow this issue to go on unaddressed. I urge my colleagues to support this bill and all the measures before us today.

Thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Ileana.

Mr. Brad Sherman of California.

Mr. SHERMAN. Mr. Chairman, thank you for bringing forth outstanding bills. I am pleased to co-sponsor all of them.

As to the Special Envoy to Monitor and Combat Anti-Semitism Act, I commend Mr. Smith and Schneider. This is an important office. It ought to be upgraded to the rank of full Ambassador and we need to make sure that the President fills the position.

I've seen this office do outstanding work, particularly during the year and a half in which my wife served as the Deputy Special Envoy.

The two bills to deal with Asia and to come through the Asia and the Pacific Subcommittee—the Cambodia Democracy Act—I want to commend not only Mr. Yoho but also Mr. Lowenthal. He has been a constant voice for human rights in Cambodia, and I agree with him that Hun Sen's attacks on democracy need to end and reporters, among other politically imprisoned individuals, need to be released.

As to the BURMA Act, I commend the ranking member and Mr. Chabot, and we may have to go beyond this bill. As long as Burma refuses to provide citizenship and protection for the Rohingya, we have to wonder whether northern Rakhine State should be part of Burma or whether its transfer to the sovereignty of Bangladesh might be necessary in order to assure that the people who have lived there for generations have citizenship and protection. I say that knowing that we are loathe to change international borders.

The Protecting Diplomats from Surveillance Act is an important bill as is the Sam Farr Peace Corps Enhancement Act. First it's named for Sam Farr, our California colleague, who served in the Peace Corps and then was such an effective advocate for the Peace Corps.

And second, the bill focuses on the need for medical care for those serving abroad. My wife served in Togo in the Peace Corps and found it necessary to get medical care and it was quite difficult and her service was interrupted.

So the idea of making sure that medical care is available is an important addition to the Peace Corps' government statutes.

With that, I yield back.

Chairman ROYCE. Thank you.

We go to Chris Smith of New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman, and thank you for posting this important bill, H.R. 1911, to take the Special Envoy to Combat and Monitoring Anti-Semitism and create a position of Ambassador-at-Large.

I want to thank Brad Schneider for being the principal Democrat co-sponsor. I deeply appreciate that and, of course, as Ileana Ros-

Lehtinen, one of the other sponsors, pointed out, Eliot Engel and Ted Deutch, all of us who were part of this coalition trying to stop anti-Semitism—a bipartisan one—are all co-sponsors of this bill.

And all 80 members, 25 members of this committee, and leading Jewish organizations and other human rights groups are all for it as well.

Mr. Chairman, my friend and great former Soviet refusenik—and I actually went to the camp where he was, Perm Camp 35, in the Ural Mountains in the 1980s—he testified at two of my hearings, and I’ve had several.

He said that we need to expand our understanding as to what anti-Semitism is. It continues to fester and worsen with regards to hatred toward Jews—men, women, and children—simply because they are Jewish.

But he also said much of the criticism directed at Israel is also laden with anti-Semitism and said there are three D’s—a 3 D test that we need to apply—and that is the three D’s of modern anti-Semitism: Demonization of Israel, double standard, and delegitimization—in other words, not right to exist.

I would point out to my colleagues that Rabbi Andy Baker, the director for international Jewish affairs for the American Jewish Committee and the personal representative for combating anti-Semitism for the Organization for Security Cooperation in Europe, which I am the co-chair of the U.S. delegation, he has said, “We continue to see physical and even lethal attacks on Jews in Europe, efforts to restrict or ban elemental religious practices, and emboldened extremist political parties with an anti-Semitic agenda.”

Even as European governments have come to recognize the dangers facing their Jewish communities, many still have failed to devote the necessary resources to protect them or to be clear-eyed in recognizing the sources of the problem.

According to B’nai B’rith International, unfortunately, we continue to see a dramatic growth of anti-Semitism, particularly in Europe and the Islamic world.

The scourge has reached its highest level since World War II. B’nai B’rith International—and then they go on to talk about what they are doing.

They also pointed out in Canada last year was a record-breaking year for anti-Semitism in Canada, according to their new audit.

There is a need for a comprehensive aggressive robust effort by the United States. I would point out to my colleagues in 2004 Congress passed and signed into law the Global Anti-Semitism Review Act of 2004. I was the prime author of the provisions that created both the Office to Monitor and Combat Anti-Semitism in the State Department and the position of Special Envoy to Monitor and Combat Anti-Semitism to lead it.

H.R. 1911, however, would elevate the Special Envoy to Ambassador, and that gravitas makes a difference both within the building and when he or she takes this message throughout the world.

It would mandate that the Special Envoy serve as the primary advisor to the United States Government, including the Secretary of State, on monitoring and combating anti-Semitism in foreign countries and coordinate efforts across the government.

It also would prohibit the Special Envoy from being double hatted, something that we faced early on after the 2004 act. Give it to somebody else. Expand their portfolio. That dilution of the mandate weakens the efforts.

I would also point out that we have language saying that the envoy—and that would be an Ambassador—needs to be nominated within 90 days of the enactment of this act because we have had unbelievable delays no matter who is President.

And I would point out Bush took 583 days, Obama 307 days, and then when there was a change 227 days after that when the one that he originally had in the position left.

Long delays—nobody leading the ship or being at the helm. I would point out, however, that when Special Envoys Greg Rickman, Hannah Rosenthal, and Ira Foreman had the job, they did a tremendous job and were the eyes and ears and they were the voice of our Government in combating this scourge.

I want to thank everyone for doing this and backing it. We do have a great deal of support for it, and the time has come. There should be no further delay.

We do call on President Trump. We did—all of us asked Secretary Tillerson to move in this direction. We are now asking Secretary Pompeo to make this appointment and to do it immediately, and then, God willing, this becomes law, we can then work to elevate that Special Envoy to the Ambassador.

Thank you.

Chairman ROYCE. Thank you.

We go to Mr. Gerry Connolly of Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman. Just I want to thank you for putting all these bills on the agenda today. Glad to sponsor as an original co-sponsor or as a co-sponsor of all of them.

I particularly want to highlight four. The BURMA Act—really important that we support the democratic transition while also holding accountable those that have engaged in unbelievable violence against part of the population. I think this bill strikes that balance.

The Sam Farr Peace Corps Enhancement Act—I was privileged to work with my friend and colleague, Judge Ted Poe, a number of years ago in the previous administration in helping Peace Corps work through a sexual assault policy.

This bill adds to that and honors our former colleague, a very gentle and wonderful man, Sam Farr.

The Elie Wiesel Genocide and Atrocities Prevention Act—Elie Wiesel was a towering figure of the last century and a survivor of the Holocaust who, out of that incredible experience, nonetheless understood how to fight persecution while promoting atonement and trying reconciliation for warring parties, and it's fitting that we should name this bill after him.

And finally, the Cambodia Democracy Act—I was privileged a number of years ago to work on a project with the National Democratic Institute in Cambodia to help develop the first policy guidelines and legislation government local elections.

It's very sad for me to see it sliding back by the Hun Sen government in Cambodia and, hopefully, this legislation will be the build-

ing block for a robust U.S. policy and allied policy to stop that slide and to return to democratic tradition.

I thank the chair.

Chairman ROYCE. Thank you, Mr. Connolly.

Mr. Steve Chabot of Ohio.

Mr. CHABOT. Thank you, Mr. Chairman, and thank you for holding this markup today, and I support H.R. 5819, the BURMA Act.

It's a bill that we worked with Mr. Engel and the chair, Mr. Royce, and other members. I think this is really an important bill and it holds the perpetrators of the crimes committed against the Rohingya Muslims accountable in a strong and meaningful way.

The news from Rakhine State in Burma and in the Cox's Bazar in Bangladesh regarding the humanitarian crisis has been nothing short of abysmal.

As former chair of the Asia and Pacific Subcommittee, I'd point out that this ongoing crackdown is only the most recent persecution of the Rohingya Muslims but it's certainly the worst.

The Rohingya fled to neighboring Bangladesh and nearly 700,000 new refugees are living on only a few thousand acres, and although the Rohingya continue to display their grit and resolve, their living conditions are horrendous—just unspeakable.

I believe it's necessary to point out that we had sanctions in place against Burma's military for years. Throughout Burma's military rule, we imposed a number of increasingly severe sanctions designed to specifically target the military and its leaders and economically isolate them from the rest of the world.

In large part, these sanctions worked, and the people of Burma had free and fair elections that brought Aung San Suu Kyi and the NLD to power.

Unfortunately, the previous administration quickly touted Burma as a success story and then, regrettably, almost immediately relaxed restrictions on their military.

A number of us warned—at the time—that this democratic transformation was not complete and that the former President's optimism was premature.

Unfortunately, this concern ultimately came true. There is no question that the plight of the Rohingya was caused by the Burmese military officials and their allies.

Women and children have been reported being raped. They watch the murder of their sons and husbands. There are reports that the Burmese military has committed truly unspeakable acts against civilians including babies and children.

One thing is clear. This is textbook genocide. It appears to be the worst ethnic cleansing of the 21st century. So that is precisely why the BURMA Act of 2018 is so fundamentally important.

Sanctions must be brought against the perpetrators of these crimes. We must show the world that these actions will not go unpunished. Many provisions in this bill are very important.

However, I'd like to highlight a particular section and that's forfeiture of assets and property, and I want to thank my staff and my colleagues on this committee and also on the Judiciary Committee and we worked with them and their staff. We want to thank them for their cooperation in insisting that this language be included in the bill. It will be crystal clear to the Burmese military

officials that are responsible for this senseless violence that one way or another they will pay for their crimes.

Furthermore, it's my hope that proceeds earned through the forfeiture of property provisions will eventually be used for assistance and restitution for the very people the Burmese military have victimized.

So I would urge my colleagues to support the BURMA Act, and then I, with the short time I have left here, I'd like to mention as co-chair of Congressional Caucus on Cambodia—and I again want to, as others have already recognized, Mr. Lowenthal for his hard work in that area.

We worked together in a bipartisan way to help the people of Cambodia in a whole range of ways and so I want to mention the Cambodia Democracy Act and commend Chairman Yoho for his hard work and leadership on that and also Mr. Lowenthal and everyone who contributed to this legislation for their hard work.

The Cambodia Democracy Act demonstrates our continued commitment to the Cambodian people by targeting sanctions on Hun Sen and his cronies who have systematically worked to eliminate Cambodia's democracy.

Further, with Cambodia's election now only a few months away, at the end of July, this legislation is very timely and sends a clear message that we will not tolerate such lawless actions and I would urge my colleagues to support it.

I yield back.

Chairman ROYCE. Thank you.

Mr. Ted Deutch of Florida.

Mr. DEUTCH. Thank you, Mr. Chairman.

Chairman Royce, Ranking Member Engel, thanks for bringing these bills forward. I am proud to support all of the measures today and will speak briefly on just four of them.

First, I wanted to thank Chairman Yoho for the Cambodia Democracy Act of 2018, and given the ongoing threats in Cambodia to free and fair elections this summer, the challenges to a free and independent press and the lack of respect for NGOs, I am grateful to the leadership of our colleague, Representative Lowenthal, who's here and has introduced this bill with Chairman Yoho for taking on a vitally important issue and showing the respect for human rights that the people of Cambodia deserve.

I am also proud to co-sponsor the Elie Wiesel Genocide and Atrocities Prevention Act and I would recognize Ambassador Wagner for her work on this bill.

Out of the darkness of the Holocaust, Elie Wiesel carried the "never again" banner to prevent genocides or mass atrocities in the future.

With his support, we created the United State Holocaust Memorial Museum—a living memorial to those who perished in the Holocaust and a research and education center to cover mass atrocities that may be taking place right in front of our eyes.

Tragically, even in 2018 these atrocities continue and we don't need to look any further than Burma. Civilians continue to be targeted based on their religion, race, ethnicity, or some other criteria that drives people to commit mass murder.

If we want to be able to say and mean, “never again,” then we need to strengthen our laws and empower the government officials to carry it out.

This bill is a significant step in that direction. It states unambiguously that genocide or mass atrocities occurring in another part of the world pose a threat to our national security.

The methodical and deliberate mass killing of civilians is not only egregious and immoral, it is a crime under international law and a threat to what we as Americans stand for.

This bill will also train our Foreign Service officers, often on the diplomatic front lines, to identify warning signs and to direct the administration to report to Congress and the American people what steps it has taken to prevent or stop mass atrocities. I urge my colleagues to support this legislation and improve our Government’s response to mass atrocities around the world.

Next, I’d like to express my support for the BURMA Act. The plight of the Rohingya has been painful to watch and I am especially discouraged that it is happening in a country that once appeared to be on the track toward a peaceful civilian-led democracy.

The Burmese military’s treatment of the Rohingya people and the resulting mass exodus into Bangladesh represents a travesty on a shocking scale.

I am very proud to co-sponsor this legislation. I believe it’s important to codify the human rights abuses committed by the Burmese military and security forces while outlining the policy of the United States to support Burma’s transition to real democracy.

The bill’s emphasis on the safe return of the Rohingya to Burma and the promotion of freedom of the press are vital and important steps.

Only until all of the people are included as full citizens and are allowed to return, acts of ethnic cleansing are ended, and freedom of religion and the press are ensured will Burma again resemble a nation moving toward real democracy.

And finally, I’d like to voice my support for the Special Envoy to Monitor and Combat Anti-Semitism Act, a bill of which I am an original co-sponsor.

I want to recognize Congressman Chris Smith for leading this bill with Chairman Ileana Ros-Lehtinen, my many colleagues, including Ranking Member Engel, Congressman Schneider, Congressman Lowey, Congressman Veasey, Roskam, Weber, and Congressman Bilirakis.

It’s been well over a year now and the administration has failed to nominate a Special Envoy to combat anti-Semitism around the world. It’s unacceptable. The position was created in 2004 with bipartisan support by provisions authored by Congressman Smith.

This is a law that cannot be ignored. The Special Envoy and its staff are tasked with monitoring worldwide anti-Semitism, building coalitions by working with governments and NGOs, and acting as our nation’s leading global advocate for combating anti-Semitism.

This, in a time when we are seeing more anti-Semitic activity rise from the political left and right. We are hearing appalling stories like the Holocaust survivor who was brutally murdered in her apartment and our Government cannot be silent in moments like these.

The United States has historically been a leader in calling out anti-Semites and pushing governments to do more to protect their Jewish citizens.

This is not a time to give up that leadership role. We have to address it when this troubling—address this troubling trend with action.

Jews are often the canary in the coal mine. Hatred of a country's Jewish citizens confirms the presence of hatred in that country and everyone in those countries share in its interest in combating this and all hatred.

With this bill, Congress recognizes that this is a problem worldwide, that it is our Government's obligation to combat anti-Semitism, to defeat this bigotry and defend Jewish communities.

Filling this position must be a top priority and I urge my colleagues to vote for this bill, and I thank the chairman.

Chairman ROYCE. Mr. Joe Wilson of South Carolina.

Mr. WILSON. Thank you, Mr. Chairman.

I am grateful to Chairman Ed Royce and Ranking Member Eliot Engel for holding this markup on critical issues such as protecting human rights, enhancing diplomat and Peace Corps volunteers' security and safety, and improving international adoption procedures, all of which I am grateful to co-sponsor.

I especially want to thank Congresswoman Ann Wagner for introducing the Elie Wiesel Genocide and Atrocities Prevention Act. Elie Wiesel, who passed away less than 2 years ago, survived both Auschwitz and Buchenwald Nazi concentration camps after having lost his family to the camps.

This legislation contributes to his memory by requiring the U.S. Government to train Foreign Service officers to spot warning signs of genocide and to provide poor nation information sharing among the intelligence community in order to prevent future crimes against humanity.

I also want to thank Congressman Chris Smith for his providing the Special Envoy to Monitor and Combat Anti-Semitism Act of 2017. While the Department of State should be routinely setting the instruction and roles of numerous Special Envoys, some Special Envoys such as the envoy to monitor and combat anti-Semitism will operate best by having Ambassador status with direct access to the Secretary of State.

Sadly, we see anti-Semitism today as there is criticism of the U.S. Embassy being located in Jerusalem.

Lastly, I want to express my gratitude to Ranking Member Eliot Engel for introducing the BURMA Act of 2018. This act states for the record that the Burmese military is responsible for the murder and ethnic cleansing of the Rohingya in Burma and provides for sanctions in response to such crimes until Burma becomes more transparent.

Burma should also deliver on its nonproliferation commitments by fully disclosing its past and present nuclear activities to international inspectors, which was included by an amendment I provided.

Today's markup legislation shows the world that the United States cares deeply about the priorities we place on human rights and I urge their passage.

I now yield the balance of my time to Judge Ted Poe.

Mr. POE. I thank the gentleman from South Carolina.

I want to speak specifically on the Sam Farr/Nick Castle Peace Corps Act. I want to thank Congressman Joe Kennedy for his bipartisan leadership in this and the Kennedy family and their long history of supporting the Peace Corps.

Mr. Chairman, unfortunately, over the last few years, bad things have happened to our Peace Corps volunteers when they go abroad and we solved some of those problems with the Kate Puzey Act. This is a follow-up to that legislation.

I want to thank the Health and Justice for Peace Corps volunteers and the National Peace Corps Association for their input and information on what is happening to our Peace Corps volunteers.

This legislation does several things. It requires that we provide qualified medical doctors for our Peace Corps volunteers. It increases the time for the Sexual Assault Advisory Council to another 5 years.

It provides provisions in the protection of sexual assault and harassment as revealed in the Office of Special Counsel report detailing what has happened to our Peace Corps volunteers abroad and when our Peace Corps volunteers return to America, some with injuries and serious medical issues, make sure they are taken care of and the bureaucratic red tape of the Federal Government gets out of the way so they can be treated.

And I also want to thank the chairman for his leadership in this legislation. I ask unanimous consent to provide my entire written statement on this bill and these other bills into the record.

Chairman ROYCE. Mr. David Cicilline of Rhode Island.

Mr. CICILLINE. Thank you, Mr. Chairman, and thank you to and Ranking Member Engel for bringing these bills before the committee for markup. I am a proud co-sponsor of all the bills and would like to specifically speak to four.

First, H.R. 1911, the Special Envoy to Monitor Anti-Semitism Act of 2017, which raises the status of the Special Envoy to Ambassador in recognition of the position's important role and responsibility.

Earlier this year, I joined the ranking member and several other of my colleagues in calling on the President to prioritize the appointment of the Special Envoy to monitor and combat anti-Semitism.

Unfortunately, we are still awaiting a nomination on this position. Since the position of Special Envoy to monitor and combat anti-Semitism was created in 2004, anti-Semitism and anti-Semitic attacks throughout the world have become more frequent, violent, and deadly. These developments are completely unacceptable.

In the United States, the number of anti-Semitic incidents rose 57 percent in 2017—the largest single-year increase on record.

Internationally state-sponsored Holocaust distortion and denial taking place in Europe, particularly in Poland and Ukraine, has coincided with the increasing incidence of anti-Semitic language and actions.

The United States must assume a leadership position by firmly standing against anti-Semitism, upholding values that are fair and just to all, and the Office of the Special Envoy continues to be a

crucial contributor to the development and implementation of policies designed to combat anti-Semitism around the world.

H.R. 3030, the Elie Wiesel Genocide and Atrocities Prevention Act, and H.R. 5819, the BURMA Act, are also incredibly important.

Elie Wiesel was a Romanian Nobel Prize-winning writer, teacher, and activist best known for his memoir "Night" in which he hauntingly recounted his experiences surviving the Holocaust.

In one passage, he described his thoughts about the murders going on around him.

He wrote,

"Never shall I forget that smoke. Never shall I forget the little faces of the children whose bodies I saw turn into wreaths of smoke beneath the silent blue sky. Never shall I forget those flames which consumed my faith forever. Never shall I forget the nocturnal silence which deprived me for all eternity of the desire to live. Never shall I forget those moments which murdered my God and my soul and turned my dreams to dust. Never shall I forget these things, even if I am condemned to live long as God himself. Never."

I wish I could say that the events Mr. Wiesel recounted were singular and only a part of our past. Unfortunately, genocides and mass atrocities continue to occur.

I was in Burma last November and visited Myanmar as well as Bangladesh and saw firsthand the brutal efforts underway to eradicate the Rohingya population and the most horrifying of unspeakable brutality being caused by the Burmese military against the Rohingya population and it is important that the world hear the United States strongly condemn this and take action to hold those accountable, and I am very proud to be a cosponsor of both H.R. 3030 and H.R. 5819.

These bills not only reaffirm our nation's commitment to prevent and mitigate acts of genocide and other human rights atrocities but puts actions behind our words.

By strengthening our nation's ability to identify, address, and respond to the drivers of these atrocities, we hope to prevent further mass atrocities.

By empowering the President to sanction perpetrators of genocide, we hope to bring accountability and an end to the current situation in Burma and offer these governments the possibility of joining the international community and holding perpetrators of mass atrocities and genocides accountable, because, like Mr. Wiesel, we should never forget.

And finally, the Cambodian Democracy Act—I am proud to be a co-sponsor of this legislation, which also authorizes sanctions against individuals found to have undermined democracy in Cambodia or to have committed serious human rights violations associated with undermining democracy.

I want to acknowledge the leadership of Chairman Yoho and Congressman Lowenthal, who's with us today, who has been a champion not only of this legislation but of respect for human rights here in the United States and around the world, and we thank him for his leadership.

With these bills we affirm U.S. leadership in countering atrocities, supporting democratic development, and supporting human rights. I am pleased to support each of these bills being considered today and urge their passage, and thank you, Mr. Chairman.

And I yield back.

Chairman ROYCE. Thank you, David.

We go now to Mike McCaul of Texas.

Mr. MCCAUL. I thank you, Mr. Chairman and Ranking Member, for holding today's markup on these bipartisan measures.

I'd also like to thank Congressman Castro and his staff for their hard work on the Protecting Diplomats from Surveillance Through Consumer Devices Act and I am proud to be the lead co-sponsor of this bill.

It's a simple yet a necessary response to the revelations in January. GPS-enabled electronic devices such as FitBits and Jawbones exposed diplomatic and military personnel to security vulnerabilities abroad.

The data from these devices are publicly available, revealing the locations of key U.S. Government facilities across the globe and the movements of our personnel.

As such the bill requires the Secretary of State to establish a policy concerning the use of location-tracking consumer devices including GPS at U.S. diplomatic and consular facilities.

So I'd like to thank the State Department also for taking this matter seriously. I think it's a vulnerability that we need to close the gap on to protect our diplomats and our security abroad and I look forward to congressional action in protecting them as they serve our nation.

So, Mr. Chairman, with that, thank you for moving these bills through the committee and I'll yield back the balance of my time.

Chairman ROYCE. Thank you, Mr. McCaul.

We now go to Lois Frankel of Florida.

Ms. FRANKEL. Thank you, Mr. Chair, and thank you and the ranking member and all my colleagues for that leadership and I welcome back Mr. Lowenthal to our committee and sitting here. Thank you for your work on the Cambodia Democracy Act.

I want to—I support all these bills here today. I just want to make a comment on two of them.

The first one, the Special Envoy to Monitor and Combat Anti-Semitism Act of 2017, and I think we all know that global anti-Semitism is, unfortunately, on the rise.

Jewish communities face bigotry and violence at levels not seen in decades. I want to give an example—Mireille Knoll, an 85-year-old Holocaust survivor living in Paris, loved by friends and neighbors, known for welcoming everyone in her home, in March an attacker broke into her apartment, stabbing her 11 times and burning her alive.

The French Government described it as anti-Semitic—yes, you would say that. She had escaped the Holocaust only to be brutally murdered in her own home just because she was Jewish.

According to a study, Europe's largest Jewish communities are experiencing a normalization and main streaming of anti-Semitism not seen since World War II and yet—and this is—I do not understand this—nearly a year and a half into this administration, a

Special Envoy to monitor and combat anti-Semitism position be responsible for—responsible for developing and implementing policies to combat anti-Semitism worldwide, this position remains vacant.

And I just want to say that I think it's dangerous and it's shameful and—because combating anti-Semitism must be a foreign policy priority. So this important legislation, it elevates the role of our anti-Semitism envoy to that of Ambassador and requires him or her to report directly to the Secretary of State.

I'd also like to draw attention to the BURMA Act of 2018. Last fall, we had a hearing in this committee about the Rohingya crisis and last week the Democratic Working Women's Group heard from U.N. Refugee Agency's goodwill ambassador, Kristin Davis, an actress and humanitarian, and I think we have heard this from my other colleagues—about more than 700,000 Rohingya refugees have been forced to flee Burma by security forces—villages burned, unarmed civilians shot, women and girls assaulted.

The United States Government has called these actions ethnic cleansing and many in the international community believe it's genocide, and that's why this bill is so important.

It imposes sanctions on those who have committed acts of violence and limits security assistance to Burma until it's certified that human rights abuses have ended, like the horror of a mother who was forced to stand in a river at gunpoint, holding her child in her arms as she squeezed her baby tight.

Soldiers clubbed her in the face, tore her child out of her arms, hurled them into a fire, and then dragged her into a house where she was gang raped. It's hard to even say this.

And just, unbelievably, she's one of hundreds of thousands of Rohingya refugees who are either women or children in refugee camps in Bangladesh.

Fortunately—I want to underline this—the U.N. Population Fund is on the ground with midwives and mobile health camps to care for survivors of rape and conduct information sessions to stop human trafficking.

And since we all care about this tragedy, I want to point out that this administration has cruelly cut off funding to the U.N. Population Fund for the second year in a row, leaving it to the rest of the international communities to fill in the gap.

With monsoon season approaching, floodings and disease outbreaks expected, many of the lives of these refugees who have suffered so much are already going to get harder.

So, again, I strongly support the adoption of this bill and I urge my colleagues to look beyond and recognize that our response to a humanitarian crisis will not be sufficient unless we restore the funding to the U.N. FPA. I thank my colleagues and I yield back.

Chairman ROYCE. Thank you.

We go to Congresswoman Ann Wagner from Missouri.

Mrs. WAGNER. I thank you, Mr. Chairman.

I am speaking today in support of the Elie Wiesel Genocide and Atrocities Prevention Act, a bill I introduced to improve U.S. efforts to prevent mass atrocity crimes.

The legislation honors the legacy of Nobel Laureate Elie Wiesel and his life work to fight evil around the world. Mr. Wiesel was

just 15 years old when the Nazis deported him and his family to Auschwitz.

He was the only member of his family to survive, and having witnessed the near total destruction of his people, he spent his life defending the persecuted.

As Mr. Wiesel understood so well, the true horror of genocide is that it is preventable. We are haunted by repeated failures and missed opportunities to end these tragedies before they begin and I know everyone in this room agrees that there is more the United States can and must do to help vulnerable communities and persecuted people around the world.

The reality is that good intentions and platitudes like “never again” have not prevented the deaths of hundreds of thousands of civilians at the hands of the Assad regime nor the ethnic cleansing of Rohingya Muslims in Burma.

It is past time to take a clear-eyed look at our policy and programmatic mechanisms for atrocity prevention and ask ourselves what can we do better.

The U.S. Government has the capacity to effect real change and the Elie Wiesel Act expresses Congress’ strong support for better utilization of existing resources, particularly the United States Atrocities Prevention Board, which is dedicated to coordinating U.S. atrocity prevention and response, and the Complex Crisis Fund, which supports agile efficient responses to unforeseen crises overseas.

The bill also expresses the Congress’ belief that the Atrocities Prevention Board should conduct outreach with civil society groups and NGOs to receive assistance for its efforts and provide greater public understanding of the work of the board.

Additionally, we require the administration to evaluate existing prevention efforts, report on countries at risk of genocide and mass atrocity crimes, and recommend concrete improvements to our early warning and response systems.

The bill also mandates that U.S. Foreign Service officers are trained in atrocities recognition and response. Should this bill become law, America’s diplomats will be better equipped to respond to conflict and act before violence spirals out of control.

The Elie Wiesel Act establishes that the official policy of the United States is to regard atrocity prevention as a core national security interest and to address root causes of conflict through our humanitarian, development, and strategic endeavors.

Let me be clear. Genocide is preventable and the United States is a global leader in genocide and atrocities response. But we must ensure that our efforts are better targeted toward prevention so that no one ever becomes a victim of violence in the first place.

H.R. 3030 is an important first step and I thank the committee and the many civil society organizations that have come alongside us for their strong support of this legislation.

I yield back.

Chairman ROYCE. Congresswoman Dina Titus from Nevada.

Ms. TITUS. Thank you, Mr. Chairman, and thank you and Ranking Member Engel for holding this markup on these important bills.

I am a co-sponsor of several of them and I support all the legislation being considered. I also want to extend my thanks to the many people aforementioned who worked so hard to bring this legislation before us.

I am proud to co-sponsor H.R. 1911, the Special Envoy to Monitor and Combat Anti-Semitism Act. This elevates and empowers the position of the Special Envoy so that the United States can continue to lead in combating anti-Semitism globally.

We see a rise in anti-Semitic incidents, threats, and rhetoric around the world these days, and hateful groups and individuals are now empowered by being able to connect and coordinate online.

We must show other countries that the United States takes combating anti-Semitism seriously and this starts with high-profile leaders in the administration.

But it's not just this Special Envoy position that remains vacant at the State Department. Others include the Special Envoy for Human Rights of LGBTI Persons and the Special Advisor for International Disability Rights.

By leaving these important roles vacant, we are relinquishing U.S. leadership in fighting violence, hatred, and discrimination among other targeted populations.

So I hope that Secretary Pompeo will make appointing qualified people to these important positions a priority early in his tenure.

I am also a co-sponsor of H.R. 3989, the Protecting Diplomats from Surveillance Through Consumer Devices Act, and I thank Congressman Castro and McCaul for their quick response to the public release of GPS tracking data of U.S. personnel and activities abroad.

Our policies and security must keep up with advances in technology to protect our diplomats, service members, and other personnel serving overseas.

So I look forward to supporting these bipartisan bills and seeing their swift passage on the House floor.

And I yield back.

Chairman ROYCE. Thank you.

We go to Chairman Ted Yoho.

Mr. YOHIO. Thank you, Mr. Chairman, and I'd like to congratulate you and the ranking member for another bipartisan markup. I think it's just a credit to you and what you've done.

And I'd also like to thank you for including the legislation our team authored with the help of this committee—the Cambodian Democracy Act of 2018 in this markup today.

I want to thank you, Ranking Member Engel, Mr. Sherman, Mr. Chabot, and Mr. Lowenthal for their support as well. This ANS includes language from Mr. Lowenthal's House Resolution 661. So I want to once again thank him for working with us in a bipartisan manner. I appreciate it, Alan.

As you well know, Cambodia is set to hold general elections in just 2 months. So the inclusion of this legislation is very timely.

Following regional elections last year and the 2013 general elections, opposition parties saw unprecedented gains, helping to consolidate the opposition movement.

Many observers believe that in July's national election the CNRP would have won an unprecedented parliamentary majority. Unfor-

unately, Cambodia's authoritarian leader, Hun Sen, had other plans.

Over the last few years, Hun Sen's brutal consolidation of power played out on numerous fronts. Hun Sen has chilled support for the opposition by threatening to deploy the military if elections don't go his way and has used his control of the government to dismantle threats to his grip on power.

Illustrations of such, 2 years ago, the CNRP lawmakers were savagely dragged from their cars and beaten by Hun Sen's bodyguards while the perpetrators served token sentences. They were then promoted to colonel barely 2 weeks after being released from prison. Such is the reward for crushing the opposition.

Last September, authorities arrested Kem Sokha, the leader of the CNRP, and charged him with treason, allegedly for participating in an American plot to undermine Hun Sen's regime.

Cambodia's Supreme Court followed up on this act by dissolving the CNRP, again citing the party's involvement in an alleged U.S.-backed plot.

The regime has also shut down the Office of National Democratic Institute, a preeminent NGO that is active in promoting democracies around the world, and forced the closures of independent media outlets that challenged its control over information.

Radio Free Asia, the Voice of America, and other publications and radio stations have been shuttered. To shine a light on these abuses, late last year we held a hearing entitled "Cambodia's Descent" in which we heard from experts including Mona Kem, the daughter of imprisoned opposition leader, Kem Sokha, on Cambodia's crackdown on political opposition and civil societies.

As Mona Kem testified, we must place targeted financial sanctions on Cambodian Government officials identified as undermining democracy. This bill does precisely that and is a product of many of the recommendations made at that hearing.

We must send a signal to Hun Sen and his CPP cronies that they cannot deny the freedoms that the Cambodian people yearn and desire.

Although Cambodia often does not get the attention it deserves, the human rights and democracy in Cambodia have broad implications for the region and the world.

Cambodia is a member of ASEAN, the premier international forum in Southeast Asia, with nine other nations and accounts for 633 million people and \$2.5 trillion in trade.

Every one of its 10 members must agree in order for the bloc to act. So any nation operating outside the bounds of humanity and decency will have an outsized effect on the entire group.

This is such an important issue not just for the Cambodian people but for that whole region and, really, for the rest of the world.

Again, I thank the chairman and ranking member for considering this measure today and I want to thank my colleagues for their support as well.

I yield back. Thank you.

Chairman ROYCE. Thank you, Mr. Yoho. We go now to Mr. Brad Schneider of Illinois.

Mr. SCHNEIDER. Thank you, Chairman Royce.

I want to thank the chairman and ranking member for holding today's markup and, in particular, for your leadership in bringing this legislation before our committee this morning.

In particular, I am proud to join Congressman Chris Smith and Ranking Member Engel in introducing H.R. 1911, the Special Envoy to Monitor and Combat Anti-Semitism Act of 2017.

This important bill would elevate the Special Envoy to the rank of Ambassador and today's amendment in the nature of a substitute would require the President to nominate someone for this position no later than 90 days after the bill's enactment and no more than 120 days after the position is vacated.

I am extremely concerned and frustrated that after many pleas to do so this administration has yet to fill the position of Special Envoy to Monitor and Combat Anti-Semitism, especially given the rise in anti-Semitism across the globe.

We need to do all we can to support our allies and combat anti-Semitism wherever it manifests itself, and I hope the administration sees the value in this position and will fill it soon.

I am also pleased to support H.R. 3030, the Elie Wiesel Genocide and Atrocities Prevention Act, of which I am a co-sponsor. I appreciate the work of my colleagues, Congresswoman Wagner and Congressman Crowley, in sponsoring this bill and the support from many stakeholders including the Holocaust Memorial Museum, Friends Committee on National Legislation, to name just a few.

Elie Wiesel taught us that we must never forget the atrocities committed during the Holocaust and that we must do everything in our power to ensure this type of war never happens again.

Unfortunately, hatred, persecution, and genocide continue to unfold in many parts of the globe and therefore legislation such as the Elie Wiesel Genocide and Atrocities Prevention Act is still necessary.

This bill affirms the importance of continuing to strengthen our Government's efforts to prevent and respond to atrocities and states that it is in our national security interests to prevent genocide and other atrocities.

The bill also takes important steps to require training for Foreign Service officers who are often at the front lines so they can better detect the early warnings signs of potential violence and atrocities.

I also thank the chairman for including my amendment to H.R. 5626, the Intercountry Adoption Information Act of 2018 to ensure we know the date upon which a country implements a policy to prevent or prohibit adoptions involving immigration to the United States.

Adopting a child can be a long, but nevertheless life-transforming, process. So we owe it prospective parents to ensure they have useful and up-to-date information about foreign country adoption policies.

Finally, I am pleased to see inclusion of the BURMA Act in today's markup. The violence of human rights abuses committed by the Burmese military and security forces against the ethnic Rohingya in Burma's Rakhine State since August 2017 are truly horrific.

Nearly 700,000 Rohingya refugees have fled and are living in Bangladesh. I hope this bill draws the attention of the Burmese Government and security establishment and that they will stop this violence and allow Rohingya refugees to safely return home.

I, again, thank the chairman and the ranking member for convening today's markup and with that, I yield back.

Chairman ROYCE. Thank you.

We go now to Mr. Tom Garrett of Virginia.

Mr. GARRETT. Thank you, Mr. Chairman.

I'd like to begin briefly on 5626, Intercountry Adoption Information Act. I think, Mr. Chairman, that this is an extraordinary piece of legislation and that's highlighted by my personal experience as a member in this body wherein I've come to know a constituent who spent 7 years working to adopt a 6-year-old child—that is, she started before the child was born—from a foreign nation only to have been wrung through the process such that she's traveled back and forth to the African continent 14 times and spent countless tens of thousands, probably more, dollars by virtue of the fact that we did not receive information or she did not receive information with regard to the change of the nation from which she chose to adopt this child as it related to their status as a member of the Hague Convention on Adoption.

So that we could change this one life story of which I know and so many others by virtue of this legislation is testimony significant and sufficient in my regard—in my estimation to justify this fine piece of bipartisan legislation.

Moving on, the Sam Farr Peace Corps Enhancement Act really recognizes the ability of the Peace Corps to do in a very cost effective way what America tends to not do so well for itself.

That is to say, in a world where we dominate mass and global media, if images of America seen by foreign nationals are of violent car chases, drug dealers, and philandering perhaps an opinion of the United States might be poor.

But when your first image of America is of a volunteer who seeks to bring clean water to your village, perhaps then your image of America will be positive.

And that, Mr. Chairman, is a step toward creating a world with peace and opportunity expanded regardless of race, ethnicity, religion, or geographic location and therefore, too, also a worthwhile bill.

From there I'd move to H.R. 1911 and the promotion of the envoy to an Ambassador status as it relates to monitoring and pursuing anti-Semitism.

It strikes me that the worst elements of the BDS movement as it relates to Israel and the actions of Israel and the Jewish-based nation state that it is rises to that level.

So many accounts have been put forth by my colleagues on both sides of the aisle today of the experiences of Jewish people living not only in Israel and across the world but even in nations where one would think the lessons of anti-Semitism would be learned like Germany, like France, torn from contemporary news sources.

And so it is time to recognize that indeed in the words of my colleague, Mr. Sherman, and the Jewish community oftentimes is a canary in a coal mine, and promotion to Ambassador status of this

position is one that will help us, hopefully, avoid repeating the mistakes of the past.

Moving to H.R. 3030 and tangentially to H.R. 5819 and 5754, and I say tangentially because both of these nations have experienced things that one reasonable observer might well call genocide within the last two generations, I think it's noteworthy not only to take a leading role in combating genocide but also to acknowledge the prevalence of this horrific practice in the world today.

All too many people are all too well aware, and some are not, of the horrific outcomes of the genocide perpetrated by the Germans during the Second World War.

But also might I point out that in the last 30 years there was a genocide in Bosnia with 2.2 million people displaced and up to 200,000 killed, up to 50,000 rapes.

In Rwanda, where 1 million people, it is estimated, died in 100 days. That's 10,000 human lives per day for 100 days, and 2 million were displaced.

The genocide and mass displacement in Iraq and Syria where up to 6 million displaced individuals seek simply a place to live and sleep and raise families safely, where the Christian population of the nation of Iraq estimated at 1.5 million in 2004 is today perhaps one-sixth of that, where Yazidis and Assyrians and Mandeans have been rooted out and entire communities and cultures destroyed by ISIS and their ilk, the Rohingya genocide again brought up in the BURMA Act, the Cambodian genocide where a Communist utopia resulted in one-quarter of the entire population of the country being massacred, the Armenian genocide where 1.5 million Christians were killed by the Ottoman Turks because they were a religious minority, and the Kurdish genocides—with an S—that have taken place repeatedly throughout history and which we may be on the verge of now—if the United States cannot adopt a leading role in advocating against this sort of violence, who will?

If this body will not speak, who will? And so, Mr. Chairman and Ranking Member, it is with pride that I have the opportunity to support these measures and be a participant in this process because the names of the peoples whose lives we save will never be known.

But, tragically, the result of inaction would be that the names of the people who died might never be known as well.

With that, I'd yield back.

Chairman ROYCE. Mr. Espallat of New York.

Mr. ESPAILLAT. Yes, you got it right.

Thank you, Mr. Chairman, and of course, I want to thank Ranking Member Engel. Thank you so much for continuing this important bipartisan work of this committee.

Several of the bills today take a common thread, which to prevent genocides and mass atrocities and to combat patterns that may lead to such horrible events.

We, as leaders in the world community of nations, have a responsibility to do our part in ensuring that these heinous crimes never, never happen again.

That is why I am a proud co-sponsor of the Elie Wiesel Genocide and Atrocities Prevention Act. Elie Wiesel was not just defined by his experience surviving the Holocaust.

Rather, he used that experience to drive humanitarian work that he devoted his whole life to. This bill would require training of Foreign Service officers on recognizing early warnings signs of mass atrocities and will further require an annual report to Congress on potential threats of mass atrocities.

I hope that this bill will be a stronger starting point for improving our Government's responsiveness to man's atrocities and will ensure that we are equipped to mitigate a response to emerging crises around the world.

As we saw in the Anti-Defamation League report, anti-Semitic incidents were up 60 percent in 2017. The Special Envoy to Monitor and Combat Anti-Semitism Act is as important as ever.

This act will bring forward the position of Special Envoy appointed by the President and the Senate, elevating it to the rank of Ambassador and directly reporting to the President.

Obviously, it will ensure that our Government has a stronger coordinated effort to monitor and combat anti-Semitism.

We all know the horrible history of anti-Semitism and it is incumbent upon all of us to oppose it whenever and wherever we see it.

This rises not only to the level of genocide prevention but also to violent attacks we have seen across the world and through just everyday language that is used to demean and attack the Jewish people.

We know that small acts of anti-Semitism can lead to further intolerance, and I am proud to support a bill that recognizes the important work we must undertake to combat intolerance of any kind.

We have seen far too many times occurrences of mass atrocities in recent years. The Rohingya people have endured terrible unthinkable violence at the hands of the Burmese military.

As this bill I just spoke about entails, we must stand up to these horrific human rights violations wherever they occur.

The BURMA Act will sanction and hold accountable the Burmese military and security forces responsible for the ethnic cleansing of the Rohingya people and further serve to encourage a full democratic transition in this country.

We must be consistent in our values and our commitment to combat genocide and we must work with the people of Burma to support national reconciliation and constitutional reforms that ensure that violence of this kind never, never happens again.

Thank you, Mr. Chairman, and I yield back the remaining part of my time.

Chairman ROYCE. Mr. Dan Donovan of New York.

Mr. DONOVAN. Thank you, Mr. Chairman.

Mr. Chairman, I support all the bills here today but especially the Elie Wiesel Genocide and Atrocities Prevention Act of 2017 and the BURMA Act of 2018, both of which I have co-sponsored.

It saddens me that we still need bills to combat genocide. We must do whatever we can to save lives and end destabilizing conflicts across the globe.

This committee will continue to work in a bipartisan fashion as always to combat these atrocities and with that, Mr. Chairman, I yield back the balance of my time.

Chairman ROYCE. Thank you.

Any other members seeking recognition?

Hearing no further requests, 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 considered en bloc are agreed to.

Without objection, each measure in the en bloc is ordered favorably reported as amended as a single amendment in the nature of a substitute and staff is directed to make any technical and conforming changes and the chair is authorized to seek House consideration under suspension of the rules.

So that will conclude our business for today and I want to thank Ranking Member Engel and all of the committee members for their contributions and assistance with this markup today.

We stand adjourned.

[Whereupon, at 11:57 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

May 17, 2018

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 2167 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Thursday, May 17, 2018

TIME: 10:30 a.m.

MARKUP OF: H.R. 1911, Special Envoy to Monitor and Combat Anti-Semitism Act of 2017;
H.R. 2259, Sam Farr Peace Corps Enhancement Act;
H.R. 3030, Elie Wiesel Genocide and Atrocities Prevention Act of 2017;
H.R. 4989, Protecting Diplomats from Surveillance Through Consumer Devices Act;
H.R. 5626, Intercountry Adoption Information Act of 2018;
H.R. 5754, Cambodia Democracy Act; and
H.R. 5819, BURMA Act of 2018.

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 Thursday Date 05/17/2018 Room 2167

Starting Time 10:45AM Ending Time 11:47AM

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:

N/A

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

Representative Ted Poe

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

See markup summary.

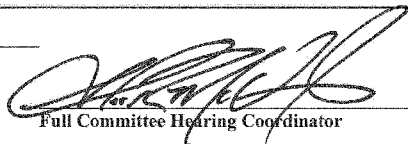
RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

<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 11:57AM


Full Committee Hearing Coordinator

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
	Dana Rohrabacher, CA
X	Steve Chabot, OH
X	Joe Wilson, SC
X	Michael T. McCaul, TX
X	Ted Poe, TX
	Darrell Issa, CA
	Tom Marino, PA
X	Mo Brooks, AL
X	Paul Cook, CA
	Scott Perry, PA
X	Ron DeSantis, FL
	Mark Meadows, NC
X	Ted Yoho, FL
X	Adam Kinzinger, IL
X	Lee Zeldin, NY
X	Dan Donovan, NY
	James F. Sensenbrenner, Jr., WI
X	Ann Wagner, MO
	Brian J. Mast, FL
X	Brian K. Fitzpatrick, PA
	Francis Rooney, FL
X	Thomas A. Garrett, Jr., VA
	John Curtis, UT

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X	Brad Sherman, CA
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X	Lois Frankel, FL
X	Tulsi Gabbard, HI
X	Joaquin Castro, TX
X	Robin Kelly, IL
	Brendan Boyle, PA
X	Dina Titus, NV
X	Norma Torres, CA
X	Brad Schneider, IL
	Tom Suozzi, NY
X	Adriano Espaillat, NY
X	Ted Lieu, CA

5/17/18 Foreign Affairs Committee Markup Summary

By unanimous consent, the Chair called up the following measures and amendments, previously provided to Members, to be considered *en bloc*:

- 1) H.R. 1911 (Smith), Special Envoy to Monitor and Combat Anti-Semitism Act of 2017;
 - a. Smith 96, an amendment in the nature of a substitute to H.R. 1911.
- 2) H.R. 2259 (Poe), Sam Farr Peace Corps Enhancement Act;
 - a. Poe 87, an amendment in the nature of a substitute to H.R. 2259.
- 3) H.R. 3030 (Wagner), Elie Wiesel Genocide and Atrocities Prevention Act of 2017;
 - a. Wagner 33, an amendment in the nature of a substitute to H.R. 3030.
- 4) H.R. 4989 (Castro), Protecting Diplomats from Surveillance Through Consumer Devices Act.
- 5) H.R. 5626 (Collins), Intercountry Adoption Information Act of 2018;
 - a. Kinzinger 28; and
 - b. Schneider 84.
- 6) H.R. 5754 (Yoho), Cambodia Democracy Act;
 - a. Yoho 123, an amendment in the nature of a substitute to H.R. 5754; and
 - i. Yoho 125, an amendment to Yoho 123.
- 7) H.R. 5819 (Engel), BURMA Act of 2018;
 - a. Engel 98
 - b. Wilson 60

The measures considered *en bloc* were agreed to by voice vote.

By unanimous consent, the measures were ordered favorably reported, as amended, as a single amendment in the nature of a substitute to the House, and the Chairman was authorized to seek House consideration under suspension of the rules.

The Committee adjourned.

Statement for the Record
Submitted by Representative Ted Poe

I would like to thank Chairman Royce and Ranking Member Engel for bringing the Sam Farr Peace Corps Enhancement Act to markup. Representative Kennedy and I introduced this bill to protect our Peace Corps volunteers, our angels abroad.

This bill builds on and extends protections for volunteers that became law as the result of the Kate Puzey Act which I introduced and finally became law in 2011. HR 2259 protects volunteers at every stage of their service with the Peace Corps: the onboarding process, their time in country, and when they return home.

Before they make a decision regarding where to serve, many potential volunteers are not fully aware of critical information like health risks and crime rates in various countries. This bill requires the Peace Corps to provide this information to volunteers upfront so that they can make an informed decision regarding where to serve.

While they are deployed in country, the bill requires that the Peace Corps ensures volunteers have access to qualified medical doctors. These doctors must consult with outside experts and the Center for Disease Control (CDC) on best practices, particularly on mental health and malaria medications that can have serious long-term side effects. We also added important provisions on protection from sexual assault and harassment recommended by the Office of Special Counsel report released earlier this year.

When volunteers return home from their service with debilitating injuries and illnesses, they should not have to spend months dealing with bureaucratic red tape at the Department of Labor before receiving care. This bill will ensure they immediately receive the care they need and deserve.

These common sense changes will make a big difference in ensuring the safety and security of our volunteers. But this bill is just a first step in protecting our volunteers. I fought long and hard for a provision that unfortunately did not make it into the ANS before us today: to increase the disability payment provided to disabled returned volunteers so they can make ends meet.

I hope that this provision will one day become law. However, until then, the improvements in this bill are essential and valuable for our angels abroad.

A crucial provision that did make it in here was the extension of the authorization of the Sexual Assault Advisory Council for an additional 5 years. The Council was initially authorized by the Kate Puzey Act and serves to advise the Peace Corps on agency wide sexual assault policy. Without this important bill, the council's authority would lapse this year.

Peace Corps volunteers selflessly sacrifice years of their lives to help people they have never even met. Often in some of the most desolate, even dangerous, places of the world. They are the face of our country in places where America's shining beacon of hope and liberty may not always shine so bright. Their service to our country should not turn into a nightmare that ruins, or even ends their lives.

As a former judge, I can tell you that it is our duty to do everything within our power to protect our angels abroad. It's time to stand up and take action for our volunteers. They are some of the very best we have. Thank you again Chairman Royce and Ranking Member Engel. I look forward to this bill passing through this committee and going to the floor. And that's just the way it is.