

VARIOUS MEASURES

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

ON

**H. Res. 256, H. Res. 944, H.R. 1697, H.R. 4969,
H.R. 5576, H.R. 5898, H.R. 6197, H.R. 6207,
and H. Con. Res. 20**

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VARIOUS MEASURES

THURSDAY, JUNE 28, 2018

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

The committee met, pursuant to notice, at 10:00 a.m., in room 2172 Rayburn House Office Building, Hon. Edward Royce (chairman of the committee) presiding.

Chairman ROYCE. The committee will come to order.

Pursuant to notice, we meet today to mark up nine bipartisan measures. Without objection, all members may have 5 days to submit statements or extraneous material 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 they are considered as read.

House Resolution 256. This is expressing support for the countries of Eastern Europe and for NATO. The Royce Amendment in the Nature of a Substitute, Royce Amendment 134, and Wilson Amendments 68; House Resolution 944, expressing sympathy for the people of Guatemala after the recent volcano eruption with a Torres Amendment 11 in the Nature of a Substitute; H.R. 1697, the Israel Anti-Boycott Act, the Royce Amendment in the Nature of a Substitute, DeSantis Amendment 82, and Royce Amendment 1; H.R. 4969, the Improving Embassy Design and Security Act of 2018, McCaul Amendment 105 in the Nature of a Substitute, and Titus Amendment 62; H.R. 5576, the Cyber Deterrence and Response Act with Yoho Amendment 137 in the Nature of a Substitute, Connolly Amendment 86, Royce Amendment 2; H.R. 5898, the U.N. Relief and Works Agency Accountability Act with the Zeldin Amendment in the Nature of a Substitute, Cicilline Amendment 1, Perry Amendment 1; H.R. 6197, the Rescuing Animals and Rewards Act; and H.R. 6207, the Democratic Republic of the Congo Democracy and Accountability Act with a Royce Amendment 133; and House Concurrent Resolution 20 regarding the execution-style murders of U.S. citizens in the Republic of Serbia in July 1999.

[The information referred to follows:]

115TH CONGRESS
1ST SESSION

H. RES. 256

Expressing support for the countries of Eastern Europe and the North Atlantic Treaty Organization.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2017

Mr. COHEN (for himself, Mr. SHIMKUS, Mr. SIRES, Mr. HASTINGS, Mr. BARR, Mrs. WAGNER, Mr. FITZPATRICK, Ms. SHEA-PORTER, Mr. DONOVAN, Mr. ISSA, Mr. CICILLINE, Mr. MCEACHIN, Mr. LAMBORN, Mr. HUNTER, Mr. EVANS, Mr. ENGEL, Mr. MEEKS, Mr. RASKIN, Mr. BANKS of Indiana, Mr. SCHIFF, Mr. KENNEDY, Ms. KAPTUR, Mr. DIAZ-BALART, Mr. CARTWRIGHT, Mr. TURNER, Mr. COOK, Mr. WITTMAN, Ms. KELLY of Illinois, Mr. MOULTON, Mr. SUOZZI, Mr. COLE, Mr. KEATING, Mr. POE of Texas, Mr. WILSON of South Carolina, and Ms. STEFANIK) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing support for the countries of Eastern Europe and the North Atlantic Treaty Organization.

Whereas the United States has shown strong commitment to the independence, sovereignty, territorial integrity, and democratic development of the countries that emerged from the ashes of the former Soviet Union and the communist bloc it once dominated;

Whereas many of these countries have, during the past three decades, undertaken the considerable political and economic reforms necessary to achieve the aspirations for

European and Euro-Atlantic integration, or are continuing to do so;

Whereas the incorporation of Eastern European countries into the North Atlantic Treaty Organization (NATO) has contributed toward a vision of Europe that is aimed at promoting stability and cooperation, at building a Europe whole and free, united in peace, democracy and common values;

Whereas the mission of NATO since its founding in 1949 is to promote democratic values, cooperation on defense and security issues, and the peaceful resolution of disputes;

Whereas NATO remains the most important and critical security link between the United States and Europe;

Whereas NATO allies and partners in Central and Eastern Europe, including countries of the Western Balkans, and the former Soviet Union have stood alongside the United States in joint peace operations in the Western Balkans, Afghanistan, Iraq, and elsewhere around the globe;

Whereas Russia's aggressive actions against neighboring members of the NATO Alliance and nearby NATO partner countries, including its many violations of Baltic airspace, occupation of Georgian territory in 2008, annexation of Crimea in 2014, and continued threats to Moldovan territorial integrity and sovereignty, not only violate its commitments under the Helsinki Final Act and subsequent Organization for Security and Cooperation in Europe (OSCE) agreements but are also key contributors to Europe's instability;

Whereas NATO reaffirmed its military security commitment to the Baltic States in response to increased Russian military activities;

Whereas NATO allies increased their assistance to NATO partner countries by endorsing the Substantial NATO–Georgia Package in support of Georgia at the Wales Summit, the Comprehensive Assistance Package in support of Ukraine at the Warsaw Summit, and developed a phased Defense and Related Security Capacity Building package in support of Moldova;

Whereas the European Reassurance Initiative represents the United States commitment to enduring peace, stability, and territorial integrity in Europe as members and partners of the NATO Alliance;

Whereas British Prime Minister Theresa May stated, “On defense and security cooperation, we’re united in our recognition of NATO as the bulwark of our collective defense and we reaffirmed our unshakeable commitment to this alliance. We’re 100% behind NATO.”;

Whereas Estonian President Kersti Kaljulaid stated, “Our NATO allies can rely on us to act as agreed in recent summits in Chicago, Wales and Warsaw, our UN partners have appreciated and respected our role in peacekeeping operations and our European partners know that Estonia is a reliable partner when there is a crisis” and Estonian Prime Minister Jüri Ratas stated, “Our commitment to NATO is steadfast.”;

Whereas Latvian President Raimonds Vējonis stated, “We [Latvia] continue increasing our defense spending consistently on our own, and our allies appreciate that. A historic decision on deployment of four multinational battalions in the Baltic States and Poland was made at the NATO Summit in Warsaw this summer. This is by far the most serious proof of NATO’s readiness to defend

independence of the Eastern European countries, including Latvia.”;

Whereas Czech Republic Prime Minister Bohuslav Sobotka stated, “NATO is the basis for our security” and that he hopes “the United States will remain a solid NATO partner.”; and

Whereas the United States must remain committed to our NATO allies in the face of any aggression irrespective of their ability to meet the NATO benchmark of spending: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns any threat to the sovereignty, ter-
3 ritorial integrity, freedom and democracy of the Bal-
4 tic States;

5 (2) condemns the clear, gross, and uncorrected
6 ongoing violation of the Helsinki principles by the
7 Russian Federation with respect to the sovereignty
8 and territorial integrity of Ukraine;

9 (3) supports keeping United States sanctions
10 imposed against Russia relating to Crimea in effect
11 until Ukraine’s sovereignty over Crimea has been re-
12 stored, as well as sanctions relating to the Donbas
13 until the Minsk agreements are fully implemented;

14 (4) considers it essential for the United States
15 to maintain and increase political, economic, and se-
16 curity support for the countries of Central and East-
17 ern Europe;

1 (5) appreciates the spirit of friendship of the
2 countries of Central and Eastern Europe, including
3 those of the Western Balkans, their commitment to
4 collective security, and their contributions, past and
5 present, to peace operations around the globe;

6 (6) supports keeping the door to NATO mem-
7 bership open to those countries that are eligible to
8 join the Alliance and meet all the necessary require-
9 ments for membership;

10 (7) supports and encourages the democratic as-
11 pirations of the people of all countries concerned, in-
12 cluding Ukraine, Georgia, and Moldova; and

13 (8) calls for continued support to the United
14 States European Reassurance Initiative.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 256
OFFERED BY MR. ROYCE OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas the United States has shown strong commitment to the independence, sovereignty, territorial integrity, and democratic development of the countries that emerged from the ashes of the former Soviet Union and the communist bloc it once dominated;

Whereas many of these countries have, during the past three decades, undertaken the extensive political and economic reforms necessary to achieve their aspirations for European and Euro-Atlantic integration, or are continuing to do so;

Whereas the incorporation of Central and Eastern European countries into the North Atlantic Treaty Organization (NATO) has contributed to a vision of Europe that is whole and free and united in peace, democracy, and common values;

Whereas the mission of NATO since its founding in 1949 is to defend its members from aggression, enhance cooperation on defense and security issues, and promote the peaceful resolution of disputes;

Whereas NATO remains the most important and critical security link between the United States and Europe;

Whereas on November 16, 2016, former President Barack Obama stated, “NATO, the world’s greatest alliance, is

as strong and as ready as it's ever been and I am confident that just as America's commitment to the transatlantic alliance has endured for seven decades—whether it's been under a Democratic or Republican administration—that commitment will continue, including our pledge and our treaty obligation to defend every ally.”;

Whereas on July 6, 2017, President Donald J. Trump reiterated the United States' support of NATO by saying, “To those who would criticize our tough stance, I would point out that the United States has demonstrated not merely with words but with its actions that we stand firmly behind Article 5, the mutual defense commitment.”;

Whereas NATO allies and partners in Central and Eastern Europe, including countries of the Western Balkans, and the former Soviet Union have stood alongside the United States in joint peace operations in the Western Balkans, Afghanistan, Iraq, and elsewhere around the globe;

Whereas Russia's aggressive actions against members of the NATO Alliance and nearby NATO partner countries, including its many violations of Baltic airspace, occupation of Georgian territory in 2008, annexation of Crimea in 2014, and continued threats to Moldovan territorial integrity and sovereignty, not only violate its commitments under the Helsinki Final Act and subsequent Organization for Security and Cooperation in Europe (OSCE) agreements but also foment instability in Europe;

Whereas NATO allies increased their assistance to NATO partner countries by endorsing the Substantial NATO–Georgia Package in support of Georgia at the Wales Summit, the Comprehensive Assistance Package in support of Ukraine at the Warsaw Summit, and developed

a phased Defense and Related Security Capacity Building package in support of Moldova;

Whereas the European Deterrence Initiative represents the United States commitment to enduring peace, stability, and territorial integrity in Europe as members and partners of the NATO Alliance;

Whereas from September 14 through September 20, 2017, Russia held a large-scale military exercise in Belarus known as Zapad 2017;

Whereas the last Zapad exercise was in 2013 which laid the foundations for Russia's 2014 annexation of Crimea;

Whereas NATO Secretary-General Jens Stoltenberg expressed concerns about Russia's lack of transparency regarding military exercises;

Whereas Secretary-General Stoltenberg also stated, "Russia is our neighbor....We don't want to isolate Russia; we don't want a new Cold War.";

Whereas the Chief of the General Staff of the Armed Forces of Russia, Valery Gerasimov, wrote in 2013 that "informational conflict" is a key part of war;

Whereas Baltic and NATO officials believe that Russia was likely responsible for interruptions in Latvia's mobile communications network before the Zapad exercise;

Whereas the Baltic Center for Investigative Journalism, Re:Baltica, discovered that three Baltic Russian-language news sites known collectively as Baltnews are secretly owned by Rossiya Segodnya, a news agency owned and operated by the Russian Government;

Whereas on June 28, 2017, Vesko Gacevic, Montenegro's ambassador to NATO from 2010 through 2014, testified

before the Senate Intelligence Committee that Russia has provided support to extremist groups and even used the country's religious institutions to oppose closer ties to the Western world;

Whereas on April 4, 2018, Russia began a live-fire military exercise in the Baltic Sea, just outside of the territorial waters of NATO member countries, in a move a top Latvian defense official called a "show of force" just a day after Baltic leaders met with President Trump;

Whereas on June 8, 2018, NATO Secretary-General Stoltenberg spoke of increases in defense investments by European allies, that "Allies are making real progress on all aspects of burden sharing, cash, capabilities and contributions... But of course, we still have more work to do. Burden sharing will be a key theme of our Summit next month. And I expect all Allies to continue their efforts."; and

Whereas the commitment to collective defense in Article 5 of the North Atlantic Treaty remains at the heart of the Alliance: Now, therefore, be it

Strike all after the resolving clause and insert the following:

- 1 *Resolved*, That the House of Representatives—
- 2 (1) affirms the United States enduring commit-
- 3 ment to and friendship with its NATO allies;
- 4 (2) pledges that the United States will continue
- 5 to maintain strong leadership and strengthen its
- 6 commitments to NATO;

1 (3) condemns any threat to the sovereignty, ter-
2 ritorial integrity, freedom and democracy of NATO
3 allies;

4 (4) condemns the clear, gross, and uncorrected
5 ongoing violation of the Helsinki principles by Rus-
6 sia with respect to the sovereignty and territorial in-
7 tegrity of Ukraine;

8 (5) supports keeping United States sanctions
9 imposed against Russia relating to Crimea in effect
10 until Ukraine's sovereignty over Crimea has been re-
11 stored, as well as sanctions relating to the Donbas
12 until the Minsk agreements are fully implemented;

13 (6) considers it essential for the United States
14 to maintain and increase political, economic, and se-
15 curity support for the countries of Central and East-
16 ern Europe;

17 (7) appreciates the spirit of friendship of the
18 countries of Central and Eastern Europe, including
19 those of the Western Balkans, their commitment to
20 collective security, and their contributions, past and
21 present, to peace operations around the globe;

22 (8) calls for the United States to continue to
23 support the countries of Central and Eastern Eu-
24 rope to secure their electoral processes from foreign
25 threats;

1 (9) supports and encourages the democratic as-
2 pirations of the people of all countries concerned, in-
3 cluding Ukraine, Georgia, and Moldova;

4 (10) encourages the countries of Europe to con-
5 tinue to invest in the individual, regional, and collec-
6 tive defense;

7 (11) honors the men and women who served
8 under NATO and gave their lives to promote peace,
9 security, and international cooperation since 1949;
10 and

11 (12) calls for continued support to the United
12 States' European Deterrence Initiative.

Amend the title so as to read: "A resolution express-
ing support for the North Atlantic Treaty Organization
and the countries of Central and Eastern Europe."



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H. RES. 256
OFFERED BY MR. ROYCE OF CALIFORNIA**

In the ninth clause of the preamble—

(1) strike “annexation” and insert “illegal occupation”; and

(2) strike “in 2014” and insert “since 2014”.

Strike the 18th clause of the preamble and insert the following:

Whereas three Baltic Russian-language news sites known collectively as Baltnews are secretly owned by Rossiya Segodnya, a news agency owned and operated by the Russian Government;



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H. RES. 256
OFFERED BY MR. WILSON OF SOUTH CAROLINA**

Insert after the eighth clause of the preamble the following:

Whereas NATO established the Euro-Atlantic Partnership Council to promote, among other priorities, counter-terrorism, non-proliferation, and crisis management co-operation as well as advancing values, including respect of international law and peaceful resolution of disputes;



115TH CONGRESS
2D SESSION

H. RES. 944

Expressing solidarity with and sympathy for the people of Guatemala after the June 3, 2018, eruption of the Fuego Volcano.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2018

Mrs. TORRES (for herself and Mr. SMITH of New Jersey) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing solidarity with and sympathy for the people of Guatemala after the June 3, 2018, eruption of the Fuego Volcano.

Whereas, on Sunday, June 3, 2018, Guatemala's Fuego Volcano, which borders the Chimaltenango, Esquintla, and Sacatepequez Departments, erupted, spewing toxic gas, volcanic ash, and rock into the surrounding area;

Whereas according to Guatemala's natural disaster commission, CONRED, more than 100 people have died, at least 197 are missing, more than 12,500 have been evacuated from affected areas, and over 4,000 sheltered;

Whereas, on June 3, 2018, the President of Guatemala, Jimmy Morales, declared 3 days of national mourning;

Whereas, on June 6, 2018, the United States Embassy in Guatemala announced that the United States would provide an initial contribution of \$300,000 in humanitarian assistance;

Whereas, on June 7, 2018, six pediatric burn patients arrived safely at Shriners Hospital in Galveston, Texas, following close coordination between the Department of State, the United States Mission in Guatemala, and the Department of Defense, in collaboration with Shriners International and the Guatemalan Government;

Whereas rains and the persistence of volcanic ash and toxic gases have further impeded recovery efforts;

Whereas Guatemala is a longstanding United States ally and important economic partner;

Whereas there are more than 1,000,000 Guatemalan-Americans living in the United States; and

Whereas there are as many as 6,500 United States citizens living in Guatemala: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) expresses its solidarity with and deepest
3 sympathy for the people of Guatemala, especially the
4 victims of the volcano eruption, and their families;

5 (2) recognizes the efforts of Guatemalan first
6 responders and citizen volunteers who have courageously
7 rescued survivors and provided emergency
8 assistance;

1 (3) recognizes the voluntary donations made by
2 United States citizens, companies, and charities to
3 relief and reconstruction efforts;

4 (4) urges the United States Agency for Inter-
5 national Development and other relevant United
6 States agencies to continue to provide relief and re-
7 construction assistance, using local procurement to
8 the greatest extent possible.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 944
OFFERED BY MRS. TORRES OF CALIFORNIA**

Strike all after the resolving clause and insert the following:

- 1 That the House of Representatives—
- 2 (1) expresses its solidarity with and deepest
- 3 sympathy for the people of Guatemala, especially the
- 4 victims of the volcano eruption, and their families;
- 5 (2) recognizes the efforts of Guatemalan first
- 6 responders and citizen volunteers who have coura-
- 7 geously rescued survivors and provided emergency
- 8 assistance;
- 9 (3) recognizes the voluntary donations made by
- 10 United States citizens, companies, and charities to
- 11 relief and reconstruction efforts; and
- 12 (4) urges the United States Agency for Inter-
- 13 national Development and other relevant United
- 14 States agencies to continue to provide relief and re-
- 15 construction assistance, using local procurement to
- 16 the greatest extent possible.

Strike the preamble and insert the following:

Whereas, on Sunday, June 3, 2018, Guatemala's Fuego Volcano, which borders the Chimaltenango, Esquintla, and Sacatepequez Departments, erupted, spewing toxic gas, volcanic ash, and rock into the surrounding area;

Whereas according to Guatemala's natural disaster commission, CONRED, more than 100 people have died, at least 197 are missing, more than 12,500 have been evacuated from affected areas, and over 4,000 sheltered;

Whereas, on June 3, 2018, the President of Guatemala, Jimmy Morales, declared 3 days of national mourning;

Whereas, on June 6, 2018, the United States Embassy in Guatemala announced that the United States would provide an initial contribution of \$300,000 in humanitarian assistance;

Whereas, on June 7, 2018, six pediatric burn patients arrived safely at Shriners Hospital in Galveston, Texas, following close coordination between the Department of State, the United States Mission in Guatemala, and the Department of Defense, in collaboration with Shriners International and the Guatemalan Government;

Whereas rains and the persistence of volcanic ash and toxic gases have further impeded recovery efforts; and

Whereas Guatemala is a longstanding United States economic and security partner: Now, therefore, be it



115TH CONGRESS
1ST SESSION

H. R. 1697

To amend the Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2017

Mr. ROSKAM (for himself, Mr. VARGAS, Mr. ZELDIN, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, 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 Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Israel Anti-Boycott
3 Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The United Nations Human Rights Council
7 (in this section referred to as the “UNHRC”) has
8 long targeted Israel with systematic, politically moti-
9 vated assaults on its legitimacy designed to stig-
10 matize and isolate Israel internationally.

11 (2) The UNHRC maintains a permanent agen-
12 da item known as “Item 7” to ensure that Israel will
13 be criticized at every gathering of the UNHRC.

14 (3) At its 31st session on March 24, 2016, the
15 UNHRC targeted Israel with a commercial boycott,
16 calling for the establishment of a database, such as
17 a “blacklist”, of companies that operate, or have
18 business relations with entities that operate, beyond
19 Israel’s 1949 Armistice lines, including East Jeru-
20 salem.

21 (4) At its 32nd session in March 2017, the
22 UNHRC is considering a resolution pursuant to
23 agenda item 7 to withhold assistance from and pre-
24 vent trade with “territories occupied since 1967”, in-
25 cluding East Jerusalem, the West Bank, and the
26 Golan Heights, stating that businesses that engage

1 in economic activity in those areas could face could
2 face civil or criminal legal action.

3 (5) For a half century, Congress has combated
4 anti-Israel boycotts and other discriminatory activity
5 under the Export Administration Act of 1979 (as
6 continued in effect pursuant to the International
7 Emergency Economic Powers Act (50 U.S.C. 1701
8 et seq.)), under part VI of title X of the Tax Reform
9 Act of 1976 (Public Law 94-455; 90 Stat. 1649)
10 (commonly referred to as the “Ribicoff Amend-
11 ment”), in free trade agreements with Bahrain and
12 Oman, and in Saudi Arabia’s accession negotiations
13 to the World Trade Organization.

14 (6) The recent action of the UNHRC is remi-
15 niscent of the Arab League Boycott, which also
16 called for the establishment of a “blacklist” and pro-
17 moted a primary, as well as a secondary and ter-
18 tiary, boycott against Israel, targeting United States
19 and other companies that trade or invest with or in
20 Israel, designed to harm Israel, any business oper-
21 ating in, or doing business with, Israel, or companies
22 that do business with companies operating in Israel.

23 (7) Congress recently passed anti-boycott, di-
24 vestment, and sanctions measures in the Bipartisan
25 Congressional Trade Priorities and Accountability

1 Act of 2015 (19 U.S.C. 4201 et seq.) and section
2 909 of the Trade Facilitation and Trade Enforce-
3 ment Act of 2015 (19 U.S.C. 4452), which establish,
4 among other things—

5 (A) the opposition of the United States to
6 actions to boycott, divest from, or sanction
7 Israel;

8 (B) requirements that the United States
9 utilize trade negotiations to combat state-led or
10 international governmental organization-led ac-
11 tions to boycott, divest from, or sanction Israel;
12 and

13 (C) reporting requirements regarding the
14 actions of foreign countries or international or-
15 ganizations that establish barriers to trade or
16 investment for United States companies in or
17 with Israel.

18 **SEC. 3. STATEMENT OF POLICY.**

19 Congress—

20 (1) opposes the United Nations Human Rights
21 Council resolution of March 24, 2016, which urges
22 countries to pressure their own companies to divest
23 from, or break contracts with, Israel, and calls for
24 the creation of a “blacklist” of companies that either
25 operate, or have business relations with entities that

1 operate, beyond Israel's 1949 Armistice lines, includ-
2 ing East Jerusalem;

3 (2) views such policies as actions to boycott, di-
4 vest from, or sanction Israel; and

5 (3) in order to counter the effects of actions to
6 boycott, divest from, or sanction Israel, encourages
7 full implementation of the United States-Israel Stra-
8 tegic Partnership Act of 2014 (Public Law 113-296;
9 128 Stat. 4075) through enhanced, governmentwide,
10 coordinated United States-Israel scientific and tech-
11 nological cooperation in civilian areas such as with
12 respect to energy, water, agriculture, alternative fuel
13 technology, civilian space technology, and security.

14 **SEC. 4. ADDITIONAL PROHIBITIONS RELATING TO FOR-**
15 **EIGN BOYCOTTS UNDER EXPORT ADMINIS-**
16 **TRATION ACT OF 1979.**

17 (a) **DECLARATION OF POLICY.**—Section 3(5) of the
18 Export Administration Act of 1979 (50 U.S.C. 4602(5))
19 (as continued in effect pursuant to the International
20 Emergency Economic Powers Act (50 U.S.C. 1701 et
21 seq.)) is amended—

22 (1) by amending subparagraph (A) to read as
23 follows:

24 “(A) to oppose—

1 “(i) restrictive trade practices or boy-
2 cotts fostered or imposed by foreign coun-
3 tries, or requests to impose restrictive
4 trade practices or boycotts by foreign coun-
5 tries, against other countries friendly to
6 the United States or against any United
7 States person; and

8 “(ii) restrictive trade practices or boy-
9 cotts fostered or imposed by any inter-
10 national governmental organization against
11 Israel or requests to impose restrictive
12 trade practices or boycotts by any inter-
13 national governmental organization against
14 Israel;” and

15 (2) in subparagraph (B), by striking “which
16 have the effect” and all the follows and inserting the
17 following: “which have the effect of furthering or
18 supporting—

19 “(i) restrictive trade practices or boy-
20 cotts fostered or imposed by any foreign
21 country, or requests to impose restrictive
22 trade practices or boycotts by any foreign
23 country, against a country friendly to the
24 United States or against any United
25 States person; and

1 “(ii) restrictive trade practices or boy-
2 cotts fostered or imposed by any inter-
3 national governmental organization against
4 Israel or requests to impose restrictive
5 trade practices or boycotts by any inter-
6 national governmental organization against
7 Israel; and”.

8 (b) FOREIGN BOYCOTTS.—Section 8 of the Export
9 Administration Act of 1979 (50 U.S.C. 4607) (as contin-
10 ued in effect pursuant to the International Emergency
11 Economic Powers Act (50 U.S.C. 1701 et seq.)) is amend-
12 ed—

13 (1) in subsection (a)(1)—

14 (A) in the matter preceding subparagraph
15 (A)—

16 (i) by inserting “, or request to im-
17 pose any boycott by a foreign country,”
18 after “a foreign country”;

19 (ii) by inserting “, or support any
20 boycott fostered or imposed by any inter-
21 national governmental organization against
22 Israel or request to impose any boycott by
23 any international governmental organiza-
24 tion against Israel” after “pursuant to
25 United States law or regulation”;

1 (B) in subparagraph (A), by inserting “or
2 international governmental organization (as the
3 case may be)” after “of the boycotting coun-
4 try”; and

5 (C) in subparagraph (D)—

6 (i) by inserting “, or requesting the
7 furnishing of information,” after “Fur-
8 nishing information”; and

9 (ii) by inserting “or with the inter-
10 national governmental organization (as the
11 case may be)” after “in the boycotting
12 country”; and

13 (2) in subsection (c)—

14 (A) by inserting “, or requests to impose
15 restrictive trade practices or boycotts by foreign
16 countries,” after “foreign countries”; and

17 (B) by inserting “or restrictive trade prac-
18 tices or boycotts fostered or imposed by any
19 international governmental organization against
20 Israel or requests to impose restrictive trade
21 practices or boycotts by any international gov-
22 ernmental organization against Israel” before
23 the period at the end.

24 (c) VIOLATIONS OF SECTION 8(a).—Section 11 of the
25 Export Administration Act of 1979 (50 U.S.C. 4610) (as

1 continued in effect pursuant to the International Emer-
2 gency Economic Powers Act (50 U.S.C. 1701 et seq.) is
3 amended—

4 (1) in subsection (a), by inserting “or (j)” after
5 “subsection (b)”; and

6 (2) by adding at the end the following:

7 “(j) VIOLATIONS OF SECTION 8(a).—Whoever know-
8 ingly violates or conspires to or attempts to violate any
9 provision of section 8(a) or any regulation, order, or li-
10 cense issued thereunder shall be fined in accordance with
11 section 206 of the International Emergency Economic
12 Powers Act (50 U.S.C. 1705).”.

13 (d) DEFINITION OF INTERNATIONAL GOVERN-
14 MENTAL ORGANIZATION.—Section 16 of the Export Ad-
15 ministration Act of 1979 (50 U.S.C. 4618) (as continued
16 in effect pursuant to the International Emergency Eco-
17 nomic Powers Act (50 U.S.C. 1701 et seq.)) is amended—

18 (1) by redesignating paragraphs (7) and (8) as
19 paragraphs (8) and (9), respectively; and

20 (2) by inserting after paragraph (6) the fol-
21 lowing:

22 “(7) the term ‘international governmental orga-
23 nization’ includes the United Nations and the Euro-
24 pean Union;”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section take effect on the date of the enactment of
3 this Act and apply with respect to actions described in
4 section 8(a) of the Export Administration Act of 1979 (as
5 continued in effect pursuant to the International Emer-
6 gency Economic Powers Act (50 U.S.C. 1701 et seq.))
7 taken or knowingly agreed to be taken on or after such
8 date of enactment.

9 (f) IMPLEMENTATION.—The President shall imple-
10 ment the amendments made by this section by exercising
11 the authorities of the President under the International
12 Emergency Economic Powers Act (50 U.S.C. 1701 et
13 seq.).

14 **SEC. 5. POLICY OF THE UNITED STATES RELATING TO BOY-**
15 **COTT OF ISRAEL UNDER EXPORT-IMPORT**
16 **BANK ACT OF 1945.**

17 Section 2(b)(1)(B) of the Export-Import Bank Act
18 of 1945 (12 U.S.C. 635(b)(1)(B)) is amended in the sixth
19 sentence by inserting after “child labor,” the following:
20 “or opposing policies and actions that are politically moti-
21 vated and are intended to penalize or otherwise limit com-
22 mercial relations specifically with citizens or residents of
23 Israel, entities organized under the laws of Israel, or the
24 Government of Israel.”.

1 **SEC. 6. DEFINITIONS.**

2 (a) **IN GENERAL.**—In this Act:

3 (1) **ACTIONS TO BOYCOTT, DIVEST FROM, OR**
4 **SANCTION ISRAEL.**—The term “actions to boycott,
5 divest from, or sanction Israel” has the meaning
6 given that term in section 102(b)(20)(B) of the Bi-
7 partisan Congressional Trade Priorities and Ac-
8 countability Act of 2015 (19 U.S.C.
9 4201(b)(20)(B)).

10 (2) **INTERNATIONAL GOVERNMENTAL ORGANI-**
11 **ZATION.**—The term “international governmental or-
12 ganization” includes the United Nations and the Eu-
13 ropean Union.

14 (3) **POLITICALLY MOTIVATED.**—The term “po-
15 litically motivated” means actions to impede or con-
16 strain commerce with Israel that are intended to co-
17 erce political action from or impose policy positions
18 on Israel.

19 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
20 tion shall be construed to alter the established policy of
21 the United States or to establish new United States policy
22 concerning final status issues associated with the Arab-
23 Israeli conflict, including border delineation, that can only
24 be resolved through direct negotiations between the par-
25 ties.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1697
OFFERED BY MR. ROYCE OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Israel Anti-Boycott
3 Act”.

4 SEC. 2. SENSE OF CONGRESS.

5 It is the sense of Congress that—

6 (1) the Government of the United States should
7 use its voice, vote, and influence with and in inter-
8 national governmental organizations to actively op-
9 pose politically motivated actions to boycott, divest
10 from, or sanction Israel;

11 (2) the Government of the United States com-
12 bats anti-Israel boycotts and other discriminatory
13 activity under the Export Administration Act of
14 1979 (as continued in effect pursuant to the Inter-
15 national Emergency Economic Powers Act (50
16 U.S.C. 1701 et seq.)), under part VI of title X of
17 the Tax Reform Act of 1976 (Public Law 94-455;
18 90 Stat. 1649) (commonly referred to as the

1 “Ribicoff Amendment”), through trade promotion
2 authorities, in free trade agreements, and in acces-
3 sion negotiations to the World Trade Organization;
4 however, due to the increased anti-Israel economic
5 activity in international governmental organizations,
6 it is necessary to update Federal authorities to com-
7 bat anti-Israel boycotts and other discriminatory ac-
8 tivity in such fora, including the United Nations
9 Human Rights Council;

10 (3) actions to boycott, divest from, or sanction
11 Israel represent a concerted effort to extract conces-
12 sions from Israel outside of direct negotiations be-
13 tween the Israelis and Palestinians; and

14 (4) the United States-Israel Strategic Partner-
15 ship Act of 2014 (Public Law 113–296; 128 Stat.
16 4075) should be fully implemented through en-
17 hanced, government-wide, coordinated United
18 States-Israel scientific and technological cooperation
19 in civilian areas, such as with respect to energy,
20 water, agriculture, alternative fuel technology, civil-
21 ian space technology, and security in order to
22 counter the effects of actions to boycott, divest from,
23 or sanction Israel.

1 **SEC. 3. STATEMENT OF POLICY.**

2 Congress declares it is the policy of the United
3 States—

4 (1) to oppose restrictive trade practices or boy-
5 cotts fostered or imposed by any international gov-
6 ernmental organization against other countries
7 friendly to the United States or against any United
8 States person, such as the United Nations Human
9 Rights Council resolution adopted on March 24,
10 2016 (or similar successor resolutions), based on a
11 2013 United Nations Human Rights Council report,
12 which urges companies not to operate beyond
13 Israel's 1949 Armistice lines, including East Jeru-
14 salem, and calls for the creation of a database of
15 companies that have “enabled, facilitated, and prof-
16 ited from the construction and growth of the settle-
17 ments” beyond Israel's 1949 Armistice lines, includ-
18 ing East Jerusalem, and related actions; and

19 (2) to encourage and, in specified cases, require
20 United States persons engaged in the export of
21 goods or technology or other information to refuse to
22 take actions, including furnishing information or en-
23 tering into or implementing agreements, which have
24 the effect of furthering or supporting a restrictive
25 trade practice or boycott fostered or imposed by any
26 international governmental organization against a

1 country which is friendly to the United States or
2 against any United States person.

3 **SEC. 4. ISSUANCE OF REGULATIONS RELATING TO RE-**
4 **STRICTIVE TRADE PRACTICES AND BOY-**
5 **COTTS FOSTERED OR IMPOSED BY INTER-**
6 **NATIONAL GOVERNMENTAL ORGANIZATIONS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the President shall issue
9 regulations to amend part 760 of title 15, Code of Federal
10 Regulations, relating to restrictive trade practices or boy-
11 cotts, to prohibit a United States person, with respect to
12 such person's activities in the interstate or foreign com-
13 merce of the United States, from taking or knowingly
14 agreeing to take actions, including furnishing information
15 or entering into or implementing agreements, with intent
16 to comply with, further, or support a restrictive trade
17 practice or boycott fostered or imposed by any inter-
18 national governmental organization against a country
19 which is friendly to the United States and which is not
20 itself the object of any form of boycott pursuant to United
21 States law or regulation.

22 (b) APPLICATION TO INDIVIDUALS WHO ARE OWN-
23 ERS, OFFICERS, DIRECTORS, EMPLOYEES OR AGENTS OF
24 UNITED STATES PERSONS.—Consistent with enforcement
25 practices under section 8 of the Export Administration

1 Act of 1979 (50 U.S.C. 4607) (as continued in effect pur-
2 suant to the International Emergency Economic Powers
3 Act (50 U.S.C. 1701 et seq.) as in effect on the date of
4 the enactment of this Act, in the case of an individual
5 who is an owner, officer, director, employee or agent of
6 a United States person, the regulations issued under sub-
7 section (a) shall apply only with respect to the individual's
8 activities undertaken in the individual's capacity as the
9 owner, officer, director, employee or agent of the United
10 States person.

11 (c) RULE OF CONSTRUCTION.—Consistent with en-
12 forcement practices under section 8 of the Export Admin-
13 istration Act of 1979 (50 U.S.C. 4607) (as continued in
14 effect pursuant to the International Emergency Economic
15 Powers Act (50 U.S.C. 1701 et seq.) as in effect on the
16 date of the enactment of this Act, nothing in this section
17 or any regulation issued under subsection (a) shall be con-
18 strued to permit a United States person's noncommercial
19 speech or other noncommercial expressive activity to be
20 used—

21 (1) as evidence to prove a violation of this sec-
22 tion or any regulation issued under this section; or

23 (2) as the basis for initiating an investigation
24 into whether such a violation has occurred.

1 **SEC. 5. REPORT ON ACTIONS WITH RESPECT TO UNITED**
2 **NATIONS HUMAN RIGHTS COUNCIL RESOLU-**
3 **TION A/HRC/31/L.39.**

4 Not later than 120 days after the date of the enact-
5 ment of this Act, the President shall submit to the appro-
6 priate congressional committees a report that contains—

7 (1) a description of actions that the United Na-
8 tions Office of the High Commissioner for Human
9 Rights has taken regarding the United Nations
10 Human Rights Council Resolution A/HRC/31/L.39
11 adopted on March 24, 2016, with respect to Israel;

12 (2) an accounting of the financial costs to the
13 United States of the actions described in paragraph
14 (1); and

15 (3) a detailed summary of United States diplo-
16 matic initiatives taken to oppose and influence the
17 implementation of United Nations Human Rights
18 Council Resolution A/HRC/31/L.39.

19 **SEC. 6. DEFINITIONS.**

20 In this Act:

21 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
22 **TEES.**—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Foreign Affairs of
25 the House of Representatives; and

1 (B) the Committee on Banking, Housing,
2 and Urban Affairs and the Committee on For-
3 eign Relations of the Senate.

4 (2) INTERNATIONAL GOVERNMENTAL ORGANI-
5 ZATION.—The term “international governmental or-
6 ganization” includes the United Nations and the Eu-
7 ropean Union.

Amend the title so as to read: “A bill to direct the President to issue regulations to include in the prohibitions on boycotts against countries friendly to the United States restrictive trade practices or boycotts fostered by international governmental organizations, and for other purposes.”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1697
OFFERED BY MR. DESANTIS OF FLORIDA**

Page 6, line 14, strike “and”.

Page 6, line 18, strike the period at the end and insert “; and”.

Page 6, after line 18, add the following:

- 1 (4) an assessment of the impact of United Na-
- 2 tions Human Rights Council Resolution A/HRC/31/
- 3 L.39 on United States companies.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1697
OFFERED BY MR. ROYCE OF CALIFORNIA**

Page 4, line 21, add at the end before the period the following: “or against any United States person”.

Amend section 4(b) to read as follows:

1 (b) APPLICATION TO INDIVIDUALS.—Consistent with
2 enforcement practices under section 8 of the Export Ad-
3 ministration Act of 1979 (50 U.S.C. 4607) (as continued
4 in effect pursuant to the International Emergency Eco-
5 nomic Powers Act (50 U.S.C. 1701 et seq.)) as in effect
6 on the date of the enactment of this Act, the regulations
7 issued under subsection (a) shall apply only with respect
8 to the activities of an individual if such individual’s activi-
9 ties are undertaken in the individual’s capacity as an
10 owner, officer, director, employee, or agent of a United
11 States person.



115TH CONGRESS
2D SESSION

H. R. 4969

To improve the design and construction of diplomatic posts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2018

Mr. McCAUL introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To improve the design and construction of diplomatic posts, 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 “Improving Embassy
5 Design and Security Act of 2018”.

6 **SEC. 2. IMPROVING EMBASSY CONSTRUCTION.**

7 (a) FINDINGS.—Congress finds that the decision by
8 the Department of State’s Bureau of Overseas Buildings
9 Operations (“OBO”) to transition from Standard Em-
10 bassy Design to Design Excellence has in many cases—

1 (1) increased the cost of building new embassies
2 and consulates;

3 (2) delayed the move of thousands of staff from
4 facilities that do not meet current security standards
5 to new, secure facilities;

6 (3) exacerbated certain deficiencies in the qual-
7 ity of the Bureau's program management;

8 (4) been a factor in reduced competition for
9 capital construction projects; and

10 (5) been a complicating factor in achieving the
11 Department's own security requirements.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the OBO should give appropriate consideration
14 to Standard Embassy Design, in which each new embassy
15 and consulate starts with a standard design and keeps
16 customization to a minimum.

17 (c) DELIVERY.—

18 (1) DESIGN-BUILD PROJECT DELIVERY.—Ex-
19 cept in cases in which the Secretary of State deter-
20 mines that such would not be appropriate, the Sec-
21 retary shall make use of the design-build project de-
22 livery system at diplomatic posts that have not yet
23 received design or construction contracts as of the
24 date of the enactment of this Act.

1 (2) STANDARD DESIGN.—The Secretary of
2 State shall give preference to the use of a standard
3 design, together with design-build delivery under
4 paragraph (1).

5 (3) VERTICAL STANDARD DESIGN.—The Sec-
6 retary of State shall develop a vertical standard de-
7 sign that can be implemented according to the De-
8 partment of State's requisite security and spatial
9 needs for diplomatic posts that are to be situated on
10 a smaller plot of land.

11 (4) BRIDGING.—The Secretary of State shall
12 make use of bridging to adapt the standard design
13 under paragraph (2) with design-build project deliv-
14 ery under paragraph (1) at diplomatic posts that re-
15 quire a more customized design due to climatic, geo-
16 graphic, or functional requirements.

17 (5) OTHER APPLICATION.—

18 (A) IN GENERAL.—The Secretary of State
19 may make use of design-bid-build delivery with
20 non-standard design in limited instances of par-
21 ticular diplomatic importance as determined by
22 the Secretary.

23 (B) LIMITATION.—The Secretary of State
24 may not delegate the authority of the Secretary

1 under subparagraph (A) to make use of design-
2 bid-build delivery with non-standard design.

3 (d) CONSULTATION REGARDING NON-STANDARD
4 DESIGNS.—The Secretary of State shall carry out any new
5 diplomatic post project that is in the design phase or pre-
6 design phase as of the date of the enactment of this Act
7 and that utilizes bridging or non-standard design under
8 subsection (c) only after notification to and consultation
9 with the appropriate congressional committees. Such noti-
10 fication and consultation shall include provision to the ap-
11 propriate congressional committees, for each such project,
12 of the following documentation:

13 (1) A comparison of the estimated full lifecycle
14 costs of the project at issue to the estimated full
15 lifecycle costs of such project if such project were to
16 use a standard design.

17 (2) A comparison of the estimated completion
18 date of such project to the estimated completion
19 date of such project if such project were to use a
20 standard design.

21 (3) A comparison of the security of such com-
22 pleted project to the security of such completed
23 project if such completed project were to use a
24 standard design.

1 (4) A justification for the Secretary's selection
2 of a non-standard design over a standard design for
3 such project.

4 (e) PERFORMANCE EVALUATION.—Not later than
5 180 days after the date of the enactment of this Act, the
6 Secretary of State shall report to the appropriate congres-
7 sional committees regarding performance evaluation meas-
8 ures in line with GAO's "Standards for Internal Control
9 in the Federal Government" that will be applicable to the
10 Bureau of Overseas Building Operations of the Depart-
11 ment of State.

12 (f) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term "appropriate congressional com-
15 mittees" means the Committee on Foreign Affairs of
16 the House of Representatives and the Committee on
17 Foreign Relations of the Senate.

18 (2) BRIDGING.—The term "bridging" means a
19 delivery method for construction projects that is a
20 hybrid of the traditional "design-bid-build" and the
21 "design-build" methods, whereby the Bureau of
22 Overseas Building Operations of the Department of
23 State first contracts with a design firm to develop a
24 project-specific, partial design that a construction
25 contractor and its design firm then complete, the ob-

1 jective of which is to retain the best features of the
2 design-bid-build and design-build methods for the
3 project owner and eliminate those aspects of each
4 such method that often cause problems for such
5 owner.

6 (3) DESIGN-BID-BUILD.—The term “design-bid-
7 build” means a method of project delivery in which
8 a design entity is first contracted to provide a design
9 and a construction entity is subsequently contracted
10 to build the awarded design contract.

11 (4) DESIGN-BUILD.—The term “design-build”
12 means a method of project delivery in which one en-
13 tity, such as the design-build team, works under a
14 single contract with the project owner to provide de-
15 sign and construction services.

16 (5) NON-STANDARD DESIGN.—The term “non-
17 standard design” means a new diplomatic post de-
18 sign that does not utilize a standardized design tem-
19 plate for the structural, spatial, and security require-
20 ments of such post.

21 (6) STANDARD DESIGN.—The term “standard
22 design” means a diplomatic post design that utilizes
23 a standardized design template for the structural,
24 spatial, and security requirements of such post.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4969
OFFERED BY MR. MCCAUL OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Improving Embassy
3 Design and Security Act of 2018”.

4 SEC. 2. STANDARD DESIGN IN CAPITAL CONSTRUCTION.

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the Department of State’s Bureau of Overseas
7 Building Operations (OBO) or successor office should give
8 appropriate consideration to standard embassy design, in
9 which each new embassy and new consulate starts with
10 a standard design and keeps customization to a minimum.

11 (b) CONSULTATION.—The Secretary of State shall, in
12 consultation with the appropriate congressional commit-
13 tees, carry out any new embassy compound project or new
14 consulate compound project that is in the design phase
15 or pre-design phase as of the date of the enactment of
16 this Act and that utilizes a non-standard design. The Sec-
17 retary shall provide such committees, for each such
18 project, the following documentation:

1 (1) A comparison of the estimated full lifecycle
2 costs of the project at issue to the estimated full
3 lifecycle costs of such project if such project were to
4 use a standard embassy design.

5 (2) A comparison of the estimated completion
6 date of such project to the estimated completion
7 date of such project if such project were to use a
8 standard embassy design.

9 (3) A comparison of the security of such com-
10 pleted project to the security of such completed
11 project if such completed project were to use a
12 standard embassy design.

13 (4) A justification for the Secretary's selection
14 of a non-standard design over a standard embassy
15 design for such project.

16 (5) A written explanation if any of the docu-
17 mentation necessary to support the comparisons and
18 justification, as the case may be, described in para-
19 graphs (1) through (4) cannot be provided.

20 **SEC. 3. CAPITAL CONSTRUCTION TRANSPARENCY.**

21 (a) IN GENERAL.—Section 118 of the Department of
22 State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304)
23 is amended—

24 (1) in the section heading, by striking “**AN-**
25 **NUAL REPORT ON EMBASSY CONSTRUCTION**

1 **COSTS**” and inserting “**QUARTERLY REPORT ON**
2 **OVERSEAS CAPITAL CONSTRUCTION**
3 **PROJECTS**”; and

4 (2) by amending subsections (a) and (b) to read
5 as follows:

6 “(a) **IN GENERAL.**—Not later than 180 days after
7 the date of the enactment of this subsection and every 90
8 days thereafter, the Secretary shall submit to the appro-
9 priate congressional committees a comprehensive report
10 regarding all ongoing overseas capital construction
11 projects and major embassy security upgrade projects.

12 “(b) **CONTENTS.**—Each report required under sub-
13 section (a) shall include the following with respect to each
14 ongoing overseas capital construction project and major
15 embassy security upgrade project:

16 “(1) The initial cost estimate as specified in the
17 proposed allocation of capital construction and main-
18 tenance funds required by the Committees on Appro-
19 priations for Acts making appropriations for the De-
20 partment of State, foreign operations, and related
21 programs.

22 “(2) The current cost estimate.

23 “(3) The value of each request for equitable ad-
24 justment received by the Department of State to
25 date.

1 “(4) The value of each certified claim received
2 by the Department of State to date.

3 “(5) The value of any usage of the project’s
4 contingency fund to date and the value of the re-
5 mainder of the project’s contingency fund.

6 “(6) An enumerated list of each request for ad-
7 justment and certified claim that remains out-
8 standing or unresolved.

9 “(7) An enumerated list of each request for eq-
10 uitable adjustment and certified claim that has been
11 fully adjudicated or that the Department has settled,
12 and the final dollar amount of each adjudication or
13 settlement.

14 “(8) The date of estimated completion specified
15 in the proposed allocation of capital construction
16 and maintenance funds required by the Committees
17 on Appropriations not later than 45 days after the
18 date of the enactment of an Act making appropri-
19 ations for the Department of State, foreign oper-
20 ations, and related programs.

21 “(9) The current date of estimated comple-
22 tion.”.

23 (b) INITIAL REPORT.—The first report required
24 under subsection (a) of section 118 of the Department of
25 State Authorities Act, Fiscal Year 2017 (as amended by

1 this section) shall include an annex regarding all overseas
2 capital construction projects and major embassy security
3 upgrade projects completed during the 10-year period end-
4 ing on December 31, 2018, including, for each such
5 project, the elements specified in subsection (b) of such
6 section 118 (as amended by this section).

7 **SEC. 4. CONTRACTOR PERFORMANCE INFORMATION.**

8 (a) DEADLINE FOR COMPLETION.—The Secretary of
9 State shall complete by October 1, 2020, all contractor
10 performance evaluations required by subpart 42.15 of the
11 Federal Acquisition Regulation.

12 (b) PRIORITIZATION SYSTEM.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary
15 of State shall develop a prioritization system for
16 clearing the current backlog of required evaluations
17 referred to in subsection (a).

18 (2) ELEMENTS.—The system required under
19 paragraph (1) should prioritize such evaluations as
20 follows:

21 (A) Project completion evaluations should
22 be prioritized over annual evaluations.

23 (B) Evaluations for relatively large con-
24 tracts should have priority.

1 (C) Evaluations that would be particularly
2 informative for the awarding of government
3 contracts should have priority.

4 (c) BRIEFING.—Not later than 90 days after the date
5 of the enactment of this Act, the Secretary of State shall
6 brief the appropriate congressional committees on the De-
7 partment of State’s plan for completing all evaluations by
8 October 1, 2020, and the prioritization system developed
9 pursuant to this section.

10 (d) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) contractors deciding whether to bid on De-
13 partment of State contracts would benefit from
14 greater understanding of the Department as a client;
15 and

16 (2) the Department should develop a forum
17 through which contractors can rate the Depart-
18 ment’s project management performance.

19 **SEC. 5. GROWTH PROJECTIONS FOR NEW EMBASSIES AND**
20 **CONSULATES.**

21 (a) IN GENERAL.—For each new embassy compound
22 project (NEC) and new consulate compound project
23 (NCC) in or not yet in the design phase as of the date
24 of the enactment of this Act, the Office of Management
25 Policy, Rightsizing, and Innovation of the Department of

1 State shall project growth over the estimated life of the
2 facility at issue using all available and relevant data, in-
3 cluding the following:

4 (1) Relevant historical trends for Department
5 personnel and personnel from other agencies rep-
6 resented at the NEC or NCC that is to be con-
7 structed.

8 (2) An analysis of the tradeoffs between risk
9 and the needs of United States Government policy
10 conducted as part of the most recent Vital Presence
11 Validation Process, if applicable.

12 (3) Reasonable assumptions about the strategic
13 importance of the NEC or NCC, as the case may be,
14 over the life of the building at issue.

15 (4) Any other data that would be helpful in pro-
16 jecting the future growth of NEC or NCC.

17 (b) OTHER AGENCIES.—Each Federal agency rep-
18 resented at an embassy or consulate shall provide to the
19 Department of State, upon request, growth projections for
20 the personnel of such agency over the estimated life of
21 such embassy or consulate, as the case may be.

22 (c) BASIS FOR ESTIMATES.—The Department of
23 State shall base growth assumption for all NECs and
24 NCCs on the estimates required under subsections (a) and
25 (b).

1 (d) CONGRESSIONAL NOTIFICATION.—Any congres-
2 sional notification of site selection for a NEC or NCC sub-
3 mitted after the date of the enactment of this Act shall
4 include the growth assumption used pursuant to sub-
5 section (c).

6 **SEC. 6. LONG-RANGE PLANNING PROCESS.**

7 (a) PLANS REQUIRED.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act and an-
10 nually thereafter for five years, the Secretary of
11 State shall develop—

12 (A) a comprehensive six-year Long-Range
13 Overseas Buildings Plan (LROBP) docu-
14 menting the Department of State’s overseas
15 building program for the replacement of over-
16 seas diplomatic facilities taking into account se-
17 curity factors under the Secure Embassy Con-
18 struction and Counterterrorism Act of 1999
19 and other relevant statutes and regulations, as
20 well as occupational safety and health factors
21 pursuant to the Occupational Safety and
22 Health Act of 1970 and other relevant statutes
23 and regulations, including environmental factors
24 such as indoor air quality that impact employee
25 health and safety; and

1 (B) a comprehensive six-year plan detailing
2 the Department's long-term planning for the
3 maintenance and sustainment of completed fa-
4 cilities, known as a Long-Range Overseas Main-
5 tenance Plan (LROMP), which takes into ac-
6 count security factors under the Secure Em-
7 bassy Construction and Counterterrorism Act of
8 1999 and other relevant statutes and regula-
9 tions, as well as occupational safety and health
10 factors pursuant to the Occupational Safety
11 and Health Act of 1970 and other relevant
12 statutes and regulations, including environ-
13 mental factors such as indoor air quality that
14 impact employee health and safety.

15 (2) INITIAL REPORT.—The first plan developed
16 pursuant to paragraph (1)(A) shall also include a
17 one-time status report on existing small diplomatic
18 posts and a strategy for establishing a physical dip-
19 lomatic presence in countries in which there is no
20 current physical diplomatic presence. Such report,
21 which may include a classified annex, shall include
22 the following:

23 (A) A description of the extent to which
24 each small diplomatic post furthers the national
25 interest of the United States.

1 (B) A description of how each small diplo-
2 matic post provides American Citizen Services,
3 including data on specific services provided and
4 the number of Americans receiving services over
5 the previous year.

6 (C) A description of whether each small
7 diplomatic post meets current security require-
8 ments.

9 (D) A description of the full financial cost
10 of maintaining each small diplomatic post.

11 (E) Input from the relevant chiefs of mis-
12 sion on any unique operational or policy value
13 the small diplomatic post provides.

14 (3) UPDATED INFORMATION.—The annual up-
15 dates of the plans developed pursuant to paragraph
16 (1) shall highlight any changes from the previous
17 year's plan to the ordering of construction and
18 maintenance projects.

19 (b) REPORTING REQUIREMENTS.—

20 (1) SUBMISSION OF PLANS TO CONGRESS.—Not
21 later than 60 days after the completion of the
22 LROBP and the LROMP, the Secretary of State
23 shall submit such plans to the appropriate congres-
24 sional committees.

1 (2) REFERENCE IN BUDGET JUSTIFICATION
2 MATERIALS.—In the budget justification materials
3 submitted to the appropriate congressional commit-
4 tees in support of the Department of State’s budget
5 for any fiscal year (as submitted with the budget of
6 the President under section 1105(a) of title 31,
7 United States Code), the plans specified in the
8 LROBP and LROMP shall be referenced to justify
9 funding requested for building and maintenance
10 projects overseas.

11 (3) FORM OF REPORT.—The plans required to
12 be submitted under paragraph (1) shall be submitted
13 in unclassified form but may include classified an-
14 nexes

15 (c) SMALL DIPLOMATIC POST DEFINED.—In this
16 section, the term “small diplomatic post” means any con-
17 sulate that has employed five or fewer United States Gov-
18 ernment employees on average over the 36 months before
19 the date of the enactment of this Act.

20 **SEC. 7. VALUE ENGINEERING AND RISK ASSESSMENT.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Federal departments and agencies are re-
24 quired to use value engineering (VE) as a manage-
25 ment tool, where appropriate, to reduce program and

1 acquisition costs pursuant to OMB Circular A-131,
2 Value Engineering, dated December 31, 2013.

3 (2) OBO has a Policy Directive and Standard
4 Operation Procedure, dated May 24, 2017, on con-
5 ducting risk management studies on all international
6 construction projects.

7 (b) NOTIFICATION REQUIREMENTS.—

8 (1) SUBMISSION TO AUTHORIZING COMMIT-
9 TEES.—The proposed allocation of capital construc-
10 tion and maintenance funds that is required by the
11 Committees on Appropriations of the House of Rep-
12 resentatives and the Senate not later than 45 days
13 after the date of the enactment of an Act making
14 appropriations for the Department of State, foreign
15 operations, and related programs shall also be sub-
16 mitted to the appropriate congressional committees.

17 (2) REQUIREMENT TO CONFIRM COMPLETION
18 OF VALUE ENGINEERING AND RISK ASSESSMENT
19 STUDIES.—The notifications required under para-
20 graph (1) shall include confirmation that the De-
21 partment of State has completed the requisite VE
22 and risk management studies described in subsection
23 (a).

1 (c) REPORTING AND BRIEFING REQUIREMENTS.—

2 The Secretary of State shall provide to the appropriate
3 congressional committees upon request—

4 (1) a description of each recommendation from
5 each study described in subsection (a) and a table
6 detailing which recommendations were accepted and
7 which were rejected; and

8 (2) a report or briefing detailing the rationale
9 for not implementing recommendations made by VE
10 studies that may yield significant cost savings to the
11 Department of State, if implemented.

12 **SEC. 8. BUSINESS VOLUME.**

13 Subparagraph (E) of section 402(c)(2) of the Omni-
14 bus Diplomatic Security and Antiterrorism Act of 1986
15 (22 U.S.C. 4852(c)(2)) is amended by striking “in 3
16 years” and inserting “cumulatively over 3 years”.

17 **SEC. 9. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.**

18 The Secretary of State shall provide to the appro-
19 priate congressional committees, upon request, informa-
20 tion on security deficiencies at United States diplomatic
21 posts, including—

22 (1) requests made over the previous year by
23 United States diplomatic posts for security up-
24 grades; and

1 (2) significant security deficiencies at United
2 States diplomatic posts that are not operating out of
3 a new embassy compound or new consulate com-
4 pound.

5 **SEC. 10. OVERSEAS SECURITY BRIEFINGS.**

6 Not later than 90 days after the date of the enact-
7 ment of this Act, the Secretary of State shall revise the
8 Foreign Affairs Manual to stipulate that the Bureau of
9 Diplomatic Security of the Department of State shall pro-
10 vide a security briefing or written materials with up-to-
11 date information on the current threat environment in
12 writing or orally to all United States Government employ-
13 ees traveling to a foreign country on official business. To
14 the extent practicable, such briefing or written materials
15 shall be provided to traveling Department employees via
16 teleconference prior to their arrival at a post.

17 **SEC. 11. CONTRACTING METHODS IN CAPITAL CONSTRU-**
18 **CTION.**

19 (a) DELIVERY.—Except in cases in which the Sec-
20 retary of State determines that such would not be appro-
21 priate, the Secretary shall make use of the design-build
22 project delivery system at diplomatic posts that have not
23 yet received design or capital construction contracts as of
24 the date of the enactment of this Act.

1 (b) NOTIFICATION.—Not later than 15 days after
2 any determination to make use of a delivery system other
3 than design-build in accordance with subsection (a), the
4 Secretary of State shall notify the appropriate congressional
5 committees in writing of such determination, including
6 the reasons therefor.

7 (c) PERFORMANCE EVALUATION.—Not later than
8 180 days after the date of the enactment of this Act, the
9 Secretary shall report to the appropriate congressional
10 committees regarding performance evaluation measures in
11 line with GAO’s “Standards for Internal Control in the
12 Federal Government” that will be applicable to design and
13 construction, lifecycle cost, and building maintenance programs
14 of the Bureau of Overseas Building Operations of
15 the Department of State.

16 **SEC. 12. DEFINITIONS.**

17 In this Act:

18 (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional
19 committees” means the appropriate congressional committees.
20
21

22 (1) DESIGN-BUILD.—The term “design-build”
23 means a method of project delivery in which one entity
24 works under a single contract with the Department

1 ment of State to provide design and construction
2 services.

3 (2) NON-STANDARD DESIGN.—The term “non-
4 standard design” means—

5 (A) a design for a new embassy compound
6 project or new consulate compound project that
7 does not utilize a standardized embassy design
8 for the structural, spatial, or security require-
9 ments of such embassy compound or consulate
10 compound, as the case may be; or

11 (B) a new embassy compound project; or
12 new consulate compound project that does not
13 utilize a design-build delivery method.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4969
OFFERED BY MS. TITUS OF NEVADA**

Insert after section 2 the following:

1 SEC. 3. STATEMENT OF POLICY.

2 It is the policy of the United States that the Bureau
3 of Overseas Building Operations of the Department of
4 State or its successor office shall continue to balance
5 functionality and security with accessibility as defined by
6 guidelines established by the United States Access Board
7 in constructing embassies and consulates and shall ensure
8 compliance with the Architectural Barriers Act of 1968
9 to the fullest extent possible.



115TH CONGRESS
2D SESSION

H. R. 5576

To address state-sponsored cyber activities against the United States, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2018

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

A BILL

To address state-sponsored cyber activities against 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 “Cyber Deterrence and
5 Response Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) On February 13, 2018, the Director of Na-
2 tional Intelligence stated in his testimony before the
3 Senate Select Committee on Intelligence that “Rus-
4 sia, China, Iran, and North Korea will pose the
5 greatest cyber threats to the United States during
6 the next year” through the use of cyber operations
7 as low-cost tools of statecraft, and assessed that
8 these states would “work to use cyber operations to
9 achieve strategic objectives unless they face clear re-
10 percussions for their cyber operations”.

11 (2) The 2017 Worldwide Threat Assessment of
12 the United States Intelligence Community stated
13 that “The potential for surprise in the cyber realm
14 will increase in the next year and beyond as billions
15 more digital devices are connected—with relatively
16 little built-in security—and both nation states and
17 malign actors become more emboldened and better
18 equipped in the use of increasingly widespread cyber
19 toolkits. The risk is growing that some adversaries
20 will conduct cyber attacks—such as data deletion or
21 localized and temporary disruptions of critical infra-
22 structure—against the United States in a crisis
23 short of war.”.

24 (3) On March 29, 2017, President Donald J.
25 Trump deemed it necessary to continue the national

1 emergency declared in Executive Order 13694 as
2 “Significant malicious cyber-enabled activities origi-
3 nating from, or directed by persons located, in whole
4 or in substantial part, outside the United States,
5 continue to pose an unusual and extraordinary
6 threat to the national security, foreign policy, and
7 economy of the United States.”.

8 (4) On January 5, 2017, former Director of
9 National Intelligence, James Clapper, former Under-
10 secretary of Defense for Intelligence, Marcel Lettre,
11 and the Commander of the United States Cyber
12 Command, Admiral Michael Rogers, submitted joint
13 testimony to the Committee on Armed Services of
14 the Senate that stated “As of late 2016 more than
15 30 nations are developing offensive cyber attack ca-
16 pabilities” and that “Protecting critical infrastruc-
17 ture, such as crucial energy, financial, manufac-
18 turing, transportation, communication, and health
19 systems, will become an increasingly complex na-
20 tional security challenge.”.

21 (5) There is significant evidence that hackers
22 affiliated with foreign governments have conducted
23 cyber operations targeting companies and critical in-
24 frastructure sectors in the United States as the De-
25 partment of Justice has announced that—

1 (A) on March 24, 2016, seven Iranians
2 working for Iran's Revolutionary Guard Corps-
3 affiliated entities were indicted for conducting
4 distributed denial of service attacks against the
5 financial sector in the United States from 2012
6 to 2013; and

7 (B) on May 19, 2014, five Chinese military
8 hackers were charged for hacking United States
9 companies in the nuclear power, metals, and
10 solar products industries, and engaging in eco-
11 nomic espionage.

12 (6) In May 2017, North Korea released
13 "WannaCry" pseudo-ransomware, which posed a sig-
14 nificant risk to the economy, national security, and
15 the citizens of the United States and the world, as
16 it resulted in the infection of over 300,000 computer
17 systems in more than 150 countries, including in the
18 healthcare sector of the United Kingdom, dem-
19 onstrating the global reach and cost of cyber-enabled
20 malicious activity.

21 (7) In June 2017, Russia carried out the most
22 destructive cyber-enabled operation in history, re-
23 leasing the NotPetya malware that caused billions of
24 dollars' worth of damage within Ukraine and across
25 Europe, Asia, and the Americas.

1 **SEC. 3. ACTIONS TO ADDRESS STATE-SPONSORED CYBER**

2 **ACTIVITIES AGAINST THE UNITED STATES.**

3 (a) **DESIGNATION AS A CRITICAL CYBER THREAT.—**

4 (1) **IN GENERAL.**—The President, acting
5 through the Secretary of State, shall designate as a
6 critical cyber threat—

7 (A) each foreign person and each agency
8 or instrumentality of a foreign state that the
9 President determines to be responsible for or
10 complicit in, or have engaged in, directly or in-
11 directly, state-sponsored cyber activities that
12 are reasonably likely to result in, or have con-
13 tributed to, a significant threat to the national
14 security, foreign policy, or economic health or
15 financial stability of the United States and that
16 have the purpose or effect of—

17 (i) causing a significant disruption to
18 the availability of a computer or network
19 of computers;

20 (ii) harming, or otherwise significantly
21 compromising the provision of service by, a
22 computer or network of computers that
23 support one or more entities in a critical
24 infrastructure sector;

1 (iii) significantly compromising the
2 provision of services by one or more enti-
3 ties in a critical infrastructure sector;

4 (iv) causing a significant misappro-
5 priation of funds or economic resources,
6 trade secrets, personal identifiers, or finan-
7 cial information for commercial or competi-
8 tive advantage or private financial gain;

9 (v) destabilizing the financial sector of
10 the United States by tampering with, alter-
11 ing, or causing a misappropriation of data;
12 or

13 (vi) interfering with or undermining
14 election processes or institutions by tam-
15 pering with, altering, or causing misappro-
16 priation of data;

17 (B) each foreign person that the President
18 has determined to have knowingly materially as-
19 sisted, sponsored, or provided financial, mate-
20 rial, or technological support for, or goods or
21 services to or in support of, any activities de-
22 scribed in subparagraph (A) by a foreign person
23 or agency or instrumentality of a foreign state
24 designated as a critical cyber threat under sub-
25 paragraph (A);

1 (C) each agency or instrumentality of a
2 foreign state that the President has determined
3 to have materially assisted, sponsored, or pro-
4 vided financial, material, or technological sup-
5 port for, or goods or services to or in support
6 of, any activities described in subparagraph (A)
7 by a foreign person or agency or instrumen-
8 tality of a foreign state designated as a critical
9 cyber threat under subparagraph (A);

10 (D) each foreign person that the President
11 has determined to have attempted to engage in
12 any of the activities described in subparagraph
13 (A) or (B); or

14 (E) each agency or instrumentality of a
15 foreign state that the President has determined
16 to have attempted to engage in any of the ac-
17 tivities described in subparagraph (A) or (C).

18 (2) PUBLICATION IN FEDERAL REGISTER.—The
19 President shall—

20 (A) publish in the Federal Register a list
21 of each foreign person and each agency or in-
22 strumentality of a foreign state designated as a
23 critical cyber threat under this subsection; and

1 (B) regularly update such list not later
2 than seven days after making any changes to
3 the list.

4 (b) NON-TRAVEL-RELATED SANCTIONS.—

5 (1) IN GENERAL.—The President shall impose
6 one or more of the applicable sanctions described in
7 paragraph (2) with respect to each foreign person
8 and each agency or instrumentality of a foreign
9 state designated as a critical cyber threat under sub-
10 section (a).

11 (2) SANCTIONS DESCRIBED.—The sanctions de-
12 scribed in this paragraph are the following:

13 (A) The President may provide for the
14 withdrawal, limitation, or suspension of non-hu-
15 manitarian United States development assist-
16 ance under chapter 1 of part I of the Foreign
17 Assistance Act of 1961.

18 (B) The President may provide for the
19 withdrawal, limitation, or suspension of United
20 States security assistance under part II of the
21 Foreign Assistance Act of 1961.

22 (C) The President may direct the United
23 States executive director to each international
24 financial institution to use the voice and vote of
25 the United States to oppose any loan from the

1 international financial institution that would
2 benefit the designated foreign person or the
3 designated agency or instrumentality of a for-
4 eign state.

5 (D) The President may direct the Export-
6 Import Bank of the United States, the Overseas
7 Private Investment Corporation, or any other
8 United States Government agency not to ap-
9 prove the issuance of any (or a specified num-
10 ber of) guarantees, insurance, extensions of
11 credit, or participations in the extension of
12 credit.

13 (E) The President may, pursuant to such
14 regulations or guidelines as the President may
15 prescribe, prohibit any United States person
16 from investing in or purchasing significant
17 amounts of equity or debt instruments of the
18 designated foreign person or the designated
19 agency or instrumentality of a foreign state.

20 (F) The President may, pursuant to such
21 regulations or guidelines as the President may
22 prescribe, prohibit any United States agency or
23 instrumentality from procuring, or entering into
24 any contract for the procurement of, any goods,
25 technology, or services, or classes of goods,

1 technology, or services, from the designated for-
2 eign person or the designated agency or instru-
3 mentality of a foreign state.

4 (G) The President may order the heads of
5 the appropriate United States agencies to not
6 issue any (or a specified number of) specific li-
7 censes, and to not grant any other specific au-
8 thority (or a specified number of authorities), to
9 export any goods or technology to the des-
10 ignated foreign person or the designated agency
11 or instrumentality of a foreign state under—

12 (i) the Export Administration Act of
13 1979 (as continued in effect pursuant the
14 International Emergency Economic Powers
15 Act);

16 (ii) the Arms Export Control Act;

17 (iii) the Atomic Energy Act of 1954;

18 or

19 (iv) any other statute that requires
20 the prior review and approval of the
21 United States Government as a condition
22 for the export or re-export of goods or
23 services.

24 (H)(i) The President may exercise all of
25 the powers granted to the President under the

1 International Emergency Economic Powers Act
2 (50 U.S.C. 1701 et seq.) (except that the re-
3 quirements of section 202 of such Act (50
4 U.S.C. 1701) shall not apply) to the extent nec-
5 essary to block and prohibit all transactions in
6 property and interests in property of the des-
7 ignated foreign person if such property and in-
8 terests in property are in the United States,
9 come within the United States, or are or come
10 within the possession or control of a United
11 States person.

12 (ii) The penalties provided for in sub-
13 sections (b) and (c) of section 206 of the Inter-
14 national Emergency Economic Powers Act (50
15 U.S.C. 1705) shall apply to a person that vio-
16 lates, attempts to violate, conspires to violate,
17 or causes a violation of regulations prescribed
18 under clause (i) to the same extent that such
19 penalties apply to a person that commits an un-
20 lawful act described in subsection (a) of such
21 section 206.

22 (I) The President may, pursuant to such
23 regulations as the President may prescribe, pro-
24 hibit any transfers of credit or payments be-
25 tween one or more financial institutions or by,

1 through, or to any financial institution, to the
2 extent that such transfers or payments are sub-
3 ject to the jurisdiction of the United States and
4 involve any interest of the designated foreign
5 person.

6 (c) TRAVEL-RELATED SANCTIONS.—

7 (1) ALIENS INELIGIBLE FOR VISAS, ADMISSION,
8 OR PAROLE.—An alien who is designated as a crit-
9 ical cyber threat under subsection (a) is—

10 (A) inadmissible to the United States;

11 (B) ineligible to receive a visa or other doc-
12 umentation to enter the United States; and

13 (C) otherwise ineligible to be admitted or
14 paroled into the United States or to receive any
15 other benefit under the Immigration and Na-
16 tionality Act (8 U.S.C. 1101 et seq.).

17 (2) CURRENT VISAS REVOKED.—The issuing
18 consular officer, the Secretary of State, or the Sec-
19 retary of Homeland Security (or a designee of either
20 such Secretaries) shall revoke any visa or other
21 entry documentation issued to the foreign person
22 designated as a critical cyber threat under sub-
23 section (a) regardless of when issued. A revocation
24 under this clause shall take effect immediately and
25 shall automatically cancel any other valid visa or

1 entry documentation that is in the possession of
2 such foreign person.

3 (d) ADDITIONAL SANCTIONS WITH RESPECT TO
4 FOREIGN STATES.—

5 (1) IN GENERAL.—The President may impose
6 any of the sanctions described in paragraph (2) with
7 respect to the government of each foreign state that
8 the President has determined aided, abetted, or di-
9 rected a foreign person or agency or instrumentality
10 of a foreign state designated as a critical cyber
11 threat under subsection (a).

12 (2) SANCTIONS DESCRIBED.—The sanctions re-
13 ferred to in paragraph (1) are the following:

14 (A) The President may provide for the
15 withdrawal, limitation, or suspension of non-hu-
16 manitarian or non-trade-related assistance
17 United States development assistance under
18 chapter 1 of part I of the Foreign Assistance
19 Act of 1961.

20 (B) The President may provide for the
21 withdrawal, limitation, or suspension of United
22 States security assistance under part II of the
23 Foreign Assistance Act of 1961.

24 (C) The President may instruct the United
25 States Executive Director to each appropriate

1 international financial institution to oppose, and
2 vote against the extension by such institution of
3 any loan or financial or technical assistance to
4 the government of the foreign state.

5 (D) No item on the United States Muni-
6 tions List (established pursuant to section 38 of
7 the Arms Export Control Act (22 U.S.C.
8 2778)) or the Commerce Control List set forth
9 in Supplement No. 1 to part 774 of title 15,
10 Code of Federal Regulations, may be exported
11 to the government of the foreign state.

12 (E) The President may, pursuant to such
13 regulations as the President may prescribe, pro-
14 hibit any transactions in foreign exchange that
15 are subject to the jurisdiction of the United
16 States and in which the government of the for-
17 eign state has any interest.

18 (F) The President may, pursuant to such
19 regulations as the President may prescribe, pro-
20 hibit any transfers of credit or payments be-
21 tween one or more financial institutions or by,
22 through, or to any financial institution, to the
23 extent that such transfers or payments are sub-
24 ject to the jurisdiction of the United States and

1 involve any interest of the government of the
2 foreign state.

3 (e) EXEMPTIONS, WAIVERS, AND REMOVALS OF
4 SANCTIONS AND DESIGNATIONS.—

5 (1) EXEMPTIONS.—

6 (A) MANDATORY EXEMPTIONS.—The fol-
7 lowing activities shall be exempt from sanctions
8 under subsections (b), (c), and (d):

9 (i) Activities subject to the reporting
10 requirements of title V of the National Se-
11 curity Act of 1947 (50 U.S.C. 413 et seq.),
12 or to any authorized intelligence activities
13 of the United States.

14 (ii) Any transaction necessary to com-
15 ply with United States obligations under
16 the Agreement between the United Nations
17 and the United States of America regard-
18 ing the Headquarters of the United Na-
19 tions, signed June 26, 1947, and entered
20 into force on November 21, 1947, or under
21 the Vienna Convention on Consular Rela-
22 tions, signed April 24, 1963, and entered
23 into force on March 19, 1967, or under
24 other international agreements.

1 (2) WAIVER.—The President may waive, on a
2 case-by-case basis, the imposition of sanctions for a
3 period of not more than one year, and may renew
4 that waiver for additional periods of not more than
5 one year, any sanction or penalty under this section
6 if the President submits to the appropriate congressional
7 committees a written determination that the
8 waiver meets one or more of the following requirements:
9

10 (A) The waiver is important to the economic
11 or national security interests of the
12 United States.

13 (B) The waiver will further the enforcement
14 of this Act or is for an important law enforcement
15 purpose.

16 (C) The waiver is for an important humanitarian
17 purpose.

18 (3) REMOVALS OF SANCTIONS AND DESIGNATIONS.—The President may prescribe rules and regulations
19 for the removal of sanctions under subsections (b), (c), and (d) and the removal of designations
20 under subsection (a) if the President determines that a foreign person, agency or instrumentality
21 of a foreign state, or government of a foreign state subject to such sanctions, as the case may be,
22
23
24
25

1 has verifiably ceased its participation in any of the
2 conduct with respect to which the foreign person,
3 agency or instrumentality of a foreign state, or gov-
4 ernment of a foreign state, as the case may be, was
5 subject to sanctions under this section and has given
6 assurances that it will no longer participate in such
7 conduct.

8 (4) EXCEPTION TO COMPLY WITH UNITED NA-
9 TIONS HEADQUARTERS AGREEMENT.—Sanctions
10 under subsection (c) shall not apply to a foreign per-
11 son if admitting the foreign person into the United
12 States is necessary to permit the United States to
13 comply with the Agreement regarding the Head-
14 quarters of the United Nations, signed at Lake Suc-
15 cess June 26, 1947, and entered into force Novem-
16 ber 21, 1947, between the United Nations and the
17 United States, or other applicable international obli-
18 gations.

19 (f) BRIEFING TO CONGRESS.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this section, and
22 periodically thereafter, the President shall provide to
23 the appropriate congressional committees a briefing
24 on state-sponsored cyber activities against the
25 United States.

1 (2) MATTERS TO BE INCLUDED.—The briefing
2 required by paragraph (1) shall, include the fol-
3 lowing, to the extent the information is available:

4 (A) A list of foreign states that continue to
5 aid, abet, or direct any foreign person or agency
6 or instrumentality of a foreign state to carry
7 out state-sponsored cyber activities against the
8 United States, including—

9 (i) a list of entities within the United
10 States critical infrastructure that are be-
11 lieved to have been, or are currently still,
12 subject to state-sponsored cyber activities
13 by each such foreign state; and

14 (ii) a list of such foreign persons and
15 agencies and instrumentalities of foreign
16 states that the President has reason to be-
17 lieve are engaging, or have engaged in,
18 state-sponsored cyber activities against the
19 United States but are not currently des-
20 ignated under subsection (b).

21 (B) A list of the foreign persons and agen-
22 cies and instrumentalities of foreign states with
23 respect to which the imposition of sanctions
24 were waived or removed under subsection (f).

1 (C) A summary of any efforts made by the
2 Government of the United States to resolve and
3 bring an immediate end to state-sponsored
4 cyber activities against the United States that
5 could result in the designation as a critical
6 cyber threat under subsection (a).

7 (g) DEFINITIONS.—In this section:

8 (1) ADMITTED; ALIEN.—The terms “admitted”
9 and “alien” have the meanings given such terms in
10 section 101 of the Immigration and Nationality Act
11 (8 U.S.C. 1101).

12 (2) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Foreign Affairs, the
16 Committee on Financial Services, the Com-
17 mittee on the Judiciary, the Committee on
18 Oversight and Government Reform, and the
19 Committee on Homeland Security of the House
20 of Representatives; and

21 (B) the Committee on Foreign Relations,
22 the Committee on Banking, Housing, and
23 Urban Affairs, the Committee on the Judiciary,
24 and the Committee on Homeland Security and
25 Governmental Affairs of the Senate.

1 (3) AGENCY OR INSTRUMENTALITY OF A FOR-
2 EIGN STATE.—The term “agency or instrumentality
3 of a foreign state” has the meaning given such term
4 in section 1603(b) of title 28, United States Code.

5 (4) CRITICAL INFRASTRUCTURE SECTOR.—The
6 term “critical infrastructure sector” means any of
7 the designated critical infrastructure sectors identi-
8 fied in the Presidential Policy Directive entitled
9 “Critical Infrastructure Security and Resilience”,
10 numbered 21, and dated February 12, 2013.

11 (5) FOREIGN PERSON.—The term “foreign per-
12 son” means—

13 (A) an individual who is not a United
14 States citizen or an alien lawfully admitted for
15 permanent residence to the United States; or

16 (B) an entity that is not a United States
17 person.

18 (6) FOREIGN STATE.—The term “foreign state”
19 has the meaning given such term in section 1603(a)
20 of title 28, United States Code.

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

1 (8) MISAPPROPRIATION.—The term “misappro-
2 piation” means taking or obtaining by improper
3 means, without permission or consent, or under false
4 pretenses.

5 (9) STATE-SPONSORED CYBER ACTIVITIES.—
6 The term “state-sponsored cyber activities” means
7 any cyber-enabled activities that—

8 (A) are carried out by an agency or instru-
9 mentality of a foreign state; or

10 (B) are carried out by a foreign person
11 that is aided, abetted, or directed by a foreign
12 state or an agency or instrumentality of a for-
13 eign state.

14 (10) UNITED STATES PERSON.—The term
15 “United States person” means—

16 (A) a United States citizen or an alien law-
17 fully admitted for permanent residence to the
18 United States; or

19 (B) an entity organized under the laws of
20 the United States or of any jurisdiction within
21 the United States, including a foreign branch of
22 such an entity.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5576
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 “Cyber Deterrence and
3 Response Act of 2018”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) On February 13, 2018, the Director of Na-
7 tional Intelligence stated in his testimony before the
8 Senate Select Committee on Intelligence that “Rus-
9 sia, China, Iran, and North Korea will pose the
10 greatest cyber threats to the United States during
11 the next year” through the use of cyber operations
12 as low-cost tools of statecraft, and assessed that
13 these states would “work to use cyber operations to
14 achieve strategic objectives unless they face clear re-
15 percussions for their cyber operations”.

16 (2) The 2017 Worldwide Threat Assessment of
17 the United States Intelligence Community stated
18 that “The potential for surprise in the cyber realm

1 will increase in the next year and beyond as billions
2 more digital devices are connected—with relatively
3 little built-in security—and both nation states and
4 malign actors become more emboldened and better
5 equipped in the use of increasingly widespread cyber
6 toolkits. The risk is growing that some adversaries
7 will conduct cyber attacks—such as data deletion or
8 localized and temporary disruptions of critical infra-
9 structure—against the United States in a crisis
10 short of war.”.

11 (3) On March 29, 2017, President Donald J.
12 Trump deemed it necessary to continue the national
13 emergency declared in Executive Order 13694 as
14 “Significant malicious cyber-enabled activities origi-
15 nating from, or directed by persons located, in whole
16 or in substantial part, outside the United States,
17 continue to pose an unusual and extraordinary
18 threat to the national security, foreign policy, and
19 economy of the United States.”.

20 (4) On January 5, 2017, former Director of
21 National Intelligence, James Clapper, former Under-
22 secretary of Defense for Intelligence, Marcel Lettre,
23 and the Commander of the United States Cyber
24 Command, Admiral Michael Rogers, submitted joint
25 testimony to the Committee on Armed Services of

1 the Senate that stated “As of late 2016 more than
2 30 nations are developing offensive cyber attack ca-
3 pabilities” and that “Protecting critical infrastruc-
4 ture, such as crucial energy, financial, manufac-
5 turing, transportation, communication, and health
6 systems, will become an increasingly complex na-
7 tional security challenge.”.

8 (5) There is significant evidence that hackers
9 affiliated with foreign governments have conducted
10 cyber operations targeting companies and critical in-
11 frastructure sectors in the United States as the De-
12 partment of Justice has announced that—

13 (A) on March 24, 2016, seven Iranians
14 working for Iran’s Revolutionary Guard Corps-
15 affiliated entities were indicted for conducting
16 distributed denial of service attacks against the
17 financial sector in the United States from 2012
18 to 2013; and

19 (B) on May 19, 2014, five Chinese military
20 hackers were charged for hacking United States
21 companies in the nuclear power, metals, and
22 solar products industries, and engaging in eco-
23 nomic espionage.

24 (6) In May 2017, North Korea released
25 “WannaCry” pseudo-ransomware, which posed a sig-

1 nificant risk to the economy, national security, and
2 the citizens of the United States and the world, as
3 it resulted in the infection of over 300,000 computer
4 systems in more than 150 countries, including in the
5 healthcare sector of the United Kingdom, dem-
6 onstrating the global reach and cost of cyber-enabled
7 malicious activity.

8 (7) In June 2017, Russia carried out the most
9 destructive cyber-enabled operation in history, re-
10 leasing the NotPetya malware that caused billions of
11 dollars' worth of damage within Ukraine and across
12 Europe, Asia, and the Americas.

13 (8) In May 2018, the Department of State,
14 pursuant to section 3(b) of Executive Order 13800,
15 prepared recommendations to the President on De-
16 terrering Adversaries and Better Protecting the Amer-
17 ican People From Cyber Threats, which stated
18 “With respect to activities below the threshold of the
19 use of force, the United States should, working with
20 likeminded partners when possible, adopt an ap-
21 proach of imposing swift, costly, and transparent
22 consequences on foreign governments responsible for
23 significant malicious cyber activities aimed at harm-
24 ing U.S. national interests.”.

1 **SEC. 3. ACTIONS TO ADDRESS STATE-SPONSORED CYBER**
2 **ACTIVITIES AGAINST THE UNITED STATES.**

3 (a) DESIGNATION AS A CRITICAL CYBER THREAT
4 ACTOR.—

5 (1) IN GENERAL.—The President, acting
6 through the Secretary of State, and in coordination
7 with other relevant Federal agency heads, shall des-
8 ignate as a critical cyber threat actor—

9 (A) each foreign person and each agency
10 or instrumentality of a foreign state that the
11 President determines to be knowingly respon-
12 sible for or complicit in, or have engaged in, di-
13 rectly or indirectly, state-sponsored cyber activi-
14 ties that are reasonably likely to result in, or
15 have contributed to, a significant threat to the
16 national security, foreign policy, or economic
17 health or financial stability of the United States
18 and that have the purpose or effect of—

19 (i) causing a significant disruption to
20 the availability of a computer or network
21 of computers;

22 (ii) harming, or otherwise significantly
23 compromising the provision of service by, a
24 computer or network of computers that
25 support one or more entities in a critical
26 infrastructure sector;

1 (iii) significantly compromising the
2 provision of services by one or more enti-
3 ties in a critical infrastructure sector;

4 (iv) causing a significant misappro-
5 priation of funds or economic resources,
6 trade secrets, personal identifiers, or finan-
7 cial information for commercial or competi-
8 tive advantage or private financial gain;

9 (v) destabilizing the financial sector of
10 the United States by tampering with, alter-
11 ing, or causing a misappropriation of data;
12 or

13 (vi) interfering with or undermining
14 election processes or institutions by tam-
15 pering with, altering, or causing misappro-
16 priation of data;

17 (B) each foreign person that the President
18 has determined to have knowingly, significantly,
19 and materially assisted, sponsored, or provided
20 financial, material, or technological support for,
21 or goods or services to or in support of, any ac-
22 tivities described in subparagraph (A) by a for-
23 eign person or agency or instrumentality of a
24 foreign state designated as a critical cyber
25 threat actor under subparagraph (A); and

1 (C) each agency or instrumentality of a
2 foreign state that the President has determined
3 to have significantly and materially assisted,
4 sponsored, or provided financial, material, or
5 technological support for, or goods or services
6 to or in support of, any activities described in
7 subparagraph (A) by a foreign person or agency
8 or instrumentality of a foreign state designated
9 as a critical cyber threat actor under subpara-
10 graph (A).

11 (2) PUBLICATION IN FEDERAL REGISTER.—

12 (A) IN GENERAL.—The President shall—

13 (i) publish in the Federal Register a
14 list of each foreign person and each agency
15 or instrumentality of a foreign state des-
16 ignated as a critical cyber threat actor
17 under this subsection; and

18 (ii) regularly update such list not later
19 than seven days after making any changes
20 to such list, and publish in the Federal
21 Register such updates.

22 (B) EXCEPTION.—

23 (i) IN GENERAL.—The President may
24 withhold from publication in the Federal
25 Register under subparagraph (A) the iden-

1 tification of any foreign person or agency
2 or instrumentality of a foreign state des-
3 ignated as a critical cyber threat actor
4 under this subsection if the President de-
5 termines that withholding such identifica-
6 tion—

7 (I) is important to the national
8 security interests of the United
9 States; or

10 (II) is for an important law en-
11 forcement purpose.

12 (ii) TRANSMISSION.—If the President
13 exercises the authority under this subpara-
14 graph to withhold from publication in the
15 Federal Register the identification of a for-
16 eign person or agency or instrumentality of
17 a foreign state designated as a critical
18 cyber threat actor under this subsection,
19 the President shall transmit to the appro-
20 priate congressional committees in classi-
21 fied form a report containing any such
22 identification, together with the reasons for
23 such exercise.

24 (b) NON-TRAVEL-RELATED SANCTIONS.—

1 (1) IN GENERAL.—The President shall impose
2 one or more of the applicable sanctions described in
3 paragraph (2) with respect to each foreign person
4 and each agency or instrumentality of a foreign
5 state designated as a critical cyber threat actor
6 under subsection (a).

7 (2) SANCTIONS DESCRIBED.—The sanctions de-
8 scribed in this paragraph are the following:

9 (A) The President may provide for the
10 withdrawal, limitation, or suspension of non-hu-
11 manitarian United States development assist-
12 ance under chapter 1 of part I of the Foreign
13 Assistance Act of 1961.

14 (B) The President may provide for the
15 withdrawal, limitation, or suspension of United
16 States security assistance under part II of the
17 Foreign Assistance Act of 1961.

18 (C) The President may direct the United
19 States executive director to each international
20 financial institution to use the voice and vote of
21 the United States to oppose any loan from the
22 international financial institution that would
23 benefit the designated foreign person or the
24 designated agency or instrumentality of a for-
25 eign state.

1 (D) The President may direct the Overseas
2 Private Investment Corporation, or any other
3 United States Government agency not to ap-
4 prove the issuance of any (or a specified num-
5 ber of) guarantees, insurance, extensions of
6 credit, or participations in the extension of
7 credit.

8 (E) The President may, pursuant to such
9 regulations or guidelines as the President may
10 prescribe, prohibit any United States person
11 from investing in or purchasing significant
12 amounts of equity or debt instruments of the
13 designated foreign person.

14 (F) The President may, pursuant to such
15 regulations or guidelines as the President may
16 prescribe, prohibit any United States agency or
17 instrumentality from procuring, or entering into
18 any contract for the procurement of, any goods,
19 technology, or services, or classes of goods,
20 technology, or services, from the designated for-
21 eign person or the designated agency or instru-
22 mentality of a foreign state.

23 (G) The President may order the heads of
24 the appropriate United States agencies to not
25 issue any (or a specified number of) specific li-

1 censes, and to not grant any other specific au-
2 thority (or a specified number of authorities), to
3 export any goods or technology to the des-
4 ignated foreign person or the designated agency
5 or instrumentality of a foreign state under—

6 (i) the Export Administration Act of
7 1979 (as continued in effect pursuant the
8 International Emergency Economic Powers
9 Act);

10 (ii) the Arms Export Control Act;

11 (iii) the Atomic Energy Act of 1954;

12 or

13 (iv) any other statute that requires
14 the prior review and approval of the
15 United States Government as a condition
16 for the export or re-export of goods or
17 services.

18 (H)(i) The President may exercise all of
19 the powers granted to the President under the
20 International Emergency Economic Powers Act
21 (50 U.S.C. 1701 et seq.) (except that the re-
22 quirements of section 202 of such Act (50
23 U.S.C. 1701) shall not apply) to the extent nec-
24 essary to block and prohibit all transactions in
25 property and interests in property of the des-

1 ignated foreign person if such property and in-
2 terests in property are in the United States,
3 come within the United States, or are or come
4 within the possession or control of a United
5 States person.

6 (ii) The penalties provided for in sub-
7 sections (b) and (c) of section 206 of the Inter-
8 national Emergency Economic Powers Act (50
9 U.S.C. 1705) shall apply to a person that vio-
10 lates, attempts to violate, conspires to violate,
11 or causes a violation of regulations prescribed
12 under clause (i) to the same extent that such
13 penalties apply to a person that commits an un-
14 lawful act described in subsection (a) of such
15 section 206.

16 (I) The President may, pursuant to such
17 regulations as the President may prescribe, pro-
18 hibit any transfers of credit or payments be-
19 tween one or more financial institutions or by,
20 through, or to any financial institution, to the
21 extent that such transfers or payments are sub-
22 ject to the jurisdiction of the United States and
23 involve any interest of the designated foreign
24 person.

25 (c) TRAVEL-RELATED SANCTIONS.—

1 (1) ALIENS INELIGIBLE FOR VISAS, ADMISSION,
2 OR PAROLE.—An alien who is designated as a crit-
3 ical cyber threat actor under subsection (a) is—

4 (A) inadmissible to the United States;

5 (B) ineligible to receive a visa or other doc-
6 umentation to enter the United States; and

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

11 (2) CURRENT VISAS REVOKED.—The issuing
12 consular officer, the Secretary of State, or the Sec-
13 retary of Homeland Security (or a designee of either
14 such Secretaries) shall revoke any visa or other
15 entry documentation issued to the foreign person
16 designated as a critical cyber threat actor under sub-
17 section (a) regardless of when issued. A revocation
18 under this clause shall take effect immediately and
19 shall automatically cancel any other valid visa or
20 entry documentation that is in the possession of
21 such foreign person.

22 (d) ADDITIONAL SANCTIONS WITH RESPECT TO
23 FOREIGN STATES.—

24 (1) IN GENERAL.—The President may impose
25 any of the sanctions described in paragraph (2) with

1 respect to the government of each foreign state that
2 the President has determined aided, abetted, or di-
3 rected a foreign person or agency or instrumentality
4 of a foreign state designated as a critical cyber
5 threat actor under subsection (a).

6 (2) SANCTIONS DESCRIBED.—The sanctions re-
7 ferred to in paragraph (1) are the following:

8 (A) The President may provide for the
9 withdrawal, limitation, or suspension of non-hu-
10 manitarian or non-trade-related assistance
11 United States development assistance under
12 chapter 1 of part I of the Foreign Assistance
13 Act of 1961.

14 (B) The President may provide for the
15 withdrawal, limitation, or suspension of United
16 States security assistance under part II of the
17 Foreign Assistance Act of 1961.

18 (C) The President may instruct the United
19 States Executive Director to each appropriate
20 international financial institution to oppose, and
21 vote against the extension by such institution of
22 any loan or financial assistance to the govern-
23 ment of the foreign state.

24 (D) No item on the United States Muni-
25 tions List (established pursuant to section 38 of

1 the Arms Export Control Act (22 U.S.C.
2 2778)) or the Commerce Control List set forth
3 in Supplement No. 1 to part 774 of title 15,
4 Code of Federal Regulations, may be exported
5 to the government of the foreign state.

6 (c) IMPLEMENTATION.—The President may exercise
7 all authorities provided under sections 203 and 205 of the
8 International Emergency Economic Powers Act (50
9 U.S.C. 1702 and 1704) to carry out this section.

10 (f) EXEMPTIONS, WAIVERS, AND REMOVALS OF
11 SANCTIONS AND DESIGNATIONS.—

12 (1) EXEMPTIONS.—

13 (A) MANDATORY EXEMPTIONS.—The fol-
14 lowing activities shall be exempt from sanctions
15 under subsections (b), (c), and (d):

16 (i) Activities subject to the reporting
17 requirements of title V of the National Se-
18 curity Act of 1947 (50 U.S.C. 413 et seq.),
19 or to any authorized intelligence activities
20 of the United States.

21 (ii) Any transaction necessary to com-
22 ply with United States obligations under
23 the Agreement between the United Nations
24 and the United States of America regard-
25 ing the Headquarters of the United Na-

1 tions, signed June 26, 1947, and entered
2 into force on November 21, 1947, or under
3 the Vienna Convention on Consular Rela-
4 tions, signed April 24, 1963, and entered
5 into force on March 19, 1967, or under
6 other international agreements.

7 (2) WAIVER.—The President may waive the im-
8 position of sanctions described in this section for a
9 period of not more than one year, and may renew
10 such waiver for additional periods of not more than
11 one year, if the President transmits to the appro-
12 priate congressional committees a written determina-
13 tion that such waiver meets one or more of the fol-
14 lowing requirements:

15 (A) Such waiver is important to the eco-
16 nomic or national security interests of the
17 United States.

18 (B) Such waiver will further the enforce-
19 ment of this Act or is for an important law en-
20 forcement purpose.

21 (C) Such waiver is for an important hu-
22 manitarian purpose.

23 (3) REMOVALS OF SANCTIONS AND DESIGNA-
24 TIONS.—The President may prescribe rules and reg-
25 ulations for the removal of sanctions under sub-

1 sections (b), (c), and (d) and the removal of designa-
2 tions under subsection (a) if the President deter-
3 mines that a foreign person, agency or instrumen-
4 tality of a foreign state, or government of a foreign
5 state subject to such sanctions or such designations,
6 as the case may be, has verifiably ceased its partici-
7 pation in any of the conduct with respect to which
8 such foreign person, agency or instrumentality of a
9 foreign state, or government of a foreign state was
10 subject to such sanctions or designation, as the case
11 may be, under this section, and has given assurances
12 that such foreign person, agency or instrumentality
13 of a foreign state, or government of a foreign state,
14 as the case may be, will no longer participate in such
15 conduct.

16 (4) EXCEPTION TO COMPLY WITH UNITED NA-
17 TIONS HEADQUARTERS AGREEMENT.—Sanctions
18 under subsection (c) shall not apply to a foreign per-
19 son if admitting such foreign person into the United
20 States is necessary to permit the United States to
21 comply with the Agreement regarding the Head-
22 quarters of the United Nations, signed at Lake Suc-
23 cess June 26, 1947, and entered into force Novem-
24 ber 21, 1947, between the United Nations and the

1 United States, or other applicable international obli-
2 gations.

3 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to limit the authority of the Presi-
5 dent under the International Emergency Economic Powers
6 Act (50 U.S.C. 1701 et seq.) or any other provision of
7 law to impose sanctions to address critical cyber threat
8 actors and malicious state-sponsored cyber activities.

9 (h) DEFINITIONS.—In this section:

10 (1) ADMITTED; ALIEN.—The terms “admitted”
11 and “alien” have the meanings given such terms in
12 section 101 of the Immigration and Nationality Act
13 (8 U.S.C. 1101).

14 (2) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Foreign Affairs, the
18 Committee on Financial Services, the Com-
19 mittee on the Judiciary, the Committee on
20 Oversight and Government Reform, and the
21 Committee on Homeland Security of the House
22 of Representatives; and

23 (B) the Committee on Foreign Relations,
24 the Committee on Banking, Housing, and
25 Urban Affairs, the Committee on the Judiciary,

1 and the Committee on Homeland Security and
2 Governmental Affairs of the Senate.

3 (3) AGENCY OR INSTRUMENTALITY OF A FOR-
4 EIGN STATE.—The term “agency or instrumentality
5 of a foreign state” has the meaning given such term
6 in section 1603(b) of title 28, United States Code.

7 (4) CRITICAL INFRASTRUCTURE SECTOR.—The
8 term “critical infrastructure sector” means any of
9 the designated critical infrastructure sectors identi-
10 fied in the Presidential Policy Directive entitled
11 “Critical Infrastructure Security and Resilience”,
12 numbered 21, and dated February 12, 2013.

13 (5) FOREIGN PERSON.—The term “foreign per-
14 son” means a person that is not a United States
15 person.

16 (6) FOREIGN STATE.—The term “foreign state”
17 has the meaning given such term in section 1603(a)
18 of title 28, United States Code.

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

24 (8) MISAPPROPRIATION.—The term “misappro-
25 priation” means taking or obtaining by improper

1 means, without permission or consent, or under false
2 pretenses.

3 (9) STATE-SPONSORED CYBER ACTIVITIES.—
4 The term “state-sponsored cyber activities” means
5 any malicious cyber-enabled activities that—

6 (A) are carried out by a government of a
7 foreign state or an agency or instrumentality of
8 a foreign state; or

9 (B) are carried out by a foreign person
10 that is aided, abetted, or directed by a govern-
11 ment of a foreign state or an agency or instru-
12 mentality of a foreign state.

13 (10) UNITED STATES PERSON.—The term
14 “United States person” means—

15 (A) a United States citizen or an alien law-
16 fully admitted for permanent residence to the
17 United States; or

18 (B) an entity organized under the laws of
19 the United States or of any jurisdiction within
20 the United States, including a foreign branch of
21 such an entity.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5576
OFFERED BY MR. CONNOLLY OF VIRGINIA**

In section 2(5), in the matter preceding subparagraph (A), strike “Department of Justice has” and insert “Department of Justice and the Department of the Treasury have”.

In section 2(5), insert before subparagraph (A) the following:

1 (A) on March 15, 2018, five Russian enti-
2 ties and 19 Russian individuals were designated
3 under the Countering America’s Adversaries
4 Through Sanctions Act, as well as pursuant to
5 Executive Order 13694, for interference in the
6 2016 United States elections and other mali-
7 cious cyber-enabled activities;



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5576
OFFERED BY MR. ROYCE OF CALIFORNIA**

In section 3(a)(2)(B)(i)(I), strike “important to the national security” and insert “in the national”.

In section 3, insert after subsection (e) the following:

- 1 (f) COORDINATION.—To the extent practicable—
- 2 (1) actions taken by the President pursuant to
- 3 this section should be coordinated with United
- 4 States allies and partners; and
- 5 (2) the Secretary of State should work with
- 6 United States allies and partners, on a voluntary
- 7 basis, to lead an international diplomatic initiative
- 8 to—
- 9 (A) deter critical cyber threat actors and
- 10 state-sponsored cyber activities; and
- 11 (B) provide mutual support to such allies
- 12 and partners participating in such initiative to
- 13 respond to such state-sponsored cyber activities.

In section 3(f)(1), redesignate subparagraph (A) as paragraph (1) and move such paragraph, as so redesignated, two ems to the left.

In section 3(f), strike the first paragraph (1).

In section 3(f)(3), as so redesignated, strike “agreements” and insert “obligations”.

In section 3(f)(2)(A), strike “important to the economic or national security interests” and insert “in the national interests”.



115TH CONGRESS
2D SESSION

H. R. 5898

To require the Secretary of State to develop a strategy on administration policy regarding UNRWA, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2018

Mr. CICILLINE (for himself and Mr. ZELDIN) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To require the Secretary of State to develop a strategy on administration policy regarding UNRWA, 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 “UNRWA Account-
5 ability Act of 2018”.

6 SEC. 2. SENSE OF CONGRESS.

7 It is the sense of Congress that the United States
8 should—

9 (1) continue to oppose anti-Israel bias at the
10 United Nations and in United Nations agencies;

1 (2) define and convey to the United Nations
2 and appropriate United Nations agencies reform pri-
3 orities that should be met in order to facilitate fu-
4 ture United States funding for the United Nations
5 Relief and Works Agency for Palestine Refugees
6 (UNRWA); and

7 (3) support greater transparency in ongoing re-
8 form efforts at UNRWA.

9 **SEC. 3. REQUIREMENT FOR STRATEGY ON ADMINISTRA-**
10 **TION POLICY REGARDING UNRWA.**

11 (a) REPORT.—Not later than 90 days after the date
12 of the enactment of this Act, the Secretary of State, in
13 consultation with the Administrator of the United States
14 Agency for International Development (USAID), shall
15 submit to the Committee on Foreign Affairs and Com-
16 mittee on Appropriations of the House of Representatives
17 and the Committee on Foreign Relations and Committee
18 on Appropriations of the Senate a report on the long-term
19 strategy for funding and policy towards UNRWA.

20 (b) CONTENTS.—The strategy required under sub-
21 section (a) shall include the following:

22 (1) A detailed strategy regarding future United
23 States contributions to UNRWA, including the an-
24 ticipated United States contributions to UNRWA for

1 the five fiscal years after the date of the enactment
2 of this Act.

3 (2) An identification of the bureaus, entities,
4 and leadership positions and offices within the De-
5 partment of State or any other Executive branch
6 agencies that review United States contributions to
7 UNRWA, and an identification of the lead position
8 in each such agency who is overseeing each such cor-
9 responding review.

10 (3) The metrics, data, and other information
11 being used by the Department of State or any other
12 Executive branch agency to review United States
13 contributions to UNRWA.

14 (4) A description of any desired reforms the
15 Administration has submitted to or requested from
16 the United Nations or United Nations agencies that
17 UNRWA undertake as a condition for future fund-
18 ing.

19 (5) The national security impact of changes to
20 United States funding to UNRWA.

21 (c) FORM.—The strategy required under subsection
22 (a) shall be submitted in unclassified form, but may in-
23 clude a classified annex.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5898
OFFERED BY MR. ZELDIN OF NEW YORK

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “UNRWA Account-
3 ability Act of 2018”.

4 SEC. 2. SENSE OF CONGRESS.

5 It is the sense of Congress that—

6 (1) the United States should continue to oppose
7 anti-Israel bias at the United Nations and in United
8 Nations agencies;

9 (2) Hamas’ use of civilians as human shields,
10 its failure to govern, and its use of resources to pro-
11 mote and perpetrate terrorism contribute to the hu-
12 manitarian crisis in Gaza;

13 (3) the Administration should complete the re-
14 views of United States assistance programs for the
15 West Bank and Gaza and the United Nations Relief
16 and Works Agency for Palestine Refugees in the
17 Near East (UNRWA), which are ongoing according
18 to congressional testimony by Department of State

1 and United States Agency for International Develop-
2 ment officials on June 13, 2018, as expeditiously as
3 possible, and work with the international community
4 to take action to alleviate the humanitarian crisis in
5 Gaza and to prevent further destabilization; and

6 (4) the Administration should define and con-
7 vey to the United Nations, United Nations member
8 states, and appropriate United Nations agencies any
9 reform priorities that the Administration believes
10 should be met in order to facilitate United States
11 contributions to UNRWA.

12 **SEC. 3. REPORT ON LONG-TERM STRATEGY FOR POLICY**
13 **TOWARDS UNRWA.**

14 (a) REPORT.—Not later than 45 days after the date
15 of the enactment of this Act, the Secretary of State, in
16 consultation with the Administrator of the United States
17 Agency for International Development, shall submit to the
18 Committee on Foreign Affairs and Committee on Appro-
19 priations of the House of Representatives and the Com-
20 mittee on Foreign Relations and Committee on Appropria-
21 tions of the Senate a report on the long-term strategy for
22 policy towards UNRWA.

23 (b) CONTENTS.—The report required under sub-
24 section (a) shall include the following:

1 (1) A detailed strategy regarding the Adminis-
2 tration's planned budget requests for future United
3 States contributions to UNRWA.

4 (2) An identification of the bureaus, entities,
5 and leadership positions and offices within the De-
6 partment of State or any other executive branch
7 agencies that review United States contributions to
8 UNRWA, and an identification of the lead position
9 in each such agency overseeing review of United
10 States contributions to UNRWA.

11 (3) The metrics, data, and other information
12 being used by the Department of State or any other
13 executive branch agency to review United States
14 contributions to UNRWA.

15 (4) The current definition of "refugee" that is
16 used by UNRWA, and how and why that definition
17 corresponds with, or differs from, the definition used
18 by the United Nations High Commissioner for Refu-
19 gees (UNHCR) or any other United Nations agen-
20 cies, if applicable, and the United States Govern-
21 ment.

22 (5) A description of any reforms to UNRWA
23 that have been, or are planned to be, submitted by
24 the United States to the United Nations, United Na-
25 tions member states, or UNRWA.

1 (6) An assessment of compliance with financial,
2 transparency, efficiency, oversight, and neutrality
3 guidelines agreed to by the United States and
4 UNRWA as part of the Framework for Cooperation
5 Between UNRWA and the United States for 2018–
6 2019, and prior frameworks.

7 (7) An evaluation of options outside of the cur-
8 rent UNRWA structure for meeting the humani-
9 tarian needs of Palestinians currently served by
10 UNRWA, including costs associated with such op-
11 tions.

12 (8) The impact of changes to United States pol-
13 icy towards, and funding for, UNRWA on United
14 States national security and regional stability in the
15 Middle East, including associated security impacts
16 on Israel.

17 (c) FORM.—The report required under subsection (a)
18 shall be submitted in an unclassified form, but may in-
19 clude a classified annex.

20 **SEC. 4. REPORT ON REVIEW OF UNITED STATES ASSIST-**
21 **ANCE PROGRAMS FOR THE WEST BANK AND**
22 **GAZA.**

23 (a) IN GENERAL.—Not later than 45 days after the
24 date of the enactment of this Act, the Secretary of State,
25 in consultation with the Administrator of the United

1 States Agency for International Development, shall submit
2 to the Committee on Foreign Affairs and Committee on
3 Appropriations of the House of Representatives and the
4 Committee on Foreign Relations and Committee on Ap-
5 propriations of the Senate a report detailing the status
6 of, and any conclusions produced by, the Administration's
7 review of United States assistance programs for the West
8 Bank and Gaza.

9 (b) FORM.—The report shall be submitted in an un-
10 classified form, but may include a classified annex.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5898
OFFERED BY MR. CICILLINE OF RHODE ISLAND**

Page 1, after line 8, insert the following (and redesignate subsequent paragraphs accordingly):

- 1 (2) United States contributions for the United
- 2 Nations Relief and Works Agency for Palestine Ref-
- 3 ugees in the Near East (UNRWA) are intended to
- 4 provide efficient and effective delivery of core edu-
- 5 cation, primary health care, and relief and social
- 6 services, and other humanitarian assistance;

Page 1, beginning on line 14, strike “the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)” and insert “UNRWA”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5898
OFFERED BY MR. PERRY OF PENNSYLVANIA**

Page 1, after line 8, insert the following (and redesignate subsequent paragraphs accordingly):

1 (2) since the inception of the United Nations
2 Relief and Works Agency for Palestine Refugees in
3 the Near East (UNRWA), the United States has
4 been UNRWA's largest donor, including contrib-
5 uting more than \$359,000,000 in fiscal year 2017;

Page 1, beginning on line 15, strike “the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)” and insert “UNRWA”.

Page 2, line 5, strike “and” at the end.

Page 2, line 11, strike the period at the end.

Page 2, after line 11, insert the following:

6 (6) the Secretary of State should share with
7 Congress the semi-annual reports that UNRWA pro-
8 vides to the Department of State's Bureau of Popu-
9 lation, Refugees, and Migration on activities to in-

1 form evaluation of conformance with conditions on
2 United States contributions to UNRWA.

Page 3, after line 21, insert the following (and redesignate subsequent paragraphs accordingly):

3 (5) A copy of the report submitted to the Com-
4 mittees on Appropriations pursuant to Senate Re-
5 port 112–172 to accompany S. 3241 of the 112th
6 Congress (the Department of State, Foreign Oper-
7 ations, and Related Programs Appropriations Bill,
8 2013) under the heading “Protracted Refugee Situa-
9 tions”.

Page 3, line 22, after “UNRWA” insert “, including reforms to UNRWA’s mandate,”.

Page 4, after line 16, insert the following:

10 (10) A description of UNRWA’s curriculum re-
11 view process, including an assessment of strengths
12 and weaknesses of such process, and of UNRWA’s
13 adherence to such process.

Page 4, after line 19, insert the following:

14 **SEC. 4. SUBMISSION OF MOST RECENT SEMI-ANNUAL**
15 **UNRWA REPORT.**

16 Not later than 45 days after the date of the enact-
17 ment of this Act, the Secretary of State shall submit to

1 the Committee on Foreign Affairs and Committee on Ap-
2 propriations of the House of Representatives and the
3 Committee on Foreign Relations and Committee on Ap-
4 propriations of the Senate, in an appropriate format, the
5 most recent semi-annual report provided by UNRWA to
6 the Department of State's Bureau of Population, Refu-
7 gees, and Migration on activities to inform evaluation of
8 conformance with conditions on United States contribu-
9 tions to UNRWA pursuant to the Framework for Co-
10 operation Between UNRWA and the United States for
11 2018–2019.

Page 4, line 20, strike “4” and insert “5”.



.....
(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. 6197

To amend the State Department Basic Authorities Act of 1956 to authorize rewards for thwarting wildlife trafficking linked to transnational organized crime, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the State Department Basic Authorities Act of 1956 to authorize rewards for thwarting wildlife trafficking linked to transnational organized crime, 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 “Rescuing Animals
5 With Rewards Act of 2018” or the “RAWR Act”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

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

1 (1) Wildlife trafficking is a major transnational
2 crime that is estimated to generate over \$10 billion
3 a year in illegal profits and which is increasingly
4 perpetrated by organized, sophisticated criminal en-
5 terprises, including known terrorist organizations.

6 (2) Wildlife trafficking not only threatens en-
7 dangered species worldwide, but also jeopardizes
8 local security, spreads disease, undermines rule of
9 law, fuels corruption, and damages economic devel-
10 opment.

11 (3) Combating wildlife trafficking requires a co-
12 ordinated and sustained approach at the global, re-
13 gional, national, and local levels.

14 (4) Congress stated in the Eliminate, Neu-
15 tralize, and Disrupt Wildlife Trafficking Act of 2016
16 that it is the policy of the United States to take im-
17 mediate actions to stop the illegal global trade in
18 wildlife and wildlife products and associated
19 transnational organized crime.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the Department of State’s rewards program is
22 a powerful tool in combating sophisticated international
23 crime and that the Department of State and Federal law
24 enforcement should work in concert to offer rewards that
25 target wildlife traffickers.

1 **SEC. 3. REWARDS FOR JUSTICE.**

2 Subparagraph (B) of section 36(k)(5) of the State
3 Department Basic Authorities Act of 1956 (22 U.S.C.
4 2708(k)(5)) is amended by inserting “wildlife trafficking
5 (as defined by section 2(12) of the Eliminate, Neutralize,
6 and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C.
7 7601(12); Public Law 114–231)) and” after “includes”.

.....
(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. 6207

To support democracy and accountability in the Democratic Republic of
the Congo, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself and Ms. BASS) introduced the following
bill; which was referred to the Committee on

A BILL

To support democracy and accountability in the Democratic
Republic of the Congo, 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 “Democratic Republic
5 of the Congo Democracy and Accountability Act of 2018”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 (a) IN GENERAL.—It is the sense of Congress that—

1 (1) the Democratic Republic of Congo has his-
2 torically faced election-related political instability,
3 endemic corruption, armed conflict, gross human
4 rights abuses, and humanitarian crises, which desta-
5 bilizes the region and causes massive human suf-
6 fering;

7 (2) the United States has provided billions of
8 dollars to help stabilize the Democratic Republic of
9 the Congo, including through humanitarian aid, de-
10 velopment assistance, and support for peacekeeping
11 operations, since the end of the civil and regional
12 war in 2003;

13 (3) the stability of the Democratic Republic of
14 the Congo is a strategic priority for the United
15 States on the African Continent and it is in the na-
16 tional security interest of the United States to sup-
17 port accountable governance in the Democratic Re-
18 public of Congo;

19 (4) United States policy with respect to the
20 Democratic Republic of Congo should focus on help-
21 ing the country become more stable and democratic,
22 including through supporting legitimate state au-
23 thority, such that the Government of the Democratic
24 Republic of Congo is better able to respond to and

1 provide for the basic needs of its citizens and live in
2 peaceful coexistence with its neighbors;

3 (5) the Government of the Democratic Republic
4 of Congo should comply with all obligations under
5 its Constitution, the International Covenant on Civil
6 and Political Rights ratified on November 1, 1976,
7 and the December 2016 Saint Sylvestre agreement
8 brokered by the Congolese Conference of Catholic
9 Bishops, by—

10 (A) immediately lifting restrictions on the
11 freedoms of assembly, expression, and associa-
12 tion;

13 (B) releasing all political prisoners, includ-
14 ing those detained for peacefully exercising
15 their rights;

16 (C) ensuring that state security forces pro-
17 tect the rights of peaceful demonstrators;

18 (D) bringing to justice security force per-
19 sonnel accused of serious abuses against citi-
20 zens, including against protesters or opposition
21 supporters; and

22 (E) allowing private media outlets to oper-
23 ate freely;

24 (6) the United States should continue to sup-
25 port efforts to hold free, fair, and democratic elec-

1 tions in the Democratic Republic of the Congo, in-
2 cluding by supporting the completion of an inclusive,
3 transparent voter registration process and civic edu-
4 cation, preventing or mitigating violence, and facili-
5 tating credible election observation by the African
6 Union, the Southern African Development Commu-
7 nity, and other appropriate civil society entities.

8 (b) SENSE OF CONGRESS ON HUMANITARIAN ASSIST-
9 ANCE FOR THE PEOPLE OF THE DEMOCRATIC REPUBLIC
10 OF THE CONGO.—It is the sense of Congress that the Sec-
11 retary of State, in coordination with the Administrator of
12 the United States Agency for International Development,
13 should continue to provide humanitarian and development
14 assistance to the people of the Democratic Republic of the
15 Congo through credible and independent nongovernmental
16 organizations, including local partners, human rights or-
17 ganizations, women-led organizations, and faith-based or
18 non-faith-based organizations. In providing such assist-
19 ance, the Secretary and Administrator should prioritize—

20 (1) promoting partnerships with organizations
21 that have had a long-term presence in the country
22 and have achieved measurable impact, including by
23 building the capacity of local partners, human rights
24 organizations, women-led organizations, or faith-

1 based or non-faith-based organizations to address
2 local needs;

3 (A) placing the country on a trajectory to-
4 ward ending the need for foreign assistance;
5 and

6 (2) evaluating the comparative merits of grants,
7 cooperative agreements, contracts, and other meth-
8 ods for providing foreign assistance.

9 (c) SENSE OF CONGRESS ON SUPPORT FOR DEMO-
10 CRATIC GOVERNANCE AND CONFLICT MITIGATION MECII-
11 ANISMS IN THE DEMOCRATIC REPUBLIC OF THE
12 CONGO.—It is the sense of Congress that the Secretary
13 of State and the Administrator of the United States Agen-
14 cy for International Development should—

15 (1) continue to—

16 (A) support long-term peace and stability
17 in the Democratic Republic of the Congo by
18 strengthening democratic institutions and pro-
19 moting respect for the rule of law at the na-
20 tional, provincial, and local levels;

21 (B) support the capacity of civil society ac-
22 tors to promote transparency, accountability,
23 freedom of expression, and anti-corruption ef-
24 forts;

1 (C) support conflict prevention and mitiga-
2 tion activities where appropriate, particularly in
3 the Kasai region of the Tanganyika Province,
4 the North and South Kivu Provinces, and the
5 Ituri Province; and

6 (D) work to address the root causes of
7 chronic violence and fragility, with a focus on
8 youth empowerment, education, and the pro-
9 motion of justice and accountability mecha-
10 nisms; and

11 (2) seek to work directly with and through
12 credible, independent, nongovernmental organiza-
13 tions, including local partners, human rights organi-
14 zations, women-led organizations, and faith-based or
15 non-faith-based organizations, to—

16 (A) defend internationally recognized
17 democratic rights;

18 (B) support freedom of expression, includ-
19 ing through media broadcasting;

20 (C) combat public corruption; and

21 (D) improve the transparency and account-
22 ability of governing institutions in the Demo-
23 cratic Republic of the Congo.

1 **SEC. 3. SUPPORT FOR EFFORTS AT THE UNITED NATIONS**
2 **ON THE DEMOCRATIC REPUBLIC OF THE**
3 **CONGO.**

4 The President should instruct the Permanent Rep-
5 resentative of the United States to the United Nations to
6 use the voice, vote, and influence of the United States at
7 the United Nations to—

8 (1) emphasize the importance of implementing
9 the December 2016 Saint Sylvestre agreement to the
10 Government of the Democratic Republic of the
11 Congo, including the need to lift restrictions on the
12 freedoms of assembly, expression, and association,
13 and the need to conduct free, fair, and democratic
14 elections;

15 (2) keep the humanitarian and political crisis in
16 the Democratic Republic of the Congo on the regular
17 agenda of the United Nations Security Council until
18 the completion of a peaceful transfer of power
19 through free, fair, and democratic elections;

20 (3) ensure that the United Nations Organiza-
21 tion Stabilization Mission in the Democratic Repub-
22 lic of the Congo has an appropriately focused man-
23 date tailored to security and governance conditions
24 on the ground with a particular focus on civilian
25 protection, and that the mission has sufficient

1 means, including specialized personnel and effective
2 leadership, to execute its mandate; and

3 (4) improve Member States' implementation of
4 United Nations Security Council-imposed sanctions
5 on individuals and entities violating the United Na-
6 tions arms embargo, threatening the peace and secu-
7 rity of the Democratic Republic of the Congo, engag-
8 ing in human or resource trafficking, or perpetrating
9 gross human rights violations in the Democratic Re-
10 public of the Congo.

11 **SEC. 4. CODIFICATION OF SANCTIONS RELATING TO THE**
12 **DEMOCRATIC REPUBLIC OF THE CONGO.**

13 (a) IN GENERAL.—United States sanctions provided
14 for in Executive Order 13671 (79 Fed. Reg. 39947; relat-
15 ing to taking additional steps to address the national
16 emergency with respect to the conflict in the Democratic
17 Republic of the Congo) and Executive Order 13413 (71
18 Fed. Reg. 64103; relating to blocking property of certain
19 persons contributing to the conflict in the Democratic Re-
20 public of the Congo), as in effect on the day before the
21 date of the enactment of this Act, shall remain in effect
22 for the 7-year period beginning on such date of enactment
23 unless the President determines and certifies to the appro-
24 priate congressional committees that the Government of
25 the Democratic Republic of the Congo—

1 (1) is making significant progress towards hold-
2 ing free and fair elections and respecting the free-
3 doms of press, expression, and assembly, as de-
4 scribed in the December 2016 Saint Sylvestre agree-
5 ment and in United Nations Security Council Reso-
6 lution 2348 (2017); or

7 (2) has held free and fair presidential elections
8 in accordance with the Constitution of the Demo-
9 cratic Republic of the Congo and a democratically-
10 elected President has been sworn in and taken of-
11 fice.

12 (b) RULE OF CONSTRUCTION.—Subsection (a) may
13 not be construed to restrict the authority of the President
14 to impose additional United States sanctions with respect
15 to the Democratic Republic of the Congo pursuant to the
16 executive orders listed in that subsection.

17 (c) LIST OF SENIOR POLITICAL FIGURES.—Not later
18 than 90 days after the date of the enactment of this Act,
19 the President shall submit to the appropriate congres-
20 sional committees a list of each senior foreign political fig-
21 ure, as such term is defined in section 1010.605 of title
22 31, Code of Federal Regulations (as in effect on the day
23 before the date of the enactment of this Act), of the Gov-
24 ernment of the Democratic Republic of the Congo.

1 (d) ADDITIONAL SANCTIONS DETERMINATION RE-
2 QUIRED.—Not later than 120 days after the date of the
3 enactment of this Act, the President shall submit to the
4 appropriate congressional committees a report listing each
5 person included in the list required by subsection (c) that
6 the President determines meets the criteria to be
7 sanctionable pursuant to one or more of the following:

8 (1) Executive Order 13671 (79 Fed. Reg.
9 39947; relating to taking additional steps to address
10 the national emergency with respect to the conflict
11 in the Democratic Republic of the Congo).

12 (2) Executive Order 13413 (71 Fed. Reg.
13 64103; relating to blocking property of certain per-
14 sons contributing to the conflict in the Democratic
15 Republic of the Congo).

16 (3) Executive Order 13818 (82 Fed. Reg.
17 60839; relating to blocking the property of persons
18 involved in serious human rights abuse or corrup-
19 tion).

20 (4) Paragraph (3) or (4) of section 1263(a) of
21 the National Defense Authorization Act for fiscal
22 year 2016 (22 U.S.C. 2656 note).

23 (e) REPORT ON HUMAN RIGHTS ABUSES AND COR-
24 RUPTION IN THE DEMOCRATIC REPUBLIC OF THE
25 CONGO.—Not later than 120 days after the date of the

1 enactment of this Act, the Secretary of State, in consulta-
2 tion with the Secretary of the Treasury, shall submit to
3 the appropriate congressional committees a report describ-
4 ing each of the following:

5 (1) The extent to which government officials in
6 the Democratic Republic of the Congo, including
7 members of the military and security services, are
8 responsible for or complicit in human rights abuses
9 against civilians, including by deliberately impeding
10 humanitarian access to civilians.

11 (2) The methods used to transfer and conceal
12 financial assets of senior officials of the Government
13 of the Democratic Republic of the Congo that are
14 acquired through acts of corruption.

15 (3) United States actions to combat such cor-
16 ruption, including through the issuance of a
17 FinCEN Advisory by the Department of the Treas-
18 ury or the imposition of targeted sanctions.

19 (4) To what extent and in what manner such
20 corruption threatens the security of the surrounding
21 region or United States national security interests.

22 (5) Any assistance provided by the United
23 States to facilitate oversight, transparency, and ad-
24 herence to due diligence and accountability measures

1 within the Democratic Republic of the Congo's min-
2 erals, forestry, and agribusiness sectors.

3 (f) FORM; PUBLIC AVAILABILITY.—

4 (1) FORM.—The list required by subsection (e)
5 and the reports required by subsections (d) and (e)
6 shall be submitted in unclassified form but may con-
7 tain a classified annex.

8 (2) PUBLIC AVAILABILITY.—The unclassified
9 portion of the report required by subsection (e) shall
10 be published on a publicly available website of the
11 Department of State.

12 (g) APPROPRIATE CONGRESSIONAL COMMITTEES.—

13 In this section, the term “appropriate congressional com-
14 mittees” means—

15 (1) the Committee on Foreign Affairs, the
16 Committee on Appropriations, the Committee on Fi-
17 nancial Services, and the Committee on Ways and
18 Means of the House of Representatives; and

19 (2) the Committee on Foreign Relations, the
20 Committee on Appropriations, and the Committee on
21 Banking, Housing, and Urban Affairs of the Senate.

AMENDMENT TO H.R. 6207
OFFERED BY MR. ROYCE OF CALIFORNIA

Page 6, line 3, strike “of” and insert a comma.

Page 8, line 20, insert “as amended by Executive Order 13671 (79 Fed. Reg. 39947; relating to taking additional steps to address the national emergency with respect to the conflict in the Democratic Republic of the Congo),” before “as in effect”.

Page 8, line 22, strike “7-year period” and insert “5-year period”.

Page 9, beginning line 12, strike subsection (b) and insert the following:

1 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to limit the authorities of the Presi-
3 dent under the International Emergency Economic Powers
4 Act (50 U.S.C. 1701 et seq.) or any other provision of
5 law.

Page 11, line 16, strike “including through” and insert “which could include”.



115TH CONGRESS
1ST SESSION

H. CON. RES. 20

Expressing the sense of the House of Representatives regarding the execution-style murders of United States citizens Ylli, Agron, and Mehmet Bytyqi in the Republic of Serbia in July 1999.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2017

Mr. ZELDIN (for himself, Mr. SMITH of New Jersey, Mr. ENGEL, and Ms. MENG) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Expressing the sense of the House of Representatives regarding the execution-style murders of United States citizens Ylli, Agron, and Mehmet Bytyqi in the Republic of Serbia in July 1999.

Whereas brothers Ylli, Agron, and Mehmet Bytyqi were citizens of the United States, born in Chicago, Illinois, to ethnic Albanian parents from what is today the Republic of Kosovo, and who subsequently lived in Hampton Bays, New York;

Whereas the three Bytyqi brothers responded to the brutality of the conflict associated with Kosovo's separation from the Republic of Serbia and the Federal Republic of Yugoslavia of which Serbia was a constituent republic by join-

ing the so-called “Atlantic Brigade” of the Kosovo Liberation Army in April 1999;

Whereas a Military-Technical Agreement between the Government of Yugoslavia and the North Atlantic Council came into effect on June 10, 1999, leading to a cessation of hostilities;

Whereas the Bytyqi brothers were arrested on June 23, 1999, by Serbian police within the Federal Republic of Yugoslavia when the brothers accidentally crossed what was then an unmarked administrative border while escorting an ethnic Romani family who had been neighbors to safety outside Kosovo;

Whereas the Bytyqi brothers were jailed for 15 days for illegal entry into the Federal Republic of Yugoslavia in Prokuplje, Serbia, until a judge ordered their release on July 8, 1999;

Whereas instead of being released, the Bytyqi brothers were taken by a special operations unit of the Serbian Ministry of Internal Affairs to a training facility near Petrovo Selo, Serbia, where all three were executed;

Whereas at the time of their murders, Ylli was 25, Agron was 23, and Mehmet was 21 years of age;

Whereas Yugoslav President Slobodan Milosevic was removed from office on October 5, 2000, following massive demonstrations protesting his refusal to acknowledge and accept election results the month before;

Whereas in the following years, the political leadership of Serbia has worked to strengthen democratic institutions, to develop stronger adherence to the rule of law, and to ensure respect for human rights and fundamental freedoms, including as the Federal Republic of Yugoslavia

evolved into a State Union of Serbia and Montenegro in February 2003, which itself dissolved when both republics proclaimed their respective independence in June 2006;

Whereas the United States Embassy in Belgrade, Serbia, was informed on July 17, 2001, that the bodies of Ylli, Agron, and Mehmet Bytyqi were found with their hands bound and gunshot wounds to the back of their heads, buried atop an earlier mass grave of approximately 70 bodies of murdered civilians from Kosovo;

Whereas Serbian authorities subsequently investigated but never charged those individuals who were part of the Ministry of Internal Affairs chain of command related to this crime, including former Minister of Internal Affairs Vlatko Stojilkovic, Assistant Minister and Chief of the Public Security Department Vlastimir Djordjevic, and special operations training camp commander Goran “Guri” Radosavljevic;

Whereas Vlatko Stojilkovic died of a self-inflicted gunshot wound in April 2002 prior to being transferred to the custody of the International Criminal Tribunal for the former Yugoslavia where he had been charged with crimes against humanity and violations of the laws or customs of war during the Kosovo conflict;

Whereas Vlastimir Djordjevic was arrested and transferred to the custody of the International Criminal Tribunal for the former Yugoslavia in June 2007, and sentenced in February 2011 to 27 years imprisonment (later reduced to 18 years) for crimes against humanity and violations of the laws or customs of war committed during the Kosovo conflict;

Whereas Goran “Guri” Radosavljevic is reported to reside in Serbia, working as director of a security consulting firm in Belgrade, and is a prominent member of the governing political party;

Whereas two Serbian Ministry of Internal Affairs officers, Sretan Popovic and Milos Stojanovic, were charged in 2006 for crimes associated with their involvement in the detention and transport of the Bytyqi brothers from Prokuplje to Petrovo Selo, but acquitted in May 2012 with an appeals court confirming the verdict in March 2013;

Whereas no individual has ever been found guilty for the murders of Ylli, Agron, and Mehmet Bytyqi or of any other crimes associated with their deaths; and

Whereas no individual is currently facing criminal charges regarding the murder of the Bytyqi brothers despite many promises by Serbian officials to resolve the case: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) those individuals responsible for the mur-
4 ders in July 1999 of United States citizens Ylli,
5 Agron, and Mehmet Bytyqi in Serbia should be
6 brought to justice;

7 (2) it is reprehensible that no individual has
8 ever been found guilty for executing the Bytyqi
9 brothers, or of any other crimes associated with
10 their deaths, and that no individual is even facing
11 charges for these horrible crimes;

1 (3) the Government of Serbia and its relevant
2 ministries and offices, including the Serbian War
3 Crimes Prosecutor's Office, should make it a priority
4 to investigate and prosecute as soon as possible
5 those current or former officials believed to be re-
6 sponsible for their deaths, directly or indirectly;

7 (4) the United States should devote sufficient
8 resources fully to assist and properly to monitor ef-
9 forts by the Government of Serbia and its relevant
10 ministries and offices to investigate and prosecute as
11 soon as possible those individuals believed to be re-
12 sponsible for their deaths, directly or indirectly; and

13 (5) progress in resolving this case, or the lack
14 thereof, should remain a significant factor deter-
15 mining the further development of relations between
16 the United States and the Republic of Serbia.

○

Chairman ROYCE. I now recognize myself to speak on today's business and I will just explain that first we are going to have H.R. 6207. This would be the Democratic Republic of the Congo Democracy and Accountability Act. And as an original cosponsor of this bill, I want to thank many of the members of this committee who have traveled with me to the Congo. I have made three trips there in order to try to push for elections. I deeply appreciate the bipartisan work of Chairman Smith and Ranking Member Bass of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations.

President Kabila's security forces are responsible, as we know on this committee, for massive human rights abuses and great instability across the DRC. This bill will help push Kabila to follow through with his commitments to do one thing that we have all

pushed him on, to hold free, fair, and transparent elections in December of this year, as Congo has committed to do.

Next we have H.R. 1697. This is the Israel Anti-Boycott Act. This bill was sponsored by Representative Roskam and Vargas. It prohibits U.S. companies from participating in boycotts promoted by international organizations like the U.N. that target U.S. partners like Israel.

Next we have H.R. 5898, the United Nations Relief and Works Agency Accountability Act. And I want to thank the authors, Representative Cicilline and Representative Zeldin for this bipartisan bill to strengthen congressional oversight of the State Department and this agency.

Next we consider H.R. 4969. This is the Improving Embassy Design and Security Act and this legislation will improve the security, the functionality, the efficiency of our Embassies overseas. And I want to thank the bill's sponsors, Chairman McCaul and Rep. Kelly, as well as Ranking Member Engel for their work on this legislation because by strengthening oversight and management of construction of new facilities, we can better protect our diplomats. And we will save taxpayer dollars, too, by the way this legislation was crafted.

Next we have H.R. 5576. This is the Cyber Deterrence and Response Act. Malicious cyber activity by foreign governments, including especially, Russia, China, and North Korea cannot be tolerated. So Chairman Yoho's bill before us today builds on this committee's previous work by establishing a framework for deterring and responding to malicious state-sponsored cyber activity.

Next we have H.R. 6197, the Rescuing Animals with Rewards Act. This builds on the committee's conservation work by prioritizing efforts to counter transnational wildlife traffickers through the State Department's existing rewards program. These tools were successfully used, if you recall, in 2014 to bring the Lao-tian trafficker known as the Pablo Escobar of Wildlife Crime to justice. I want to thank the bill's author, that would be Representative Dan Donovan, former prosecutor, for this measure.

Next we have House Resolution 944. Hundreds of Guatemalans perished in the eruption of the volcano in June. Thousands have been displaced. I wanted to thank Congresswoman Torres for this timely resolution to extend our condolences to the people of Guatemala and to recognize the State Department and USAID's swift response to this crisis.

Next we have House Resolution 256, which sends a strong message of support to our allies in Central and Eastern Europe that are under increasing pressure by Russia. We thank Steve Cohen for this measure.

Finally, we have House Concurrent Resolution 20. In July 1999, after the Kosovo War ended, there were three young American brothers that were there and were illegally arrested while they were traveling through Serbia. Despite a court order for their release, all three brothers were instead taken by a Serbian special operations unit. They were murdered execution style and they were left atop a mass grave.

I would like to take a moment to express our deep condolences to the Bytyqi family because that family is with us today. This

marks 20 years since these U.S. citizens were assassinated, yet to date, no one has been brought to justice for their deaths.

And I want to thank Representative Zeldin for this measure. But we again want to deeply extend our condolences to the family here with us today. We are very, very sorry for your loss.

So I will now recognize the ranking member for his remarks. Mr. Engel.

Mr. ENGEL. Thank you very much, Mr. Chairman. Thank you for calling this markup.

I have a lengthy statement addressing all the good measures before us today and I ask unanimous consent that it be included in its entirety as part of the record.

Chairman ROYCE. Without objection.

Mr. ENGEL. I know we are short on time this morning, final votes will be called soon, and I want to give members an opportunity to speak about their bills and resolutions.

I just want to speak about one bill briefly and that is the bill you just mentioned about the Bytyqi brothers. I have spent extensive time of my years in Congress fighting for the independence of Kosovo and these brothers, American citizens, were murdered by Serb forces. Despite many of us having contacts with Serbia, I appealed to the Serbian strong man, Mr. Vucic, when he was here, and came to my office twice, and promised me that this would be resolved within a month. More than a year and, of course, it hasn't been resolved and it is an absolute disgrace.

So we have to keep supporting the Albanian people in their struggle in Kosovo and keep the presence of the Bytyqi brothers alive. And we are not going to stop until we get justice for them. So I want to single out that resolution.

Again, I support all the resolutions. I am grateful, as usual, to our members on both sides of the aisle for their hard work. And I thank you again, Mr. Chairman. I wish everyone a safe and happy independence day.

And I yield back.

Chairman ROYCE. Thank you, Mr. Engel.

We go to Ileana Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Chairman Royce, and I applaud your efforts, as well as Ranking Member Engel to continue to bring forth bipartisan measures before this committee for consideration.

I wanted to speak on the UNRWA Accountability Act offered by our friends and colleagues Mr. Cicilline and Mr. Zeldin. I applaud their efforts to find a way forward in ensuring that we hold UNRWA accountable and that no U.S. taxpayer dollars are being misused against our interest.

We can all support the idea that greater transparency, oversight, and accountability are needed at all U.N. agencies, not just UNRWA; however, I worry that this bill, which requires a report from the administration on its UNRWA strategy, doesn't quite go far enough. The United States holds considerable leverage when it comes to UNRWA, namely that it relies on the kindness of our contributions. We shouldn't wait to use that leverage.

This bill should lay out the conditions we need to see reform at UNRWA before the U.S. will allocate more money to that agency.

It is an ever-expanding mandate, an ever-expanding budget gap, an ever-growing politicization at the agency and all of that makes it difficult for us to continue supporting this agency without seeing concrete reform and action to address our concerns, not to mention the idea of having a definition of the word refugee that guarantees, Mr. Chairman, that the number of Palestinians that UNRWA mandate covers will expand.

So the model is untenable. It is unjustifiable, especially when there is an entire entity at the U.N. that is already supposed to be its Refugee Agency, a body which, by the way, covers 12 times more individuals than UNRWA, yet somehow employs less than a third of the people than UNRWA in a body that has its own definition of a refugee that doesn't match with the U.N.'s own Refugee Agency, nor does it match how we would define a refugee.

So while, again, I applaud my colleague's effort and I support this measure, I would have liked to have seen us do more to condition our assistance to UNRWA until we see real reforms.

And I yield back, Mr. Chairman.

Chairman ROYCE. Good points, Congresswoman.

We go now to Brad Sherman of California.

Mr. SHERMAN. Mr. Chairman, thank you for this markup, bringing excellent bills to our attention. I support them all. I think I have cosponsored virtually all of them.

As to the Anti-Israel Boycott Act, this is probably—this has drawn a lot of attention. I am pleased to be the lead Democrat on this bill.

We have, for decades, said that Americans will not be forced to boycott a friend of the United States by international economic pressure. On the effort of Saudi Arabia and others to tell American companies you must not do business with Israel or you will be deprived of economic opportunities, we responded to that by saying no American company can furnish the Saudi Arabian Government with proof that it is boycotting Israel or otherwise cooperate with the Saudis on this.

What this bill does is it says there is no loophole in this long-standing, multi-decade policy if the pressure comes not from one government but from an association of foreign governments. Let me make it clear nothing in this bill says that you cannot, any domestic organization can't protest against Israel, or boycott its products, or those of any other ally of the United States. It simply says that we will not allow American citizens to be pressured into that by foreign governments, which has long been our law, or by associations of foreign governments.

I should also comment on the Cyber Deterrence and Response Act. I am pleased to join with Chairman Yoho of the Subcommittee on Asia and the Pacific, of which I am the ranking member, because this is not just a Russia problem. But I am pleased that this bill does focus on the way that states, including Russia, have sought to undermine our electoral system. And that is a bipartisan issue, not just an issue of one party. No American wants to see Russia influencing our elections, particularly through illegal and hidden measures.

I want to, of course, support the Congo Democracy and Accountability Act and I want to commend Representatives Smith and

Bass, and of course, the chair and ranking member, for their work on this bill reaffirming our commitment to peace and stability in the region, especially in light of President Kabila's obstruction of elections.

The other bills before us are also excellent and, in support of them, I will yield back my time.

Chairman ROYCE. Thank you, Mr. Sherman.

Mr. Chris Smith of New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman.

And just let me say very briefly you know I support the bills that are before us but I just would like to focus especially on the Democratic Republic of Congo Democracy and Accountability Act, H.R. 6207.

I, too, have been to the DRC, both to the capital and to Goma. We all know that the DRC and the people of that country have suffered so enormously over the years. More than 5.4 million people died between 1997 and 2003. Peacekeepers that were deployed there, the largest U.N. peacekeeping force in the world, were found complicit in human trafficking, especially the rape of young children. Thankfully, that has been largely stopped. I held four hearings on that, went there to investigate that in Goma, and was shocked and dismayed that the peacekeepers are part of the problem, and working, and doing things that rogue elements are doing, you know we have a serious problem.

This legislation focuses especially on Kabila, and his unwillingness to step aside, and to allow the election to occur in a timely fashion. We have called and the Obama administration did impose sanctions on key figures. Those are codified in this legislation. And our Ambassador to the United Nations, Nikki Haley, has been very forthright as well in speaking out against Kabila's clinching of power and unwillingness to let go of it.

H.R. 6207 supports the humanitarian efforts that are being made by civil society. And in the ongoing effort, Ms. Bass and I have held a number of hearings on the D.R. Congo, most recently on May 9th, another one late last year, of which you were a part of that, Mr. Chairman. But you know John Prendergast just summed it up. The Kabila government's track record of violent repression against civil society, pro-democracy movements, and faith-based groups raises concerns that these new protests will be met with a fresh wave of violent repression. And we speak to that in the body of the language of the bill as well.

People want a free, fair, and transparent election. In the D.R. Congo, the Catholic Church has played a huge role in trying to ensuring that. The Sylvester Agreement in 2016 was a great effort to bring things together and, of course, it has been largely frustrated by Joseph Kabila. And this legislation tries to take it to the next step and get the administration here and there further engaged to get this right.

So I thank you for marking this piece of legislation up and yield back.

Chairman ROYCE. Thank you, Mr. Smith, and thank you for all your work on that issue as well.

Congresswoman Karen Bass of California.

Ms. BASS. Thank you, Mr. Chair and Ranking Member Engel, for bringing up H.R. 6207 to the committee today for consideration.

H.R. 6207, the DRC Democracy and Accountability Act, seeks to promote free and fair elections in the DRC by imposing sanctions on high-level individuals who are undermining democratic processes and institutions in the country, as well as those who are responsible for extrajudicial killings and have engaged in public corruption.

With respect to the ongoing political situation in the DRC, President Kabila has deliberately stalled planned elections, despite completing his constitutionally-mandated two terms. I, personally, am very concerned that although he has committed to having elections in December, there is not a lot of faith that that is actually going to happen. And I can't think of any issue more than the DRC that I have had numerous constituents who are in the diaspora who have come in and really called on us to please help the situation.

So last year, the U.N. General Secretary Kofi Annan and nine former African Presidents said Congo's future is in grave condition—grave danger. We are deeply concerned about the political situation in the DRC, which represents a threat to the stability, prosperity, and peace of the Great Lakes region and, indeed, for Africa as a whole. We feel obliged to sound the alarm before it is too late. Nine former African Presidents have said that.

I am proud that my colleagues, Chris Smith, Chairman Royce, and Ranking Member Eliot Engel and I are able to answer this call and put forth legislation that seeks to address the situation in the DRC.

Thank you and I yield back.

Chairman ROYCE. Well thank you, Congresswoman. And it is certainly true that heads of states across Africa—we just had a delegation out there and everyone is focused on the same issue. As a matter of fact in the international community everyone is focused on the same issue, the importance, come December, of having those elections across Congo.

Joe Wilson, South Carolina.

Mr. WILSON. Thank you, Chairman Ed Royce, and thank you, Ranking Member Eliot Engel. I particularly want to commend Congressman Engel on his renomination this week. We are really grateful for his continued service on behalf of the American people.

And thank you for convening this markup of legislation that embodies the committee's emphasis on building national and international security, improving human rights, and fighting international crime.

I am also grateful for Congressman Steve Cohen for introducing House Resolution 256, expressing support for the countries of Central and Eastern Europe and the North Atlantic Treaty Organization. As the grateful cochairman of the Bulgaria Caucus, I appreciate Bulgarian Prime Minister Boyko Borissov and Bulgarian Ambassador to the United States Tihomir Stoytchev for their strong support of NATO.

As the NATO Summit in July approaches, it is important for the Congress of the United States to confirm its commitment to the alliance and particularly Article 5, which states that an armed attack on one shall be considered an armed attack on all. This commit-

ment from the whole of NATO ensures security among our Eastern and Central European NATO allies.

Article 5's commitment to defend members is critical with the Russian invasion of Eastern Ukraine, and illegal occupation of Crimea since 2014, and earlier aggression in Moldova and the Republic of Georgia. Thankfully, President Trump has rightfully promoted the fundamental concept of collective defense in his historic Warsaw address. The security NATO provides the United States and Europe has never been more critical as we promote the European Deterrence Initiative with NATO troops deployed in Poland, Latvia, Estonia, and Lithuania.

This morning I met with the Polish Secretary of State Plenipotentiary of the Prime Minister, Anna Maria Anders, who promoted a permanent American-NATO basing in Poland to support peace through strength.

I also appreciate House Resolution 944 expressing solidarity and sympathy of the people of Guatemala after the June 3, 2018, eruption of the Fuego Volcano. I am grateful for Congresswoman Norma Torres for introducing this legislation and highlighting the ongoing plight of the Guatemalan people to combat the destruction by the volcanic eruption. Last August I saw firsthand the talented people of Guatemala with former Ambassador Tony Hall, serving with the Food for the Hungry Program, and was welcomed by Ambassador Manuel Alfredo Espina and the courageous President Jimmy Morales.

This legislation for markup and discussion today provides and strengthens America's national and international security, protects Americans abroad, and promotes American values among our friends and allies. I am grateful to support and cosponsor all of today's markup legislation.

And I yield back my time.

Chairman ROYCE. Thank you, Mr. Wilson.

We go to Lois Frankel of Florida.

Ms. FRANKEL. Thank you, Mr. Chair, and thank you to our ranking member, and to all the members whose bills are on deck today, and I support them all. I want to highlight a couple of them.

First, the Israeli Anti-Boycott Act, of which I am a cosponsor, which would expand anti-boycott laws prohibiting United States compliance with the Arab League boycott of Israel to international organizations so that American companies doing with business with Israel are protected from the efforts to target them. And I want to thank my colleagues for making changes to the bill that would ensure protection of First Amendment rights.

The Boycott, Divestment, Sanctions or BDS movement encourages economic warfare against Israel, our strongest ally in the Middle East. And demonizing Israel harms the world's only Jewish state but it also creates a roadblock on the path to peace, impacting both Israelis and Palestinians.

I am going to give an example of this. After facing mounting boycotts, SodaStream, an Israeli soda machine company, was forced to shut down a West Bank factory, putting 600 Palestinians out of work. Ali Jafar, a shift manager, said, "All the people who wanted to close it are mistaken." They didn't take into consideration the families.

Second, I want to draw attention to the UNRWA Accountability Act. The Trump administration has frozen all assistance to the West Bank and Gaza, including the United Nations Relief and Work Agency, pending a review and providing no time line or specifics to Congress. This bipartisan bill would increase transparency and congressional oversight, forcing the administration to report on the ongoing review because the freeze makes no sense. Because if you want to stop the further violence from spilling over even further, we have to participate in humanitarian assistance.

The senior Israeli security officials have warned that if the situation in Gaza continues to deteriorate, it could lead to war.

And the last bill I would like to mention is the Resolution 256, which expresses support for NATO and the countries of Central and Eastern Europe, condemns Russia's Ukraine occupation and calls for U.S. continued support for ally countries in Central and Eastern Europe.

Over the past 4 years I have been privileged with some of the members here to represent the United States at the NATO Parliamentary Assembly. And in this role, I am frequently reminded that no man or woman is an island. Societies do not thrive when they are isolated from others. We need our allies to stand with us as we fight for mutually-shared democratic values.

It was reported this morning that Mr. Trump told the leaders, at a recent G-7 Summit, that NATO is as bad as NAFTA, that it is much too costly for the United States. And this President likes to call NATO obsolete. And I just want to say I think he is flat wrong. It is so relevant today, given the dynamics of threats we and our allies face.

At a time when the administration sows doubts about this critical alliance, we must affirm our commitment to NATO and reassure our Central and Eastern European partners that we will defend them against Russian aggression.

And I yield back and, again, thank my colleagues.

Chairman ROYCE. I thank the gentlelady.

We go to Ted Yoho of Florida.

Mr. YOHIO. Thank you, Mr. Chairman.

Before I get started, I just would like to acknowledge the Bytyqi family again for the sacrifice that you guys have made and your family members. Our hearts go out to you.

Chairman Royce, Ranking Member Engel, I want to briefly address the Cyber Deterrence and Response Act. Most importantly, I want to thank you and other original cosponsors for supporting the bill and working so closely with our team to create a carefully tailored and bipartisan piece of legislation.

Without objection, I would like to submit up for the record this letter of support from the U.S. Chamber of Commerce. As the Chamber points out, the bill will help spotlight adherence to international norms and deterrence to heighten the cost on countries or the subordinates that hack the United States.

Chairman ROYCE. Without objection.

Mr. YOHIO. It is no secret the United States urgently needs upgrades and cyber deterrence but there are no procedures in current law for naming and shaming state sponsored hackers and/or linking penalties to their elicited conduct. We have spent over a year

working to make sure this legislation is consistent with past practices, and doesn't tie the hands of the executive branch, but will still upgrade our cyber deterrence measures by establishing minimum penalties and ensuring the cyber actions are implemented consistently across administrations to come.

The Cyber Deterrence Response Act also pairs very well with Chairman Royce's Cyber Diplomacy Act which will elevate cyber issues in the State Department. Together, these pieces of legislation begin to lay out a much-needed national cyber policy, and it is a proactive component to establish norms, and a reactive component to defend our interests.

I thank you and hope my colleagues on the committee will give their support of the bill and I yield back.

Chairman ROYCE. Thank you.

We go to Robin Kelly of Illinois.

Ms. KELLY. Thank you, Mr. Chairman, for including H.R. 4969 in today's markup, the Improving Embassy Design and Security Act. Together with Mr. McCaul, I am proud to support this important legislation that will allow for greater congressional oversight of Embassy construction and save taxpayers money.

The State Department must balance designing a functional space that will properly represent the United States to the host country with the necessary security protections for the modern age. Protecting our diplomats overseas should be a top priority, which is why I was disappointed to see the Trump administration budget request a 28.4 percent decrease for fiscal year 2019 from 2018 enacted levels for Embassy security and construction.

We heard repeatedly that the tragedy that happened in Benghazi should not be repeated. This administration has to make Embassy security a bigger priority. That is why I am glad we are voting on this legislation to protect our diplomats working overseas and prevent projects from going over cost.

I was also an original cosponsor of H. Res. 256, expressing support for the North Atlantic Treaty Organization in the countries of Central and Eastern Europe, which is under consideration today. This important resolution calls for continued U.S. support for NATO allies and the European Deterrence Initiative.

Putin's illegal annexation of Crimea and interference in European elections cannot be forgotten. Russia has undermined international law and killed tens of thousands of Ukrainians. This resolution shows Europe and NATO that the U.S. Congress stands by our allies and will not allow Russia to threaten our collective security.

I yield back.

Chairman ROYCE. Thank you, Congresswoman Kelly.

We go to Lee Zeldin of New York.

Mr. ZELDIN. Thank you, Mr. Chairman. I appreciate the committee's consideration of these bills today.

Beginning with H. Con. Res. 20, this resolution has been introduced since 2013 regarding the execution-style murders of Ylli, 25 years old, Agron, 23 years old, and Mehmet, 21 years old, who were born in the United States and resided in the greatest congressional district in America, in Hampton Bays, First Congressional District of New York.

In July 1999, these three brothers went overseas toward the end of the Kosovo War and were arrested by Serbian authorities for illegally entering the country when they accidentally crossed in the Serbian-controlled territory. The brothers were kidnapped, murdered, and dumped into a mass grave in Serbia by government officials still serving today.

Since taking office, I have been committed to helping the Bytyqi family receive the justice they have long deserved. They are here today in the audience, and supported today's resolution, and to honor their family's sacrifice.

It is absolutely reprehensible that, despite many promises by Serbian officials to resolve the case of the state-sponsored murder, no individual has ever been found guilty of this horrible crime, nor of any other crimes associated with the deaths of these innocent Americans. This is Serbian Government's responsibility to resolve this case. And my resolution notes that progress with this investigation should remain a significant factor which determines the further development of U.S.-Serbian relations.

The Bytyqi brothers gave their lives to fight injustice. Now we must return this favor and deliver justice for their family.

I want to thank the chair for his support in bringing this resolution. I would like to thank the ranking member, Eliot Engel, for all of his advocacy through the years, and all my colleagues for supporting it.

I am also proud of the committee's consideration of H.R. 5898, the UNRWA Accountability Act, a robust bipartisan effort with Mr. Cicilline to maintain oversight over UNRWA's activities in the West Bank and Gaza. Over the past 6 years, every effort to obtain transparency over UNRWA has failed with classified reports and uncertainty regarding who is actually responsible for conducting reviews.

We need to crack down on UNRWA and ensure that we are not supporting a Refugee Agency that keeps millions in a permanent state of dependency.

Our bill will provide important information to Congress regarding the definition of refugees served by UNRWA, as well as a strategy for burden sharing that offers the opportunity for other regional actors to contribute evenly. We must demand that transparency over the anti-Israel textbooks in this program that is fueling another generation of hate.

I have read the classified reports. I have spoken to my colleague, our colleague Scott Perry. There are other members who are very concerned about this and there is more that we need to be doing in the weeks, months, and years ahead. The United States cannot support a program that goes against the best interest of our greatest ally.

I would like to thank our committee chairman, Ed Royce, and ranking member, Eliot Engel, for their leadership and assistance on these important issues. I look forward to working with my colleagues in the House and our friends in the Senate to pass these bills.

Again, I would like to thank you, Chairman, and Ranking Member, for your hard work in support of these bills and I yield back.

Chairman ROYCE. Thank you, Mr. Zeldin.

We go to Brendan Boyle of Pennsylvania.

Mr. BOYLE. Thank you, Mr. Chairman.

I am supportive of each one of these nine resolutions. I just want to highlight one because I think that it is incredibly important at this time in history and that is H. Res. 256, which expresses support for the countries of Eastern Europe and NATO.

We have led now for 70 years, through Democratic and Republican administrations, the Western Alliance. NATO has been the bulwark against first Soviet and then Russian expansionism. This is something that all Americans should be very proud of.

And now that some doubt has been raised about this country's commitment to NATO, I think that it is vital that this committee assert itself on a bipartisan basis to speak out with one voice that we support NATO, that we support our allies, especially in Central and Eastern Europe, as they continue to deal with Russian attacks, whether they are a physical force, like our friends in Ukraine are experiencing today, or they are in the cyber realm.

So I am proud to support this. I applaud my fellow cosponsors, both Democrats and Republicans.

And with that, I yield back.

Chairman ROYCE. Thank you, Mr. Boyle. We agree with your point.

We go now to Mr. Mike McCaul of Texas.

Mr. MCCAUL. Thank you, Mr. Chairman. Thank you for holding today's markup.

I am pleased to have bill H.R. 4969, the Improving Embassy Design and Security Act considered today.

Mr. Chairman, in 1998, terrorists, at the direction of Osama bin Laden, bombed U.S. Embassies in Kenya and Tanzania, killing over 220 people and injuring 4,000 more. This assault foreshadowed bin Laden's intention to attack America and demonstrated we need to seriously reassess our Embassies' security.

That is why, in 1999, Congress adopted a standard Embassy designed for our missions abroad. This design improved security, expedited construction, and saved money. For 20 years, this design template has been key in mitigating attacks. We have also saved taxpayer dollars through bypassing expensive architectural bids.

However, recently, we have deviated from the standard Embassy design in favor of projects prioritizing aesthetics. While I certainly appreciate the desire for our Embassies to have a presentable facade, we must prevent a repeat of Kenya and Tanzania.

To that end, my bill will require the State Department to provide Congress with justification, should an Embassy or consulate project not use a standard design. Embassies are the physical representation of the United States abroad. Providing security for our diplomats should be our number one priority. I think, if anything, Benghazi certainly demonstrates that. So I believe my bill is a good step toward achieving that goal.

And thank you, again, Mr. Chairman, for moving these bills through the committee.

Chairman ROYCE. Thank you, Chairman McCaul.

We go to Norma Torres of California.

Mrs. TORRES. Thank you, Chairman Royce and Ranking Member Engel, for your hard work on these bipartisan bills. I support all

of these measures and I can't say enough about the work that you two do, the bipartisan work that both of you do together, and how this committee performs on an ongoing basis.

In particular, I am glad that we are considering H.R. 1697, the Israel Anti-Boycott Act. For too long, Israel has been unfairly singled out at the United Nations and elsewhere. No country is perfect. All of us can do better but the criticism of Israel is simply not proportionate to its flaws.

This bill is an important effort to address that problem and I thank the chairman and the ranking member for their hard work to address some of the First Amendment concerns that have been raised.

I also want to thank the chairman and ranking member for bringing up House Resolution 944. And I was thrilled to have the opportunity to work with Chairman Smith on this resolution, which expresses sympathy for the victims of the recent volcanic eruption in Guatemala, and I appreciate several members of this committee joining us as cosponsors. We all care deeply about the beautiful country of Guatemala and I am encouraged that we can join together in support of the victims.

According to the latest figures from the Guatemalan Government, 112 people were killed by this volcano eruption, 5,923 have been evacuated, 197 missing, and 29 were injured. People across Guatemala and the international community have joined together in a relief effort. The U.S. Government worked to transfer six children who were burn victims, the youngest only 1 year and 8 months old, to the Shriners Hospital in Galveston, Texas.

USAID has announced \$300,000 in initial funding for relief efforts and I have read stories of volunteers from those communities that were mostly affected who have taken upon themselves to search for victims or the bodies of their relatives and friends. Just the other day I had the opportunity to sit down with Chef Jose Andres, who is doing tremendous work getting food to those who need it, especially the hardworking first responders that are saving many lives every day.

We have seen countries across the region, Honduras, Mexico, and from across the entire world, strong allies like Israel and Taiwan, send aid as well. It is encouraging to see so many people who are concerned about the victims but we can't lose focus on this issue, and we must remain vigilant to ensure that the victims get the help they need, and are able to reestablish their lives in Guatemala. Otherwise, we could see this volcanic eruption lead to yet another wave of refugees at our border.

I urge all of the Members here in Congress to help continue to encourage USAID to do all that they can do to help these victims relocate within the Guatemalan border.

So I, again, thank the chairman and the ranking member and I urge my colleagues to support this important measure.

And I yield back.

Chairman ROYCE. Thank you, Congresswoman Torres.

Now we go to the author of the RAWR Act and, from the title, I presume wildlife protection and Katy Perry fan, Dan Donovan of Staten Island.

Mr. DONOVAN. I will take care for that credit, Mr. Chairman.

Mr. Chairman, I am proud to sponsor the RAWR Act, Rescuing Animals with Rewards, H.R. 6197. The RAWR Act will help ensure that eliminating the terrorist and transnational criminal organizations engaged in wildlife trafficking and poaching will be a top rewards priority.

Combating terrorism is of the utmost importance, not just to my constituents, not just to New Yorkers, but to the entire nation. It is an issue that reaches across the aisle. My district on Staten Island and South Brooklyn, which is home to many of New York City's bravest and finest, suffered hundreds of first responder casualties on September 11th of 2001. Since then, New York remains the world's top terror target.

As a nation, we have become more resilient and determined to mitigate threats but, as we have choked off other sources of money, terrorists have increasingly turned to wildlife trafficking as a way to fund their heinous endeavors. Any step, no matter how incremental, we can take that will lead to the capture and conviction of anyone engaged in wildlife trafficking, especially terrorists, is a step in the right direction.

I thank you, Mr. Chairman, for your support on this bill and I thank my friend from the other side of the aisle, Mr. Castro, for co-leading with me. I would also like to thank the staff at the Foreign Affairs Committee, who have put much excellent work into this bill.

And with that, Mr. Chairman, I yield back.

Chairman ROYCE. And with that, we will go to Mr. Castro.

Mr. CASTRO. Thank you, Chairman. Thank you, Representative Donovan, for your work and your partnership on the bill, and to the other members of the committee on their bills.

I do want to raise a concern with H.R. 1697, which is that I basically think that the bill is written a bit too vague and it is too broad. It mentions that the President is going to come up with regulations to protect nations that are friendly to the United States but doesn't go on to define exactly which nations those are.

The reason that I think that it is problematic is because this administration, including the President, on any controversial issue of foreign policy, have essentially given us two, or three, or four, or five different answers. Sometimes the President has given different answers himself on the same subject. So I hope that between now and the time that the bill goes on the floor, perhaps there can be some more definition.

I would also feel more comfortable if Congress had some say over this, rather than essentially, right now, expanding the foreign policy power of this President, who I believe in many ways has been irresponsible with that power.

I yield back.

Chairman ROYCE. Thank you. We go to Brad Schneider of Illinois.

Mr. SCHNEIDER. Thank you, Mr. Chairman. Mr. Chairman and Ranking Member, thank you for holding today's markup.

I commend my colleagues for working on the legislation before us today. In particular, I appreciate the efforts of my good friend from Florida, Ted Yoho, on his bill, H.R. 5576, the Cyber Deterrence and Response Act of 2018. This bill will help protect our country from

cyber-attacks by requiring the President to designate foreign persons and entities responsible for state-sponsored cyber threats. This bill would also require the President to publish and regularly update this list and, finally, impose sanctions.

We know there are malicious actors out there right now seeking to target the United States. Russia's efforts to interfere in our 2016 election was only the beginning, as we have heard from our intelligence community that serious threats remain.

Earlier this year, the Director of National Intelligence stated that Russia, China, Iran, and North Korea will pose the greatest cyber threats to the United States during the next year. Our Government must do more to protect our election infrastructure and seek to ensure the integrity of every citizen's vote.

I would also like to express my appreciation for the work of my colleagues in updating H.R. 1697, the Israel Anti-Boycott Act. I am a cosponsor of this bill that declares it is United States policy to oppose boycotts imposed by international government organizations against countries that are friends to the United States. This bill solely covers commercial activity and does nothing to limit the rights of individuals protected by the First Amendment.

Finally, I would like to commend the work of my colleagues, David Cicilline and Lee Zeldin, for their work on H.R. 5898, the UNRWA Accountability Act, and to associate myself with the sentiment in the bill expressing the sense of Congress that the administration should complete its reviews of U.S. assistance programs for the West Bank, and Gaza, and UNRWA. This bill also calls for a long-term strategy for policy toward UNRWA and will help us better understand the reforms the administration has called for, how they plan to address the humanitarian needs currently covered by UNRWA, and the impact any policy changes will have on broader regional security and stability, including specifically toward Israel.

Once again, I thank the chairman and ranking member for holding today's hearing.

And with that, I yield back.

Chairman ROYCE. We go now to David Cicilline of Rhode Island.

Mr. CICILLINE. Thank you, Mr. Chairman. I want to thank you and the ranking member for holding this markup and for including the UNRWA Accountability Act, which I introduced with my colleague, Mr. Zeldin, on the list of bills being considered today.

Holding a markup on this bill is a testament to the bipartisan-ship of this committee and the leadership of Chairman Royce and Ranking Member Engel. As we all know, UNRWA can be a controversial topic here in Congress but we have been able to come together to support a bill that will reassert congressional oversight for funding programs to UNRWA, and the West Bank, and Gaza.

In January, the Trump administration announced that it was holding any further funding for UNRWA, the United Nations Relief and Works Agency for Palestinian Refugees, which is the U.N. agency responsible for carrying out assistance programs for Palestinian refugees. Today, there are roughly five million Palestinians eligible for UNRWA services in the West Bank, Gaza, Lebanon, Syria, and Jordan. We have also been recently informed by the administration officials that all future assistance for the West Bank and Gaza has been put on hold pending review as well.

This legislation will assert proper congressional oversight of the administration's review of funds to UNRWA, and assistance to the West Bank and Gaza, and ensure that details of the review process are provided in a timely manner in what, so far, has been a review with no discernable process or time line. It will do this by requiring that the administration submit two reports to Congress detailing the status of the reviews within 45 days.

To be clear, I believe that funding for these bilateral programs and for UNRWA, funding which has been appropriated by Congress, should be resumed immediately. There is no reason why it is necessary to hold funding while conducting the review. And any decisions made as a result of the review can be carried out in the new fiscal year with appropriate coordination with Congress. Congress has repeatedly sought details about the ongoing reviews from administration officials but very little has been provided.

Meanwhile, the situation of Palestinian refugees, particularly in Gaza, is getting more dire by the day. For example, UNRWA has said that it currently faces a \$250 million shortfall for 2018 and, despite taking measures to limit expenditures, will be unable to open all of its 700 schools on time in August. Hamas has offered to take over administration of Palestinian schools in Gaza, should UNRWA be unable to do so.

UNRWA doesn't have funding to support food rations for the final quarter of the year, which will leave hundreds of thousands of Palestinians without the ability to meet their nutritional needs.

The unemployment rate in Gaza is nearly 50 percent and UNRWA is about to terminate 3,000 short-term contracts due to budget shortfalls, leaving even more families without the means to support themselves.

The freeze of bilateral assistance programs in the West Bank and Gaza, which are largely carried out by NGOs is also having a devastating impact. For example, Catholic Relief Services has said that 140,000 individuals in Gaza will lose emergency assistance and they will be forced to lay off 90 staff members by September.

American Near East Refugee Aid reports that if the freeze continues, 71,000 people will lose access to projects improving water, sanitation, schools, and other critical facilities. These are just a few examples of the real-world impact that the current freeze of funds is having on Palestinians.

I ask the chairman for unanimous consent to place two documents into the record. The first is a program budget and Gaza field update provided by UNRWA and the second is a compilation of information from NGO's working in Gaza and the West Bank entitled NGO Programs in Gaza and the West Bank Impact by Funding Hold During Administrative Review as of June 15, 2018.

Chairman ROYCE. Without objection.

Mr. CICILLINE. Thank you, Mr. Chairman.

Whatever criticisms we have UNRWA and the Palestinian leadership, and there are many valid ones, it is contrary to American interests and the interests of Israel to exacerbate this humanitarian crisis. If the administration is seeking structural changes to UNRWA, they must seek them at the United Nations General Assembly, which is the only body that can alter UNRWA's mandate.

If they want to see alternatives to UNRWA for American assistance delivery, they should do so in a concerted and transparent way that does not leave a devastating funding gap for Palestinian humanitarian assistance.

And if they desire reforms that UNRWA can undertake internally, they should submit those reforms to UNRWA and begin a conversation about how they can be achieved. I would note that there is a formal process for this and the Trump administration signed a new framework for cooperation between the United States and UNRWA in December 2017, which lays out a series of shared goals and priorities for UNRWA and the United States.

I would like to submit this document into the record and ask unanimous consent to do so.

Chairman ROYCE. Without objection.

Mr. CICILLINE. Rather than take a series of thoughtful and coordinated steps in order to lay out and address their concerns with UNRWA, the administration has acted in a way that suggests to me that they intend to use the increasingly dire humanitarian situation in Gaza and the West Bank as a stick to try to force Palestinian acquiescence to Jared Kushner peace plan. This is not only cruel, it is bad policy.

As the United States slows or stops its contributions to UNRWA, we must understand that other actors will fill the gap. Countries like Saudi Arabia, Iran, and Qatar will not ask for strict oversight of UNRWA's school curriculum or the abuse of UNRWA resources by Hamas. If we give up our position as a donor, we also give up our influence.

This is a dangerous game. If you don't believe me, believe the current Chief of Staff of the Israeli Defense Forces, Gadi Eizenkot, who said in an interview earlier this year that the likelihood of escalation to the point of war has increased substantially between Gaza and Israel, in part because of the cuts to UNRWA funding. And I would like to ask unanimous consent to place that article in the record as well.

And Mr. Chairman, just in closing, I know many of my colleagues on both sides of the aisle have deep concerns about the functions of UNRWA, about Hamas' role in Gaza, and about the Palestinian leadership's commitment to achieving peace. I share many of these concerns and I think this body has taken many steps to address these issues but we shouldn't throw the baby out with the bath water and I am glad that today we were able to consider a bipartisan piece of legislation that will bring some order and timeliness to this review process and expert proper congressional oversight of our foreign assistance.

And I want to thank all of my colleagues for their support of this legislation and particularly thank Mr. Zeldin for working across the aisle to ensure this issue receives due consideration by this body.

And I thank the chairman for his indulgence and yield back.

Chairman ROYCE. Thank you.

We go to Ted Poe of Texas.

Mr. POE. Thank you, Chairman.

I support all of these pieces of legislation before us, except the last one from Mr. Zeldin, and I have some questions. He is not here

but maybe Mr. Engel can yield for a question or two regarding H. Con. Res. 20.

Mr. ENGEL. Sorry. Certainly.

Mr. POE. It is my understanding that there have been some prosecutions. Those people were tried, they were found not guilty, and upheld on appeal. Is that right or wrong?

Mr. ENGEL. Yes, I am not sure. I don't know of any.

Mr. POE. All right. According to the—anyway, I believe that has occurred. I will take back my time.

But my concern, Mr. Chairman, is the fact that we, in this H. Con. Res., and I will make it very clear, being a former judge, criminals need to be prosecuted and prosecuted wherever they commit these crimes in the world.

I do believe that Serbia is moving to try to find at least the one person that has been mentioned in the resolution itself and prosecute. But be that as it may, I don't think that the answer to getting Serbia to prosecute these outlaws is to not have a relationship with the country of Serbia. I think we can only solve these problems if we have a relationship with countries, not if we break off relationships with these countries.

So for that reason, I would not support this H. Con. Res.

Chairman ROYCE. Would the gentleman yield?

Mr. POE. Absolutely.

Chairman ROYCE. I thank the judge for yielding. I would point out that in this particular case, although charges were brought at one point—yes, charges were brought momentarily against two individuals but swiftly those charges were then again dropped.

There was another case, as you say, where charges were brought on a third individual but that individual passed on. So it became a moot point.

The point I would make is that we can engage, we can have a relationship with states but, at the same time, retain our rights on behalf of our own citizens. So in this particular circumstance, we have three American citizens hiking on the border, who cross over the border from Albania to Serbia, and then are killed by a death squad.

It is, I think, under this set of circumstances, the fact that no one has been brought yet to the bar of justice these many years after, altogether appropriate upon reflection here, I think, given that set of circumstances, that we move a resolution. And remember that as this resolution was written, we did try to incorporate this particular perspective, Your Honor. Judge, we did recognize recent improvements in U.S.-Serbia relations in the text in order to try to be balanced. We added: Whereas, in the following years, the political leadership of Serbia has worked to strengthen democratic institutions—I think that is an important point, strengthen democratic institutions—to develop stronger adherence to the rule of law, and to ensure respect for human rights and fundamental freedoms, including as the Federal Republic of Yugoslavia evolved into a State Union of Serbia and Montenegro in February 2003, which itself dissolved—okay.

So the point is that we have included that language but, at the end of the day, we are left with three Americans whose lives were taken by a paramilitary unit and nothing done by the state to hold

someone ultimately accountable. For that, I think it is quite understandable and quite proper that we move forward and speak on behalf of those Americans.

I yield back.

Mr. POE. Reclaiming my time, once again, where crimes are committed, wherever they happen in the world, especially against Americans, we ought to go get the outlaws. We ought to have that country help get the outlaw.

But just reading the resolution as it is written, it states that there were two individuals that were tried and found not guilty, and they appealed their case, and the appellate court upheld the acquittal on those two individuals.

But my concern is not that. My concern is how we, as a nation, go after encouraging Serbia to correct this mistake, correct this crime, rather, and make sure people are brought to justice. And I am concerned about how our diplomatic relations should not decrease. They should increase.

So that is the concern I have—the way that it is addressed in the resolution, how we find justice for these three individuals. Certainly, the criminals needs to be brought to justice.

So I will yield back, Mr. Chairman.

Mr. ENGEL. Mr. Chairman?

Chairman ROYCE. Mr. Engel.

Mr. ENGEL. I am wondering if I can get some time to comment on this.

Chairman ROYCE. Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman.

When Secretary Tillerson was still Secretary of State and came before this committee, I just want to read into the record an exchange that I had with him.

I said that I am deeply concerned with the lack of justice for murders and crimes committed by the Government of Serbia during and after the Kosovo War. And particularly, there have been no charges brought against anyone for the murders of three American citizens, the Bytyqi brothers, despite widespread understanding of who was behind them.

Serbian President Vucic and Acting Prime Minister Dacic have promised very senior U.S. Government officials for many years that they would bring to justice the perpetrators of this crime and the crime of burning our Embassy in 2008. They both also made these promises to me.

On January 31st of this year, the respected Humanitarian Law Center of Belgrade released a dossier called, "The Cover-Up of Evidence of Crimes During the War in Kosovo: The Concealment of Bodies Operation." This report described mass graves in Serbia containing the bodies of 941 Kosovo Albanians, mainly civilians killed outside combat situations in Kosovo, during 1999. According to the report, and I quote, the evidence corroborated the decision to conceal evidence of crimes committed was planned as early as March 1999 at the highest level of the government, and indicated that members of both departments of the Serbian MUP, which is the State Security Department, Public Security Department, and the Yugoslav's Army Departments in charge of clearing up the terrain—I think that is a quote—were involved in it.

The murder and mass burial of almost a thousand innocent civilians is a crime against humanity but the perpetrators have gone unpunished. It is long past time for Belgrade to face these facts and bring to justice the people, including high officials in its government, who are behind these very serious crimes.

At the same time, the Serbian stalling and stonewalling has brought no adjustment in policy from the United States and the European Union's willingness to proceed with Serbia's accession process to the EU has been unaffected. This has to stop. It has to stop now until Serbia bring those who have committed these serious crimes to justice. The EU should not move ahead with Belgrade's accession process and the United States should think twice before advancing our relations with Serbia.

And I asked: What is the United States doing to press Serbia to bring to justice the murderers of the Bytyqi brothers, those who burned the United States Embassy, and those who murdered and buried in mass graves almost a thousand innocent Kosovo civilians, with the ICTY, which is I-C-T-Y, no longer accepting any new cases and closing down at the end of this year, and Serbia seemingly unwilling to prosecute anyone for these grave offenses? Will you support a new international or special tribunal similar to that which was established in Kosovo to prosecute those responsible?

And Secretary Tillerson answered: We share your frustration with a lack of progress in the Bytyqi case, and the slow progress in the 2008 Embassy burning case, and raised the issue with Serbian officials at all levels of government, including with Serbian President Aleksandar Vucic. We have also informed Serbian officials that these issues stand in the way of closer bilateral relations.

Serbia recently appointed a new special war crimes prosecutor. The position had remained vacant for almost a year and a half. And we have called for the Bytyqi case to be a priority in her work. We are hopeful that this appointment will serve to advance the investigation and prosecution of those responsible for the Bytyqi murders.

And I think I will end here.

Mr. POE. Will the gentleman yield?

Mr. ENGEL. Certainly.

Mr. POE. I don't quarrel with anything that you have said regarding what has happened in the war crimes and the incidents throughout history.

My concern is if we diminish our relationship with Serbia, getting an answer to all of these questions that you have brought up—I don't think will increase. I think it is a mistake to decrease relations with Serbia. I think we need to increase those relations so that we can get resolution to all of the things that you have mentioned.

So I will yield back to the gentleman and I thank him for his comments.

Mr. ENGEL. Let me just say very quickly to the gentleman, who is my friend, and who I have a lot of respect for, the frustration is that it has been 19 years and nothing seems to happen, whether we have good relations, or bad relations, or anything like that. And so it is very frustrating.

I had an ironclad promise face-to-face by the head of Serbia, Mr. Vucic, who told me it would take him a month and it has been much more than a year now. So it is just a frustration. I know the gentleman has worked very hard in trying to improve relations in that part of the world and improve relations with countries and the United States but it is just coming to a head and is very, very frustrating.

But I understand the gentleman's points.

Chairman ROYCE. Noting we are halfway into the vote on the floor, we must go to Mr. Gerry Connolly of Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman.

And knowing that, let me just say I want to associate myself with the remarks Mr. Cicilline on humanitarian crisis. By defunding or freezing funding for UNRWA is not going to add anything in terms of stability in the Middle East and it is not a friendly act to Israel.

So I certainly associate myself with him and support H.R. 5898.

I just wanted to thank the chairman, and ranking member, and the author of the bill H.R. 5576 for accepting my amendment, which is adding Russia as an identified cyber bully. Nobody has interfered, historically, in American elections with the breadth and scope of Russia. We need to take cognizance of that.

The Trump Treasury Department did just that in announcing sanctions in March against five Russian entities and 19 Russian individuals, pursuant to Executive Order 13694 and the overwhelmingly passed bipartisan bill Countering America's Adversaries Through Sanctions Act.

So I thank my colleagues for accepting the amendment. I think it is an important statement for us and I intend to support the motions before us.

I yield back.

Chairman ROYCE. And we thank you for your contribution to the bill with that amendment, Mr. Connolly.

Mr. CONNOLLY. I thank you and I yield back.

Chairman ROYCE. Hearing no further requests for recognition, the question occurs on 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.

That concludes our business today and I want to thank, of course, all our members here, and Ranking Member Engel for your contributions and assistance with today's markup.

The committee is adjourned.

[Whereupon, at 11:36 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

June 28, 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 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Thursday, June 28, 2018

TIME: 10:00 a.m.

MARKUP OF: H. Res. 256, Expressing support for the countries of Eastern Europe and the North Atlantic Treaty Organization;

H. Res. 944, Expressing solidarity with and sympathy for the people of Guatemala after the June 3, 2018, eruption of the Fuego Volcano;

H.R. 1697, Israel Anti-Boycott Act;

H.R. 4969, Improving Embassy Design and Security Act of 2018;

H.R. 5576, Cyber Deterrence and Response Act of 2018;

H.R. 5898, UNRWA Accountability Act of 2018;

H.R. 6197, Rescuing Animals With Rewards Act of 2018;

H.R. 6207, Democratic Republic of the Congo Democracy and Accountability Act of 2018; and

H. Con. Res. 20, Expressing the sense of the House of Representatives regarding the execution-style murders of United States citizens Ylli, Agron, and Mehmet Bytyqi in the Republic of Serbia in July 1999.

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 202/225-5921 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 06/28/2018 Room 2172

Starting Time 10:30AM Ending Time 11:36AM

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

Presiding Member(s)

Chairman Edward R. Royce

Check all of the following that apply:

Open Session ☒

Electronically Recorded (taped) ☒

Executive (closed) Session ☐

Stenographic Record ☒

Televised ☒

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.)

IFR - Representatives Ted Yoho and David Cicilline

SFR - Ranking Member Eliot Engel and Representative Dina Titus

ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)

See markup summary.

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

Subject

Yeas

Nays

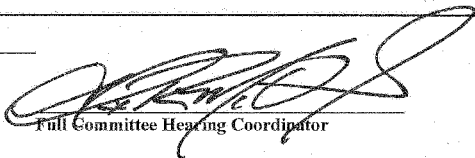
Present

Not Voting

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 11:36AM


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
X	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
	Paul Cook, CA
X	Scott Perry, PA
	Ron DeSantis, FL
	Mark Meadows, NC
X	Ted Yoho, FL
	Adam Kinzinger, IL
X	Lee Zeldin, NY
X	Dan Donovan, NY
	James F. Sensenbrenner, Jr., WI
	Ann Wagner, MO
	Brian J. Mast, FL
	Brian K. Fitzpatrick, PA
	Francis Rooney, FL
	Thomas A. Garrett, Jr., VA
	John Curtis, UT

<i>PRESENT</i>	<i>MEMBER</i>
X	Eliot L. Engel, NY
X	Brad Sherman, CA
	Gregory W. Meeks, NY
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X	Gerald E. Connolly, VA
	Theodore E. Deutch, FL
X	Karen Bass, CA
	William Keating, MA
X	David Cicilline, RI
	Ami Bera, CA
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	Tulsi Gabbard, HI
X	Joaquin Castro, TX
X	Robin Kelly, IL
X	Brendan Boyle, PA
X	Dina Titus, NV
X	Norma Torres, CA
X	Brad Schneider, IL
	Tom Suozzi, NY
X	Adriano Espaillat, NY
	Ted Lieu, CA

6/28/18 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. Res. 256 (Cohen), Expressing support for the countries of Eastern Europe and the North Atlantic Treaty Organization;
 - a. Royce 3, an amendment in the nature of a substitute to H. Res. 256;
 - i. Royce 134, an amendment to Royce 3;
 - ii. Wilson 68, an amendment to Royce 3.
- 2) H. Res. 944 (Torres), Expressing solidarity with and sympathy for the people of Guatemala after the June 3, 2018, eruption of the Fuego Volcano;
 - a. Torres 11, an amendment in the nature of a substitute to H. Res. 944.
- 3) H.R. 1697 (Roskam), Israel Anti-Boycott Act;
 - a. Royce 4, an amendment in the nature of a substitute to H.R. 1697;
 - i. DeSantis 82, an amendment to Royce 4;
 - ii. Royce 1, an amendment to Royce 4.
- 4) H.R. 4969 (McCaul), Improving Embassy Design and Security Act of 2018;
 - a. McCaul 105, an amendment in the nature of a substitute to H.R. 4969; and
 - i. Titus 62, an amendment to McCaul 105.
- 5) H.R. 5576 (Yoho), Cyber Deterrence and Response Act of 2018;
 - a. Yoho 137, an amendment in the nature of a substitute to H.R. 5576;
 - i. Connolly 86, an amendment to Yoho 137;
 - ii. Royce 2, an amendment to Yoho 137.
- 6) H.R. 5898 (Cicilline), UNRWA Accountability Act of 2018;
 - a. Zeldin 1, an amendment in the nature of a substitute to H.R. 5898;
 - i. Cicilline 1, an amendment to Zeldin 1;
 - ii. Perry 1, an amendment to Zeldin 1.
- 7) H.R. 6197 (Donovan), Rescuing Animals With Rewards Act of 2018;
- 8) H.R. 6207 (Smith), Democratic Republic of the Congo Democracy and Accountability Act of 2018;

a. Royce 133.

- 9) H. Con. Res. 20 (Zeldin), Expressing the sense of the House of Representatives regarding the execution-style murders of United States citizens Ylli, Agron, and Mehmet Bytyqi in the Republic of Serbia in July 1999.

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.



MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE TED S. YOHO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, AND CHAIRMAN, SUBCOMMITTEE ON ASIA AND THE PACIFIC

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

June 27, 2018

The Honorable Ed Royce
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Eliot L. Engel
Ranking Member
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Royce and Ranking Member Engel:

The U.S. Chamber of Commerce supports H.R. 5576, the "Cyber Deterrence and Response Act of 2018," which would authorize the president to designate foreign nations or their proxies that engage in cyber activities threatening to the economic or national security of the U.S. as a *critical cyber threat*.

This legislation is generally consistent with the Chamber's position on cyber defense and deterrence. Industry is frequently the first to bear the brunt of cyberattacks coming from adversary nations. The Chamber believes that Congress and the administration should continue to spotlight adherence to international norms and deterrence to heighten the costs on countries or their subordinates that would willfully hack America's private sector.

The Chamber looks forward to continuing to work with your committee and relevant cybersecurity stakeholders as H.R. 5576 advances.

Sincerely,



Neil L. Bradley

cc: Members of the Committee on Foreign Affairs

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DAVID CICILLINE, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF RHODE ISLAND



UNRWA Programme Budget and Gaza Field Update

UNRWA's overall funding needs

- As stressed by the Commissioner-General at the recent Advisory Commission meeting, this is a very difficult year for UNRWA due to the unprecedented budget shortfall.
- In 2018, there continues to be increased demand for services resulting from a growth in the number of registered Palestine refugees, the extent of their vulnerability and their deepening poverty; while at the same time the Agency relies almost entirely on voluntary contributions when financial support is being outpaced by the growth in needs.
- As a result, the programme budget, which supports the delivery of core essential services, operates with a large shortfall. Also the emergency programmes and other key projects, which are funded under different funding portals, are severely under financed.
- Despite this financial gap, operations in the first half of 2018 were able to continue with the support of donors who either advanced their payments or increased their contributions. The Agency is extremely grateful for this assistance as it ensured that the 2017/18 school year and other vital services could continue until now.
- UNRWA also revised its operation plans resulting in a reduction of the expected cash shortfall and to ensure the continuity of operations. To lower operational costs, extraordinary measures (which are of temporary nature and therefore can't be maintained permanently) and efficiencies were taken, such as hiring freeze except for critical programmatic posts, no salary survey, more restricted centralized procurement of supplies and releasing budget only for critical activities and on quarterly basis.
- The budget for the second half of 2018, however, is not yet secured. UNRWA requires more than \$250 million in further support to preserve its core and emergency assistance in the second half of the year (the shortfall is currently USD 141 million on the Programme Budget and USD 115 million on the two Emergency Appeals combined). Operations can continue through the end of July, but currently funding remains insufficient to open all 700 schools for the 2018/19 new school year in August/September.
- The Commissioner General has recently stated that "at stake is access to schooling for a generation of Palestine refugee youth; access to essential health care in and around 58 refugee camps; and emergency assistance to millions of insecure refugees in an unstable region."

Effect on operations in Gaza

- **Education:** UNRWA in Gaza provides access to education for 272,000 children in 275 schools.
 - At this point, UNRWA cannot guarantee the opening of the new school year on 29 August. There are no alternative education institutions in Gaza that could absorb such a large

number of students. UNRWA might also not be able to maintain its current level of support to students with special needs.

- Based on trends, UNRWA will need to accommodate an additional 10,000 students in the coming school year, which will require running triple-shift schools in some areas.
- **Health:** UNRWA provides access to primary health care for some 1.3 million Palestine refugees in 22 UNRWA health centres in Gaza. About one million patients are treated on a quarterly basis.
 - At a time when the public health sector is on the verge of collapse, as evidenced by recent research on the stalling of declines in infant mortality¹, UNRWA must continue to provide critical primary healthcare services and support to hospitalisation for Palestine refugees.
 - Since the initiation of the “Great March of Return” at the end of March 2018, UNRWA health centres treated more than 2,588 injuries (the majority being moderate to severe gunshot injuries), presenting additional and non-budgeted demand on UNRWA. In the longer-term, refugees will depend on UNRWA for physiotherapy/rehabilitation assistance, psycho-social counselling and hospitalization support for postponed elective surgeries. All in all, UNRWA requires an additional USD 10 million for its health response to the “Great March” demonstrations.
- **Food assistance:** UNRWA provides food assistance to almost one million vulnerable Palestine refugees
 - On a quarterly basis, UNRWA provides emergency food assistance to approx. 530,000 refugees living below the abject poverty line (US\$ 1.74/person/day) and approx. 400,000 refugees living between the abject poverty line and the absolute poverty line (US\$ 3.87/person/day).
 - UNRWA has secured sufficient funding to cover food commodities for the Q3 distribution (July-September) but has not yet secured funds to cover distribution and logistics costs (USD 2 million/cycle). So far, UNRWA has zero funding for the Q4 distribution (total required: USD 15-17 million). Hundreds of thousands of refugees might lose their food rations that cover 40-80 per cent of their caloric needs (depending on the family's poverty status).
- **Income generation opportunities:**
 - From January to June, approximately USD 5 million was injected into the collapsing local economy through short-term (usually three month) work opportunities. UNRWA already had to significantly reduce the number of contracts from 5,000 to 2,900 (active at any one time).
 - There is no funding available for this programme beyond the end of July, which means that almost 3,000 open contracts will have to be terminated. Suspension of the programme will accelerate the downward trend of the Gaza economy where unemployment stood at 49.1 percent in Q1/2018.
- **Other essential services:** UNRWA also provides mental health support, protection and other forms of assistance to thousands of vulnerable children and women, including survivors of GBV and the disabled; funding for the Community Health Programme runs out end of July.

¹ “Stalled decline in infant mortality among Palestine refugees in the Gaza Strip since 2006” (2018), van den Berg et al. Available at: <https://doi.org/10/1371/journal.pone.0197314>

Effect on operations in West Bank

- **Education:** UNRWA in the West Bank provides access to basic education for 48,192 children in 95 schools.
 - UNRWA at this point cannot guarantee the opening of the new school year on 29 August. It will be extremely difficult for the PA in the West Bank to absorb such a large number of students.
 - The most affected population will be students in camps as 60 per cent of the students enrolled in UNRWA education system are refugees residing in camps.
- **Primary Health:** UNRWA provides access to primary health care for some 500,000 Palestine refugees in 43 UNRWA health centres and health points in the West Bank. Also, UNRWA provides essential preventative and curative health services through six mobile health clinics to 57 communities in the West Bank. About 280,000 patients are treated on a quarterly basis from both the regular and emergency funds.
 - UNRWA has secured sufficient funding to cover the mobile clinics health services until the end of August but has not yet secured funds to cover these services until the end of 2018.
- **Food assistance:** UNRWA provides food assistance to almost 83,000 vulnerable Palestine refugees and Bedouin communities in the West Bank
 - On quarterly basis, UNRWA provides emergency food assistance through food vouchers to approx. 46,000 refugees living between the abject poverty line and the absolute poverty line (US\$ 11.4/person/day).
 - UNRWA has secured funding to cover the food vouchers assistances for refugees living outside camps until June, yet is still in need of US\$ 3.2 million for the second half of 2018. It is anticipated that the food insecurity levels of thousands of refugees would deteriorate if funds are not maintained.
- **Income generation opportunities:** Cash for work programme
 - From January to June, approx. US\$ 4.3 million were injected into the local economy through short-term (usually three-month) work opportunities provided to around 4,079 refugee households living in refugee camps. UNRWA has already faced significant funding shortfall during 2018 which lead the Agency to create contracts to beneficiaries on a monthly basis.
 - UNRWA has no funding for this programme beyond the end of June. Around 4,000 poor refugee households living in WB refugee camps will be directly affected. With no other similar service provision, the suspension of the programme will increase the unemployment rate in the West Bank; it stood at 18 per cent in Q1/2018 among refugees.
- **Other essential services:** UNRWA provides mental health support for Bedouin communities, protection, and other forms of assistance to thousands of vulnerable children and women especially communities at risk of forcible displacement in the West Bank
 - **Funding for the Community Mental Health Programme runs out at the end of August.** UNRWA tries to secure funding for the continuity of the services, yet if not secured, around 46 Bedouin communities will lose their mental health support.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DAVID CICILLINE, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF RHODE ISLAND

**NGO Programs in Gaza and the West Bank Impact by Funding Hold during
Administrative Review – As of June 15, 2018**

Program Description (Brief)	Individuals / Households impacted	Staffing cuts
Catholic Relief Services (CRS) is the lead implementing organization for Envision Gaza 2020, a five-year, \$50M program in Gaza. The program has two main components. First, it provides emergency food and non-food items to vulnerable people through a network of private vendors. In addition to helping needy families, this aspect of the program is also designed to ramp up quickly to provide assistance to much larger numbers of people in the event of another conflict or other shock. Second, the program provides livelihood opportunities, especially for women and youth, through paid internships and apprenticeships and supports entrepreneurship through training and small start-up grants.	20,000 vulnerable households (impacting up to 140,000 individuals) not being served in the current emergency with food and non-food assistance. CRS has received 157,000 applicants for short-term livelihoods opportunities. If funding were available, CRS would have 2,250 individuals placed in work opportunities at this time, who help to support up to 15,000 total family members. If the program is discontinued, placements of an additional 10,000 people will not occur. Also, 580 people won't receive entrepreneurship grants that they could use to start a business.	CRS laid off 7 staff in May 2018, is planning to lay off another 8 staff by the end of June, and will lay off all CRS program staff – 30 people – by the end of September. Also by the end of September 2018 up to 90 partner staff will have been laid off.
International Medical Corps is the lead implementing organization for Gaza 2020: Health Matters, a five-year, \$50 million, USAID-funded program in Gaza. Under this project, consortium partners including CARE and Mercy Corps, work to improve emergency preparedness among local NGOs and community based organizations, and to improve their delivery and provision of primary and secondary health care to the Gazan people. The program has 22,000 direct beneficiaries to date and an estimated 200,000 indirect beneficiaries through health services and training provided through its 13-member local partner network in the non-governmental and community-based health sector in Gaza.	16,000 women will lose out on clinical breast cancer treatment; 6,000 patients won't receive essential health services through Mobile Medical Teams. 6,000 patients will not receive essential surgical services through grants to local hospital partners. 4,000 pregnant and lactating women will not receive preventive and curative services for anemia. 4,000 people in marginalized communities in Gaza will not receive the Non-Communicable Disease screening and treatment. 3,000 children and their caregivers won't get child preventive and curative nutrition services for anemia and malnutrition. 1,350 patients with NCDs and women with post-partum depression, about 700 children with chronic diseases and epilepsy, and 260 children with chronic illness or physical disabilities	Without additional funding, programming will end on September 30, 2018. More than 100 staff of IMC and its partners will lose their jobs. Over 100 jobs created under planned grants to serve local communities through Gaza 2020: Health Matters local grants will be lost

**NGO Programs in Gaza and the West Bank Impact by Funding Hold during
Administrative Review – As of June 15, 2018**

Program Description (Brief)	Individuals / Households impacted	Staffing cuts
If this program stops, much needed specialized hospital services with ~ USD 1.5 million worth of hospital equipment for our key non-governmental hospital partners in Gaza will be lost.	and their caregivers won't receive the Psycho-social Support (PSS) services. 800 children with cerebral palsy and their caregivers will be deprived of community rehabilitation services	
Mercy Corps is partnering with International Medical Corps on the Gaza Health Matters 2020 program, a \$50M, 5 Year program seeking to improve primary, secondary health services available at local NGO run facilities throughout the Gaza Strip, while also supporting emergency preparedness for anticipated humanitarian crisis from shocks or conflict. Mercy Corps is also the presumed awardee of a new USAID funded youth program entitled Positive Youth Engagement. The program, if allowed to proceed will serve more than 50,000 youth across the West Bank and Gaza to access services promoting better emotional well-being, life skills development and to begin planning for more positive and productive futures. Mercy Corps also runs Gaza Sky Geeks, Gaza's first start-up accelerator, co-working and tech education hub. Launched in 2011 together with Google.org, GSG is building a vibrant technology ecosystem and community of tech enthusiasts in Gaza capable of launching startups and serving outsourcing clients in the global market.	See IMC Gaza 2020: Health Matters summary above The Positive Youth Engagement program is intended to serve more than 50,000 youth ages 10-19 in Gaza and the West Bank. If no funds are made available, this program in its entirety will not proceed.	Due to lack of funds for in the Gaza Health Matters program, Mercy Corps has laid off 3 staff since June 1, and reduced 13 others to part-time 50%-70%. If more funds are not available by August 2018, these 13 staff will be laid off as well. If the Positive Youth Engagement program isn't funded, Mercy Corps and its' partners will not hire 40 staff in West Bank and Gaza, and 30 local community based organizations will not employ more than 100 local workers.
CARE partners with IMC and Mercy Corps on the Gaza Health Matters 2020 program to improve access and availability of quality care of 200,000	See IMC Gaza 2020: Health Matters summary above	If funds are not released, will have to lay off 3 staff in August 2018 (15% of country office budget)

**NGO Programs in Gaza and the West Bank Impact by Funding Hold during
Administrative Review – As of June 15, 2018**

Program Description (Brief)	Individuals / Households impacted	Staffing cuts
individuals, 120,000 of which are women and girls. This program in Gaza builds capacity of NGOs and community based organizations to receive and manage medical supplies, materials and equipment in order to be responsive to the needs of residents of Gaza and to be prepared for increasing services at times of crisis		
American Near East Refugee Aid (ANERA) is responding to urgent water and sanitation and other basic community infrastructure needs such as health facilities and schools. To date under the project: • 13 water networks were installed and 6 water reservoirs were constructed • 5 communities have proper stormwater drainage systems • 136,370 people have improved access to drinking/domestic water • 7 schools were renovated/constructed • 1 health clinic was constructed, and, • 45 rural and marginalized communities were served.	• 340,000 people to date • 185,792 person days of employment created (equivalent to 9,290 short-term jobs) If the project funding were to continue, 71,000 additional people would benefit from water, sanitation, schools and other critical facilities.	Anera directly employs 51 people on the project.
Global Communities has partnered with WFP in the West Bank and Gaza since 2004 to improve the food security of the region's most vulnerable populations, including the elderly, the disabled, orphans and individuals from women-headed households. Working collaboratively with WFP and other partners, Global Communities conducts regular beneficiary assessments—with particular focus on households headed by women—to monitor food consumption patterns and track progress. These assessments, along with sex-disaggregated	Since 2013 an average of 193,000 vulnerable individuals reached each year in the West Bank and Gaza. An additional 22,000 Gazans were provided with life-saving rations during the 2012 air strikes.	Funding is awarded by WFP with USAID funds. Funding has been secured through October 2018. Funding was usually provided in six-month increments. However, since January 2018, funding has been in smaller increments.

**NGO Programs in Gaza and the West Bank Impact by Funding Hold during
Administrative Review – As of June 15, 2018**

Program Description (Brief)	Individuals / Households impacted	Staffing cuts
monitoring data, enable WFP to rely on a beneficiary profile database that factors in the socio-economic conditions and specific needs of men, women and children. In 2011, USAID began supporting WFP's electronic voucher program, implemented by Global Communities. This system allows participants to access food assistance through prequalified vendors in their communities, where vouchers may be redeemed for food rations.		

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DAVID CICILLINE, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF RHODE ISLAND

**FRAMEWORK FOR COOPERATION BETWEEN
THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR
PALESTINE REFUGEES IN THE NEAR EAST AND
THE UNITED STATES OF AMERICA
2018-2019**

I. Introduction:

This Framework for Cooperation (the "Framework") sets forth understandings between the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter referred to as "UNRWA" or "the Agency") and the United States of America (hereinafter referred to as "the United States" or "U.S."). The United States and UNRWA (the "Participants") have been working in partnership through a Framework for Cooperation since 2005 to provide humanitarian assistance, human development, and protection to UNRWA's beneficiaries in accordance with its mandate as approved by the United Nations General Assembly.

This document focuses on shared goals and priorities; continued support; monitoring and reporting; and communication and partnership.

It is understood that this document, in its entirety, including the attached Annex, constitutes policy commitments by UNRWA and the United States, and is therefore not legally binding.

II. Shared Goals and Priorities

The United States and UNRWA are jointly committed to addressing the needs of Palestinian refugees through effective provision of humanitarian assistance and protection, and to promoting the enhanced human development potential of Palestinian refugees until a comprehensive and lasting peace agreement is secured.

- The United States and UNRWA intend to work together to provide efficient and effective delivery of core education, primary health care, and relief and social services, and other humanitarian assistance to UNRWA-registered refugees and other persons falling under the mandate of UNRWA, and to promote the human development of Palestinian refugees by protecting human rights, improving living conditions, and supporting economic empowerment and livelihoods of Palestinian refugees, as outlined in UNRWA's 2016-2021 Medium Term Strategy.
- The United States and UNRWA intend to cooperate to support continued provision of emergency assistance to Palestinian refugees.
- The United States and UNRWA intend to build on past successes to integrate curriculum on human rights, conflict resolution and tolerance into classrooms; to train and develop teams of Operation Support Officers (OSOs) to uphold the Agency's neutrality; and to further enhance policies and procedures to prevent gender-based violence and keep women and girls Safe from the Start; and other mutually identified priorities.

Conformance with conditions on U.S. contributions pursuant to section 301(c) of the Foreign Assistance Act of 1961 (hereinafter referred to as "section 301(c)"), and conducting operations consistent with UN humanitarian principles of neutrality, humanity, independence, and impartiality, remain shared priorities. The United States and UNRWA share concerns about the threat of terrorism, including within the context of the United Nations' firm commitment to counter terrorism and conditions on U.S. contributions under section 301(c). Section 301(c) provides that, "No contributions by the United States shall be made to [UNRWA] except on the condition that

[UNRWA] take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerilla-type organization or who has engaged in any act of terrorism." UNRWA commits to take all possible measures to ensure funding provided by the United States to UNRWA does not provide assistance to, or otherwise support, terrorists or terrorist organizations. Further, the United States and UNRWA condemn without reserve all manifestations of religious intolerance, incitement, harassment or violence against persons or communities based on ethnic origin or religious belief, including anti-Semitism.

UNRWA is expected to provide semi-annual reports to the U.S. Department of State's Bureau of Population, Refugees, and Migration (PRM) on activities to inform evaluation of conformance with conditions on U.S. contributions to UNRWA, based on the attached Annex to this Framework. Priority activities for 2018-2019 to ensure conformance with conditions on U.S. contributions to UNRWA are expected to include, but are not to be limited to:

- Continuing the OSOs program, which is a key component of UNRWA and U.S. efforts to ensure neutrality of UNRWA facilities and staff and a critical piece of UNRWA's protection program.
- Further development and implementation of a strategy for training all UNRWA staff on the principle of neutrality.
- Strengthening UNRWA's investigative capacity into allegations of staff misconduct.
- Continuing to take clear, consistent, and prompt administrative or disciplinary action for violations of UNRWA's neutrality policy, consistent with appropriate procedural safeguards and the Agency's regulatory framework, and following due process.
- Taking suitable action with respect to discretionary benefits to UNRWA beneficiaries determined to have engaged in inappropriate conduct, consistent with appropriate procedural safeguards and the Agency's regulatory framework.

The United States and UNRWA expect to continue to work in partnership to promote UNRWA's financial stability, both through efforts to control and contain costs, as well as to mobilize additional resources. Ongoing UNRWA reform initiatives have improved management capacity, increased program quality and efficiency, and increased financial sustainability and accountability of the Agency. Consistent with the priorities outlined in the 2016-2021 Medium-Term Strategy, implementation of UNRWA's reform initiatives is expected to continue in 2018-2019.

UNRWA has worked in recent years on efforts to expand the donor base for voluntary contributions to UNRWA and to develop partnerships with international financial institutions, and the U.S. intends to continue to support the Agency as it furthers these efforts in 2018-2019. In 2017, following an extensive consultation process with a broad range of stakeholders, the Secretary-General issued a report on several possible avenues to explore in an effort to ensure "sufficient, predictable, and sustained funding" for UNRWA.

The United States and UNRWA assess that priority reform and resource mobilization activities for the Agency over the next two years may include, but are not limited to, the following. The United States intends to support UNRWA in these efforts as appropriate:

- Developing partnerships with international financial institutions.
- Continuing outreach to expand the base of donors who voluntarily contribute to the Agency, with a focus on securing sufficient, predictable, and sustained voluntary contributions, and early fulfillment of pledges. This includes outreach to non-traditional donors and regional partners.

- Continuing to consolidate programmatic reforms in the health, education, and relief and social services sectors, and analyze efficiencies gained through reforms.
- Managing the Agency's workforce to improve the quality and professionalism of staff, eliminate staff redundancies, and as resources permit, set compensation for staff to promote parity in salary levels between UNRWA staff and host government officials in comparable sectors and positions, commensurate with UNRWA's pay policy.
- Continuing to refine targeting and prioritization within UNRWA's budgeting process, with regard to both the Program Budget and Emergency Appeals.

UNRWA intends to continue to strengthen the Agency's internal governance and oversight processes. UNRWA and the United States affirm the importance of risk management, including increasing coordination across departments and programs on contextual, institutional, programmatic, fiduciary, and professional risk management. Among these efforts, the United States encourages UNRWA to:

- Provide more robust resourcing and staffing to the Department of Internal Oversight Services.
- Continue efforts to improve the safety and security of UNRWA's personnel, particularly those who do not fall under the purview of the UN Department of Safety and Security, and including through efforts to ensure the neutrality of UNRWA facilities and address violence affecting UNRWA facilities.
- Continue applying and strengthening the ongoing curriculum review process, which enables UNRWA's educators to use consistent criteria in analyzing and enriching educational materials, in order to promote UN values and principles in UNRWA classrooms.
- Continue to implement recommendations in internal UNRWA audits and evaluations and the UN Board of Auditors' reports, as well as improve tracking and transparency with regards to implementation of recommendations, and finalize implementation of appropriate recommendations relating to UNRWA put forward by the UN Secretary General's Board of Inquiry investigation into incidents affecting the neutrality of UNRWA's facilities and operations during the Gaza 2014 conflict.
- Build upon progress to date towards UNRWA's Grand Bargain commitments, particularly in relation to improving transparency in the costing of humanitarian and reconstruction rehabilitation programs and more systematic accountability to affected populations.

III. Continued Support

The United States is committed to continuing its partnership with UNRWA to assist UNRWA-registered refugees and other persons falling under the mandate of UNRWA until a comprehensive and lasting peace agreement is achieved and UNRWA's mandate ends. Recognizing the need for early, sufficient, predictable and sustained funding, the United States intends to strive to provide flexible and early contributions to UNRWA for the Agency's Program Budget and Emergency Appeals. The United States is committed to providing, subject to the availability of funds, a fair share contribution to UNRWA's annual Program Budget, Emergency Appeal (EA) for West Bank/Gaza, and EA for the Syria Regional Crisis Response, based on past practice and consistent with the Good Humanitarian Donorship principle of providing predictable and flexible funding. In addition, subject to the availability of funds, the United States intends to continue support for selected special projects mutually identified by the United States and UNRWA, including continued support for the Operation Support Officers (OSO) programs and the human rights, conflict resolution, and tolerance curriculum. UNRWA understands that U.S. support depends on UNRWA's demonstration of needs and results.

IV. Monitoring and Reporting

The United States commends UNRWA for the transition to the Annual Organizational Report (AOR) as a performance tool, and appreciates the ongoing consultative implementation of this initiative to ensure that organizational-level reporting on performance is consistent with donors' programmatic reporting requirements. Reflecting the principles of Good Humanitarian Donorship, the U.S. believes that the standardized reporting included in the AOR should satisfy the majority of U.S. reporting requirements for U.S. contributions to the Program Budget for 2018-2019.

UNRWA intends to continue to provide semi-annual section 301(c) reporting to PRM, as discussed in Section II of this Framework.

UNRWA also intends to continue to provide reporting separate from the AOR on the following appeals and special projects, though the reports may reflect a harmonized approach to donors' reporting requirements where applicable:

- Semi-annual reports on UNRWA's Emergency and/or Flash Appeals receiving U.S. funding, including reconstruction of the Nahr el-Bared refugee camp in Lebanon.
- Semi-annual (or, as called for by contribution language, quarterly) reports on U.S.-funded special projects, including U.S.-funded reconstruction projects in Gaza.
- Semi-annual reports on visibility efforts, per the U.S.-UNRWA Visibility Plan.
- Quarterly (or, as called for by contribution language, monthly) expenditure reports on all U.S. contributions to Emergency and/or Flash Appeals and reconstruction projects.
- Additional information for UNRWA's operations inside Syria, per the U.S.-UNRWA enhanced monitoring plan for Syria.

V. Communication and Partnership

In pursuit of meeting the goals and achieving the results articulated in this Framework, the United States and UNRWA remain committed to continuous information sharing and cooperation at all levels. The United States has a close working relationship with UNRWA and is in frequent contact with the organization through UNRWA's Representative Office in Washington, D.C., UNRWA Headquarters, and in the fields of operation. UNRWA intends to work closely with the PRM Refugee Coordinator's Office in Jerusalem, PRM Program Officers in Washington, D.C., and other U.S. Embassy and Consulate staff in its fields of operation to inform the United States of developments, challenges, and achievements throughout the year.

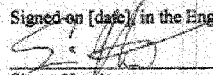
The United States monitors UNRWA on an ongoing basis and in a number of ways, including by actively participating in the semi-annual meetings of the Advisory Commission, regular meetings of the Sub-Committee of the Advisory Commission, regular meetings of the Harmonized Results Working Group, and other *ad hoc* working groups; analyzing UNRWA's regular reports and updates; undertaking field visits by PRM RefCoords and Program Officers; and attending briefings by UNRWA staff. UNRWA's Chief of Staff serves as the neutrality management focal point for the Agency, liaising with relevant Department of State officials on all relevant neutrality-related issues. Through regular reporting and dialogue, including on policy and program issues identified in this Framework, PRM intends to continue to monitor closely the organization's work, and also aims to ensure UNRWA is strengthening its capacity to monitor its own programs. The United States will continue to share with UNRWA the results of its monitoring and analysis, and welcomes feedback from UNRWA in response to U.S. findings and recommendations.

PRM and UNRWA intend to hold annual consultations on the shared objectives identified in this Framework.

VI. Conclusion

The United States and UNRWA confirm their commitment to remain strong partners in their efforts to address the needs of Palestinian refugees within UNRWA's five fields of operation. The United States and UNRWA intend to consult regularly on policy and program issues identified in this Framework. This Framework for Cooperation is intended to remain in effect until December 31, 2019.

Signed on (date) in the English language.


Simon Henshaw
Principal Deputy Assistant Secretary
Bureau of Population,
Refugees, and Migration
U.S. Department of State

7 December 2017


Pierre Krähenbühl
Commissioner-General
United Nations Relief and
Works Agency for Palestine
Refugees in the Near East

7 December 2017

Annex: Activities Related to Conformance with U.S. Funding Conditions Pursuant to Section 301(c) of the Foreign Assistance Act of 1961

**ANNEX:
ACTIVITIES RELATED TO CONFORMANCE WITH U.S. FUNDING CONDITIONS
PURSUANT TO SECTION 301(C) OF THE FOREIGN ASSISTANCE ACT OF 1961**

UNRWA is responsible for drafting and submitting a report to the United States on progress towards activities below semi-annually. PRM also intends to track progress towards activities below.

General

1. Commitment by the Agency to conform to, consistent with UN resolutions and rules and the Framework for Cooperation between UNRWA and the United States for 2018-2019, conditions on U.S. contributions as outlined in funding agreements with the U.S. Department of State.
2. Regular meetings or conversations, defined as occurring at least once per month, between UNRWA and relevant State Department officials in which section 301(c)-related issues are discussed.
3. Regular written communication, defined as occurring at least once per month, between UNRWA and relevant State Department officials on section 301(c)-related issues.

Neutrality of UNRWA Staff/Personnel

4. Checks conducted and documented of all UNRWA staff against the Consolidated United Nations Security Council Sanctions List once every six months.
5. Provision of lists of UNRWA staff members to host governments, the Palestinian Authority, Egypt and Israel on an annual basis and other UN member states upon request.
6. Written communication to staff, through formal staff circulars or other communication channels, about appropriate behavior consistent with UNRWA's neutrality rules/regulations at least once every year for each of UNRWA's five fields of operation and at least once every year to all staff, including Headquarters.
7. Consistent with appropriate procedural safeguards, prompt initiation of investigations upon receipt by the intake committee of credible information about alleged staff/personnel misconduct.
8. Immediate efforts taken to seek information from host countries and other authorities when staff are detained/convicted, etc.
9. Requirement that all new and existing UNRWA staff complete neutrality training, and conduct semi-annual tracking to ensure compliance.

Neutrality of Beneficiaries

10. Checks conducted and documented of UNRWA-registered refugees and other registered beneficiaries against the Consolidated United Nations Security Council Sanctions List every six months.
11. Upon receipt of credible information that beneficiaries have engaged in conduct of concern, conduct fact-finding, assessment and denial of discretionary assistance to beneficiaries, as appropriate.

Neutrality of UNRWA Facilities

12. Inspection of each UNRWA facility in the West Bank, Gaza, Lebanon, and Jordan at least twice every six months by UNRWA Operations Support Officers or, in limited cases, appropriately trained senior UNRWA staff to ensure appropriate use and neutral appearance in accordance with the Agency's standards and procedures. Additional inspections of UNRWA installations in Syria may be conducted by UNRWA staff, security permitting.
13. Immediate investigation of incidents of misuse of facilities and immediate steps taken to assure non-recurrence, including, in appropriate cases, through seeking third party assistance.

Neutrality of Contractors, Vendors, and Non-State Donors

14. Checks conducted and documented of all contractors, vendors, and non-state donors against the Consolidated United Nations Security Council Sanctions List every six months.
15. Inclusion of all appropriate Agency neutrality clauses in Agency contracts, as outlined in the Regulatory Framework, with mechanisms to respond to non-compliance with neutrality clauses, as appropriate.
16. Accurate, complete, and timely details of UNRWA procurement contracts for goods or services (including construction) of aggregate annual value greater than \$100,000 are made publicly available one month after the end of each quarter. Entries are based on consistent use of vendor names.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DAVID CICILLINE, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF RHODE ISLAND

IDF chief: The likelihood of war has increased substantially

On the eve of Passover, Lt. Gen. Gadi Eizenkot answers questions about Gaza, the Palestinians, security, regional stability, peace partners and the future of Israel.

BY BOAZ BISMUTH

<https://www.jns.org/idf-chief-the-likelihood-of-war-has-increased-substantially/>

(March 30, 2018/Israel Hayom/Exclusive to JNS) “If the Palestinians think that they will organize a march and cross the [border] fence into our territory, they are wrong,” IDF Chief of Staff Gadi Eizenkot tells *Israel Hayom* in a special holiday interview. “We will enforce with an iron fist to prevent it. [Hamas leader Ismail] Haniyeh and the ones who send [the Palestinians to march] will be responsible for whatever happens.”

The military chief explains that beyond deploying reinforcements to the border area ahead of a planned March 30 Hamas-led march towards the fence, the military was also mentally preparing troops for the expected clashes in southern Israel, and in Judea and Samaria. “We are laying down infrastructure that will pose obstacles, but if you look at the bigger picture, you realize that you are in the middle of a very complicated reality where a lot of negative vectors converge. It makes for a very volatile situation over the next two months.”

Q: Can you describe what these vectors are?

A: “The failure of the [Hamas-Fatah] reconciliation efforts; the imminent end of the age of Palestinian Authority [leader] Mahmoud Abbas; the deep undercurrents in the Palestinian public, particularly in the West Bank, of increasing support for violent resistance; and a realization that the non-violent path led by Abbas is leading nowhere. Add to this the terrible civilian-humanitarian crisis in Gaza and Hamas’ failure to govern, the cold shoulder from Egypt, the relocation of the U.S. Embassy from Tel Aviv to Jerusalem, the poor water quality, the power shortages, the cutbacks in health spending and the cuts to UNRWA funding—200,000 Gaza children attend UNRWA schools, and 65 percent rely on them for food.”

Q: Is this a recipe for inevitable escalation?

A: “We already said at the beginning of the year that the likelihood that any of our enemies will initiate confrontation is rather low. But the likelihood of escalation, to the point of war, has increased substantially, even though neither side is interested in confrontation. Our goal in Gaza is to maintain the current reality at least until the end of the year, to give us enough time to complete the infrastructure to combat the terror tunnels. But if we’re being honest, we have to admit that the possibility of being dragged into violence is much more likely today than in the preceding decade.”

Q: So that means we are on the verge of the next war.

A: “Ever since 2005, the cycles of fighting have been short—every one or two years we had something. In the last four years, the security situation has been better than it has been since 1967. In this time, not a single Israeli civilian has sustained as much as a scratch, and only five soldiers were wounded. The communities [near the Gaza border] are enjoying a period of calm.

“So on the one hand we have a strong power of deterrence—the people in Gaza are terrified of escalation and what it would imply—and on the other hand, life there is hell, so we can’t threaten them with ‘double hell’ because they are already desperate and hopeless.”

Q: So what is the answer?

A: “I think that it is in Israel’s best interest that they have hope, and want to get up in the morning and go to work. We were very close to a third intifada in 2015, and it was averted mainly because we made a clear distinction between terrorists and the general population. We fought a determined war against terrorism, but refrained from harming the population. In recent years, every morning, some 190,000 Palestinians wake up and go to work in Israel. They make a living and the mechanism works—education, local government. That’s the difference between the West Bank and Syria.”

Q: And still, they support Hamas.

A: “Hamas has entered the people’s hearts. I would very much like to root it out, but people believe Hamas and identify with the movement. In Gaza, they behave like dictators; it’s catastrophic there. They throw their opponents off rooftops, they rule with an iron fist and only take care of their friends and families. And still, there are no protests. The street doesn’t erupt because the people believe that everything is determined by Allah and that it’s all Israel’s fault and that even if things are bad now, tomorrow they will be better.”

Q: Do you envision an eruption in the future?

A: “It is certainly tense. On the one hand, they realize that they are facing a powerful foe they cannot defeat. On the other hand, they hate us very much and want desperately to hurt us. You see the highest motivation for this among those who live among us, in Judea and Samaria, because they come into direct contact with us at eye level.

“We are able to thwart 98 percent of potential terrorist attacks, but still, they keep trying. Just last year, we apprehended 4,600 potential terrorists, and I have no doubt that there will be another 4,000 the coming year, and another 4,000 in the year after that.”

Q: Is this motivation reflected in the intelligence you are able to gather?

A: “Certainly. There is immense motivation to perpetrate terrorist attacks. The main problems are hatred, willingness, the culture, the religious beliefs and the profoundly painful understanding that they strongly believe terrorism is a way of fulfilling political, social and religious desires. This is something that won’t change for many years to come.”

Eizenkot says that while the greatest threat currently facing Israel is Iran, the most volatile threat is the Palestinian one, coming both from Gaza and the West Bank. “The hatred toward Israel isn’t new; it existed 70 years ago too, and will continue to exist 100 years from now,” he says. “When I was asked to speak at an international counterterrorism conference, I researched and found that

the first terrorist attack on record in Israel was in 1851. The fundamental hatred and the drive for confrontation are here to stay. What has changed is that we developed a system.”

Q: The region has changed. Today, there is a Russian presence, for example. Would the Russians have allowed Israel to strike a reactor in Syria?

A: “They wouldn’t have liked it, but they would have allowed it. I was present at the meeting between the prime minister and the Russian president, and I know what was said. They made it clear that we are an ally and that we both have interests. We need to operate to advance our interests and ensure that theirs aren’t harmed.”

Q: Where do the Russians draw the line?

A: “They have radars that identify everything. But they understand that we are not fighting against them. We need to make sure not to harm Russian forces, so we built a mechanism to prevent friction.”

Q: Is the same true for Iran?

A: “It’s no longer a secret that we are targeting Iranian capabilities. The Israeli public became aware of Iranian capabilities in Syria six months ago. As far as the IDF is concerned, this started years ago, and we are working to prevent it. We are also preventing Hezbollah from gaining advanced capabilities. That fact that Hezbollah can’t hit a precise target in Israel from Lebanon is solely thanks to our efforts. The Israeli public is unaware of most of these things.”

Q: What is Iran trying to achieve?

A: “Regional hegemony. Control. In recent years, Iran has given Syria \$1 billion, and every year it hands over \$600-700 million to Hezbollah, another \$100 million to Gaza and hundreds of millions to the Houthis in Yemen. It destabilizes the region. Our goal, which we share with the Sunni countries of the region, is to push them back to Iran and hope that their internal reality there will change. “The Iranian Revolutionary Guard has in effect built a state within a state, but when you look at long-term processes in Iran, there are large factions that want to live. To a large extent, some of the processes unfolding there, like the clash between the religious and the secular, are reminiscent of processes in Israeli society. There are deep undercurrents there and I believe that there will be change in Iran.”

Q: How far are we willing to go to prevent Iran from establishing a foothold in Syria?

A: “The military’s policy is to take every action necessary to push them out of Syria and back to Iran. I think that there is room for more action, including to enlist the help of the U.S. and Europe, where we have seen less success. We need to explain to them that they defeated ISIS, but they allowed an even bigger demon to take hold in the Middle East. A Shiite hegemony in Syria will be very bad for Israel, but it will be even worse for Europe.”

Q: Why is that?

A: “Because the millions of displaced Sunnis will not flee to Israel. They will flee to Turkey and from there, to Europe.”

Q: What is the solution in Syria?

A: “Anyone who thinks that they will see democracies or Western lifestyles in the Middle East in the near future must come from another planet. They are delusional. In my view, the only options for an Arab culture can be a religious elite, a military elite, a monarchy or chaos. There are no other possibilities. Our experience teaches us that wherever the system is overthrown, we get a far worse alternative. It’s not that the reality under [Moammar] Gadhafi or Saddam Hussein was delightful, but there was rule of law. There was order. There was someone to talk to. But then you introduce Mecca, you end up with ISIS and a chaotic reality that will take decades to get under control.”

Q: Does that mean that you think Syrian President Bashar Assad should remain in power?

A: “As an Israeli chief of staff, I can’t support a leader who is a murderer, and who uses chemical weapons on his people, and whose actions have resulted in hundreds of thousands of deaths and more than 2 million wounded. But still, our interest is to have someone we can talk to, and to have functioning government mechanisms. That is true in Syria; it’s true in Gaza as well. We can overthrow Hamas in Gaza, but what then?

“The Syria that we knew in the past has collapsed. It won’t return. Our objective is to achieve a solution that will be founded on ethnic identities—maybe some sort of confederation of several states: Alawite, Sunni, Druze. I think that would be good for Israel, because it will defuse Syria’s contrarianism against us.”

Q: And in Gaza?

A: “The best scenario isn’t realistic: to attach Gaza back to Egypt. Barring that, the choice is between equally bad alternatives—an indirect truce with a Hamas government or a reconciliation between Gaza and the West Bank. The worst scenario is that everything will break down there, and a chaotic reality will emerge. What we need to aspire to is a moderate government there that will agree demilitarize, but we are not there.”

Q: We are coming up on Israel’s 70th Independence Day. Are we here to stay? And to win?

A: “Not because it is the right thing to say, but because I know very well our power and our abilities. To its enemies, Israel is invincible. We have superiority in intelligence, in the air, in the sea, on the ground and enormous deterrence. I don’t see any existential threat in the coming years, and our duty to future generations is to make every effort to prevent such existential threats in the future. But we must always remember that in order for the IDF to continue fulfilling its purpose and serve as Israel’s insurance policy, we must have the public’s support. The only potential setback that I can foresee is if the internal unity of the army is compromised or if our mutual responsibility towards each other falters.”

Statement for the Record from Ranking Member Eliot Engel

Markup of: Various Measures
June 28, 2018

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're considering this morning.

These are all good bills before us today.

First, I'd like to discuss H. Res. 256, an important endorsement of Congress's continued support for a strong, robust NATO alliance. This bipartisan measure is an unambiguous message to the world: the trans-Atlantic alliance is the bedrock of Western security. This resolution makes it clear: the U.S. supports our allies in central and eastern Europe, and we stand side by side with those democracies facing outside coercion from Russia. With the Trump Administration's constant waffling on the value of our alliances, it's critical that Congress send this message, and I'm pleased to support this resolution.

The attempts by Russia and other countries to infiltrate democracies is a threat we know all too well here in the U.S. That's why I'm so pleased to be an original cosponsor of Congressman Yoho's Cyber Deterrence and Response Act. This measure would require the President to sanction those responsible for cyberattacks against our country, including attacks on our elections.

After the egregious attack on our elections in 2016—and consensus from our intelligence agencies that Putin plans to attack us again in 2018—the Trump administration has been unwilling to properly address the cyber threat to our nation. This is outrageous. I'm pleased to see bipartisan agreement that Congress must step in where the White House has failed. I urge all my colleagues to join me in supporting this critical measure.

Our Committee must work to protect our country and its citizens. That brings me to our next measure, which helps protect the lives of American citizens working at our embassies and consulates abroad. The Improving Embassy Design and Security Act, offered by Representatives McCaul and Kelly, includes a provision I authored requiring all U.S. government employees traveling abroad on official business to receive a security briefing from the State Department on potential threats. Frankly, it is shocking that this isn't already required.

I thank Mr. McCaul and Ms. Kelly for including my language that requires the State Department to provide a strategy for establishing a physical diplomatic presence in countries where we currently have none. I'm disappointed that we have no U.S. embassies in several countries in the Eastern Caribbean where Venezuela and Cuba are present and active. Our absence significantly weakens U.S. influence in the Caribbean and elsewhere around the globe.

Finally, let me say that while I am pleased that we are passing legislation that makes a number of small fixes to our approach to embassy security, the most important indicator of the priority that a President gives to embassy security can be seen in the annual budget. Frankly, it's alarming that the Trump Administration has proposed massive cuts for embassy security for two years in a row. President Trump ran a campaign focused on the Benghazi attacks with little regard for the actual facts. It is outrageous that now he's in office, he has tried to cut funding for embassy security at every

possible opportunity. There is no cost too high to protect the lives of our diplomats and their families. I wish the President understood that.

The next measure I want to discuss is the Democratic Republic of the Congo Democracy and Accountability Act. I'd like to thank Chairman Smith and Ranking Member Bass for their leadership in introducing this bipartisan bill.

For several years, the Democratic Republic of the Congo has been on the brink of political and humanitarian crises. There are indications that President Kabila may attempt to run for a third term in office in violation of the country's constitution. At the same time, there have been troubling restrictions on freedom of expression and assembly. There are disturbing reports of Congolese security forces perpetrating human rights violations against peaceful protestors.

This bill asks the Administration to continue providing robust humanitarian and development assistance to the people of the DRC and supporting democratic governance. This measure also includes language to ensure that the U.N. peacekeeping mission there has sufficient means to operate effectively. I hope all members join me in supporting this important legislation.

Next, I'd like to turn to the UNRWA Accountability Act. Thank you to Representatives Cicilline and Zeldin for their bipartisan leadership on this legislation. UNRWA, the UN agency that serves Palestinian refugees, is in serious need of reforms.

While we have been working through these issues, the Trump Administration has frozen U.S. contributions to UNRWA. However, the freeze is counterproductive. Without U.S. assistance, UNRWA will be unable to implement those essential reforms. Schools for 250,000 children in Gaza will not open when the school year starts, making those children vulnerable to exploitation and extremism.

These cuts to UNRWA come at the same time that the Trump Administration has frozen all assistance to the West Bank and Gaza. This freeze will have a direct impact on Israel's security and impact our goals across the region. We must act on this. This legislation increases transparency and congressional oversight of UNRWA and forces the Administration to report to Congress on its review of West Bank Gaza assistance.

Another measure on our agenda today also deals with our ally, Israel. The Israel Anti-Boycott Act, of which I am an original co-sponsor, is an important legislative fix to bring our anti-boycott statutes into the 21st century.

Current law already prohibits U.S. companies from participating in state-sponsored boycotts of countries friendly to the United States. This legislation simply adds boycotts by international government organizations to that law.

This bill does not infringe on free speech. It makes it clear that this prohibition only applies when a person is acting in an official capacity and if the intent was to comply with the international government organization's boycott. Individual, personal speech remains protected. Period.

While I strongly disagree with boycotts of Israel, people must retain our basic constitutional protections of freedom of speech. Let me be clear: No one who personally boycotts Israel or any

other country will be affected by this legislation. I hope all members will join me in supporting this measure.

Next, I'd like to talk about H.Con.Res. 20, which addresses the brutal murder of three US citizens in Serbia in 1999 and sends an important message to the Serbian government.

Ylli, Agron and Mehmet Bytyqi were three brothers from New York State who were killed, execution-style, by Serbian officials after they mistakenly crossed the unmarked Serbia-Kosovo border. Their bodies were discovered—with their hands bound behind their backs—in a mass grave in 2001.

Serbian President Vucic promised me two years ago that his government would bring the murderers to justice. He promised the same to Vice President Biden. It is simply unacceptable that no Serbian individuals have yet been brought to justice for these murders. Apparently, there is not even a serious criminal investigation underway. This is appalling.

But, sadly, the Bytyqi brothers are only the tip of the iceberg when it comes to post conflict justice in Serbia. Last year, the Belgrade-based Humanitarian Law Center released a dossier detailing the murder in Kosovo, and transport and mass burial in Serbia of nearly 1,000 Kosovars. This is mass murder and has been raised by the U.S. government with the Serbian war crimes prosecutor, but – again – no one has been held accountable. Let's be clear: If Serbia wants to join the EU, they must deal with their past and prosecute those responsible for war crimes.

As Ranking Member, I'll continue to speak on this and support legislation that addresses this injustice. Today's resolution makes it clear that Serbia must fully investigate the Bytyqi brothers' case and bring justice to the families of these murdered New Yorkers. U.S.-Serbia relations depend on Serbia's adherence to the rule of law and human rights and commitment to prosecute horrendous criminal cases such as this.

Now, I'd like to thank Congresswoman Torres for introducing House Resolution 944, expressing Congress's support for the victims affected by the June 3rd eruption of the Fuego Volcano in Guatemala. As the founding co-chair of the Central America Caucus, Congresswoman Torres has been a tireless champion for the region's most vulnerable, and I am pleased to support her continued efforts to stand in solidarity with the people of Guatemala. This resolution rightly urges USAID and other U.S. agencies to bring to bear all resources for relief and reconstruction assistance in Guatemala.

Our final measure before us today is the Rescuing Animals with Rewards Act. Urgent action is needed to counter poaching and wildlife trafficking, which are growing in scale and sophistication, and threaten the extinction of some of the world's most iconic species. This bipartisan legislation, introduced by Representatives Donovan and Castro, would enhance U.S. efforts to combat wildlife trafficking by authorizing rewards under the State Department's Rewards for Justice program for information leading to the arrest or conviction of those engaged in the illicit wildlife trade.

These are nine good measures before us, and I urge all members to support them.



Statement for the Record from Representative Dina Titus

Markup of: Various Measures

June 28, 2018

Thank you, Chairman Royce and Ranking Member Engel, for holding this markup today. I am a cosponsor of several of the bills and support all of those before us this morning.

I would like to thank Representatives McCaul and Kelly and the Chair and Ranking Member for including my amendment to H.R. 4969, the Improving Embassy Design and Security Act, in the en bloc package.

My amendment reinforces the importance of accessibility for persons with disabilities in embassy design and construction. As markers of American ideals around the world, embassies and consulates must not only be built to meet the needs of security and functionality but also accessibility.

More than one billion people around the world have a disability, with significant percentages in post-conflict and developing countries.

Regardless of whether the State Department proceeds with a Standard Embassy Design or Design Excellence model on any particular project, the U.S. government must continue to build infrastructure that is accessible to people with disabilities and recognize the importance of doing so to our diplomatic and international development priorities.

Accessible embassies help promote the employment of Americans with disabilities in diplomatic posts and reinforce U.S. leadership in advancing the rights of people with disabilities around the world.

I am glad that we could include this important language to keep accessibility a key factor in embassy and consulate construction.

I am also proud to cosponsor H.R. 6197, the Rescuing Animals with Rewards Act, and I thank Representatives Donovan and Castro for their work on this legislation.

Wildlife trafficking generates over \$10 billion annually for transnational criminal networks. As we on this Committee have heard, this illegal trafficking not only decimates endangered wildlife species but also threatens security and fuels corruption.

This bill moves us in the same positive direction that the END Wildlife Trafficking Act did to recognize wildlife trafficking as a serious crime. It will provide another tool for the U.S. to use in combating illegal wildlife trade.

I yield back.

