

MARKUP OF VARIOUS MEASURES

HEARING

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

July 10, 2024

Serial No. 118–125

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MARKUP OF VARIOUS MEASURES

Wednesday, July 10, 2024

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

The committee met, pursuant to notice, at 10:22 a.m., in room 2172, Rayburn House Office Building, Hon. Michael McCaul (chairman of the committee) presiding.

OPENING STATEMENT OF CHAIRMAN MICHAEL McCAUL

Chairman McCAUL. A quorum being present the Committee of Foreign Affairs will come to order.

I believe first acknowledging—first of all, it is Brian Mast’s birthday. Happy birthday. And we could sing the Boehner song, I don’t know, if you want to.

This is your birthday song. it doesn’t last too long. Hey.

I also want to extend my condolences—I know that everyone on this committee—your father’s passing recently. And I know he is very proud and lived to see the day when his son became a Member of Congress. And also a proud veteran of South Korea like my father as well. And anyway, we love you, man.

Also I do want to acknowledge that the lead staffer on the Development Finance Corporation, Jimmy Walsh, is not here today because his fiance is in the ICU in a coma. And it is unfortunate that he can’t see his bill hopefully pass out of this committee. And he spent a good 2 years to work on the reauthorization.

So with that, committee is meeting today for consideration of H.R. 8926, DFC Modernization and Reauthorization Act of 2024; H.R. 8345, No Official Palestine Entry Act; H.R.—Res. 1323, Rejecting the United Nations Decision to Place the Israel Defense Force on a List of Child Rights Abusers; H.R. 7914, Accountability for Terrorist Perpetrators of October 7th Act; H.R. 8232, To Authorize the Secretary of State to Withdraw from the United Nations Relief and Works Agency for Palestine Refugees in the Near East Federal Funds Previously Made Available; H.R. 7151, the Export Control Enforcement and Enhancement Act; H.R. 8924, Protecting American Innovation and Development Act; H.R. 8892, the Missile Technology Controls Revision Act; H.R. 8936, the Rohingya Genocide Accountability and Protection Act; H.Res. 837, Reaffirming the Ties Between the United States and the Philippines; H.R. 8566, Mobilizing and Enhancing Georgia’s Options for Building Accountability, Resilience, and Independence Act; H.Res. 544, Affirming the Nature and Importance of the Support of the United States

for the Religious and Ethnic Minority Survivors of Genocide in Iraq; H.R. 1425, the No WHO Pandemic Preparedness Treaty Without Senate Approval Act; H.J.Res. 164, Providing for congressional Disapproval Under Chapter 8 of Title 5 United States Code of the Rule Submitted by the Department of Commerce Related to "Revision of Firearms License Requirements;" H.Res. 1328, Recognizing the Actions of the Rapid Support Forces and Allied Militias in the Darfur Region of Sudan Against Non-Arab Ethnic Communities as Acts of Genocide; H.R. 7025, the United States Commission on International Religious Freedom Reauthorization Act; H.R. 8934, The Sanction Sea Pirates Act; and H.R. 3042, The Millennium Challenge Corporation Candidate Country Reform Act.

So 18 bills. Who says this committee doesn't get anything done? In fact, proud to announce that this committee has been the most productive committee of this Congress and has passed more bills out of committee and on the floor and into law than any other committee in the Congress. And I want to thank Mr. Meeks for his cooperation and being a good ally working together on many of these bills.

So pursuant to the House Rules, I request that members have the opportunity to submit views for any committee report that may be produced on any of today's measures. Without objection, so ordered.

The chair announces that any requests for recorded votes may be rolled and he may recess the committee at any point. Without objection, so ordered.

Pursuant to notice, I now call up H.R. 8926, The DFC Modernization and Reauthorization Act 2024.

[The Bill H.R. 8926 follows:]

118TH CONGRESS
2D SESSION

H. R. 8926

To modify and reauthorize the Better Utilization of Investments Leading
to Development Act of 2018.

IN THE HOUSE OF REPRESENTATIVES

JULY 2, 2024

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

A BILL

To modify and reauthorize the Better Utilization of
Investments Leading to Development Act of 2018.

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “DFC Modernization and Reauthorization Act of 2024”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Sense of Congress.

TITLE I—DEFINITIONS AND LESS DEVELOPED COUNTRY FOCUS

Sec. 101. Definitions.
Sec. 102. Less developed country focus.

TITLE II—MANAGEMENT OF CORPORATION

Sec. 201. Board of Directors.
 Sec. 202. Chief Risk Officer.
 Sec. 203. Chief Development Officer.
 Sec. 204. Pay comparability.
 Sec. 205. Office of Foreign Policy.

TITLE III—AUTHORITIES RELATING TO PROVISION OF SUPPORT

Sec. 301. Applicability of Federal Credit Reform Act of 1990.
 Sec. 302. Termination.

TITLE IV—OTHER MATTERS

Sec. 401. Corporate powers.
 Sec. 402. Maximum contingent liability.
 Sec. 403. Authority To use portion of Corporation fees To update information technology systems.
 Sec. 404. Repeal of European Energy Security and Diversification Act of 2019.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that the United States
 3 International Development Finance Corporation should
 4 seek to responsibly increase its risk tolerance in invest-
 5 ments to ensure that the Corporation is properly pursuing
 6 its statutory objectives of advancing developmental and
 7 national security goals, including—

8 (1) by accepting a creditor status that is subor-
 9 dinate to that of other creditors;

10 (2) by guaranteeing loans up to 100 percent of
 11 principal as part of projects structured in compli-
 12 ance with the Better Utilization of Investments
 13 Leading to Development Act of 2018; and

14 (3) lending, investing, or offering insurance in
 15 high-risk countries, regions, or sectors as a means to

1 achieve its mission to mobilize capital in underserved
2 markets or segments.

3 **TITLE I—DEFINITIONS AND LESS**
4 **DEVELOPED COUNTRY FOCUS**

5 **SEC. 101. DEFINITIONS.**

6 Section 1402 of the Better Utilization of Investments
7 Leading to Development Act of 2018 (22 U.S.C. 9601)
8 is amended—

9 (1) by redesignating paragraphs (2), (3), and
10 (4) as paragraphs (3), (4), and (5), respectively;

11 (2) by inserting after paragraph (1) the fol-
12 lowing:

13 “(2) HIGH-INCOME COUNTRY.—The term ‘high-
14 income country’—

15 “(A) means a country with a high-income
16 economy, as defined by International Bank for
17 Reconstruction and Development and the Inter-
18 national Development Association (collectively
19 referred to as the ‘World Bank’; but

20 “(B) does not include a wealthy country.”;

21 (3) in paragraph (3) (as so redesignated) to
22 read as follows:

23 “(3) LESS DEVELOPED COUNTRY.—The term
24 less developed country means, with respect to a fis-
25 cal year for the Corporation, a country the per cap-

1 ita income of which at the start of such fiscal year
2 is equal to or less than the then-current World Bank
3 threshold for initiating the International Bank for
4 Reconstruction and Development graduation proc-
5 ess.”; and

6 (4) in paragraph (5) (as so redesignated)—

7 (A) in subparagraph (A), by striking “or”
8 at the end;

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

11 (C) by adding at the end the following:

12 “(C) any other similar institution that has
13 a purpose that is similar to the purpose of the
14 Corporation as described in section 1412(b).”;
15 and

16 (5) by adding at the end the following:

17 “(6) UPPER-MIDDLE-INCOME COUNTRY.—The
18 term “upper-middle-income country” means, with re-
19 spect to a fiscal year for the Corporation, a country
20 the per capita income of which at the start of such
21 fiscal year is greater than the then-current World
22 Bank threshold for initiating the International Bank
23 for Reconstruction and Development graduation
24 process, and is equal to or less than the per capita

1 income threshold defined as a high-income economy
2 by the World Bank.

3 “(7) WEALTHY COUNTRY.—The term ‘wealthy
4 country’ means a country that is among the 40
5 countries with the highest gross domestic product
6 per capita at purchasing power parity as calculated
7 by the World Bank.’”.

8 **SEC. 102. LESS DEVELOPED COUNTRY FOCUS.**

9 Section 1412 of the Better Utilization of Investments
10 Leading to Development Act of 2018 (22 U.S.C. 9612)
11 is amended by striking subsection (c) and inserting the
12 following:

13 “(c) LESS DEVELOPED COUNTRY FOCUS.—

14 “(1) IN GENERAL.—The Corporation shall
15 prioritize the provision of support under title II in
16 less developed countries.

17 “(2) UPPER-MIDDLE-INCOME AND HIGH-IN-
18 COME COUNTRIES.—

19 “(A) UPPER-MIDDLE-INCOME COUN-
20 TRIES.—The Corporation may provide support
21 under title II in an upper-middle-income coun-
22 try if, prior to providing the support, the Chief
23 Executive Officer certifies in writing to the ap-
24 propriate congressional committees that such
25 support—

1 “(i) is designed to produce significant
2 developmental outcomes or provide devel-
3 opmental benefits to the poorest population
4 of such country; and

5 “(ii) furthers the national economic or
6 foreign policy interests of the United
7 States.

8 “(B) HIGH-INCOME COUNTRIES.—The
9 Corporation may provide support under title II
10 in a high-income country, subject to following
11 conditions:

12 “(i) With respect to support for all
13 projects in such countries, the aggregate
14 amount of such support may not exceed 10
15 percent of the maximum contingent liabil-
16 ity of the Corporation authorized to be
17 outstanding pursuant to section 1433.

18 “(ii) With respect to support for any
19 single project in such a country—

20 “(I) the Corporation shall seek to
21 minimize its support to a level nec-
22 essary to achieve the development and
23 foreign policy goals of the United
24 States;

1 “(II) the Chief Executive Officer
2 shall certify to the appropriate con-
3 gressional committees that the Cor-
4 poration has made all reasonable ef-
5 forts to ensure that—

6 “(aa) the support is a pre-
7 ferred alternative to state-di-
8 rected investments by foreign
9 countries of concern or otherwise
10 furthers the strategic interest of
11 the United States to counter or
12 limit the influence of foreign
13 countries of concern;

14 “(bb) private sector entities
15 have been afforded an oppor-
16 tunity to support the project on
17 viable terms in lieu of support by
18 the Corporation; and

19 “(cc) the support is designed
20 to produce significant develop-
21 mental outcomes or provide de-
22 velopmental benefits to the poor-
23 est population of such country.

24 “(C) REPORT.—Not later than 120 days
25 after the date of the enactment of this sub-

1 section, and annually thereafter, the Corpora-
2 tion shall submit to the appropriate congres-
3 sional committees a list of all high-income coun-
4 tries in which the Corporation anticipates pro-
5 viding support in the subsequent fiscal year,
6 and, to the extent practicable, a description of
7 the type of projects anticipated.

8 “(D) DEFINITION.—In this subsection, the
9 term ‘foreign country of concern’ has the mean-
10 ing given that term in section 231.102 of title
11 15, Code of Federal Regulations.”.

12 **TITLE II—MANAGEMENT OF** 13 **CORPORATION**

14 **SEC. 201. BOARD OF DIRECTORS.**

15 Section 1413(b)(2)(A)(iii) of the Better Utilization of
16 Investments Leading to Development Act of 2018 (22
17 U.S.C. 9613(b)(2)(A)(iii)) is amended by striking “5 indi-
18 viduals” each place it appears and inserting “3 individ-
19 uals”.

20 **SEC. 202. CHIEF RISK OFFICER.**

21 Section 1413(f)(1) of the Better Utilization of Invest-
22 ments Leading to Development Act of 2018 (22 U.S.C.
23 9613(f)(1)) is amended—

1 (1) in the matter preceding subparagraph (A),
2 by striking “who—” and inserting “who shall be re-
3 movable only by a majority vote of the Board.”; and
4 (2) by striking subparagraphs (A) and (B).

5 **SEC. 203. CHIEF DEVELOPMENT OFFICER.**

6 Section 1413(g) of the Better Utilization of Invest-
7 ments Leading to Development Act of 2018 (22 U.S.C.
8 9613(g)) is amended—

9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph
11 (A), by striking “who—” and inserting “who
12 shall be removable only by a majority vote of
13 the Board.”; and

14 (B) by striking subparagraphs (A) and
15 (B); and

16 (2) in paragraph (2)(B), by striking “under the
17 guidance of the Chief Executive Officer,”.

18 **SEC. 204. PAY COMPARABILITY.**

19 Section 1413(h)(2) of the Better Utilization of In-
20 vestments Leading to Development Act of 2018 (22
21 U.S.C. 9613(h)(2)) is amended—

22 (1) in subparagraph (A), by striking “50” and
23 inserting “100”; and

24 (2) in subparagraph (D)—

1 (A) by inserting “not to exceed 20 percent
2 of its” before “officers and employees”; and
3 (B) by striking “appointed under subpara-
4 graph (A)”.

5 **SEC. 205. VICE PRESIDENT FOR FOREIGN POLICY AND NA-**
6 **TIONAL SECURITY.**

7 Section 1413 of the Better Utilization of Investments
8 Leading to Development Act of 2018 (22 U.S.C. 9613)
9 is amended by adding at the end the following:

10 “(j) VICE PRESIDENT FOR FOREIGN POLICY AND
11 NATIONAL SECURITY.—

12 “(1) APPOINTMENT.—The Chief Executive Of-
13 ficer shall appoint a Vice President for Foreign Pol-
14 icy and National Security, from among individuals
15 with experience in foreign policy or national security
16 matters.

17 “(2) DUTIES.—The Vice President shall—

18 “(A) advise the Chief Executive Officer
19 and Deputy Chief Executive Officer on foreign
20 policy matters;

21 “(B) in addition to the Chief Executive Of-
22 ficer and the Deputy Chief Executive Officer,
23 represent the Corporation in the interagency
24 national security and foreign planning process;

1 “(C) work with other relevant Federal
2 agencies to identify projects that advance
3 United States foreign policy interests;

4 “(D) manage employees that are dedicated
5 to ensuring that the Corporation’s activities ad-
6 vance United States foreign policy and national
7 security interests and diplomatic strategy, in-
8 cluding through—

9 “(i) long-term strategic planning;

10 “(ii) issue and crisis management;

11 and

12 “(iii) the advancement of foreign pol-
13 icy initiatives;

14 “(E) foster and maintain relationships
15 within the Corporation and external to the Cor-
16 poration that increase the capacity of the Cor-
17 poration to achieve its mission to advance
18 United States foreign policy and national secu-
19 rity interests; and

20 “(F) coordinate within the Corporation to
21 ensure United States foreign policy and na-
22 tional security interests are considered together
23 with the Corporation’s development goals.”.

1 **TITLE III—AUTHORITIES RELAT-**
2 **ING TO PROVISION OF SUP-**
3 **PORT**

4 **SEC. 301. APPLICABILITY OF FEDERAL CREDIT REFORM**
5 **ACT OF 1990.**

6 Section 1421(c) of the Better Utilization of Invest-
7 ments Leading to Development Act of 2018 (22 U.S.C.
8 9621(c)), as amended by this title, is further amended by
9 adding at the end the following:

10 “(8) APPLICABILITY OF FEDERAL CREDIT RE-
11 FORM ACT OF 1990.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graphs (B) and (C), support provided under
14 paragraph (1) with respect to a project shall be
15 subject to the Federal Credit Reform Act of
16 1990 (2 U.S.C. 661 et seq.) for purposes of ap-
17 plying the requirements of such Act to such
18 support.

19 “(B) DETERMINATION OF COST.—

20 “(i) IN GENERAL.—For purposes of
21 section 502(5) of the Federal Credit Re-
22 form Act of 1990 (2 U.S.C. 661a(5)) the
23 cost of support provided under paragraph
24 (1) with respect to a project shall be the
25 net present value, at the time when funds

1 are disbursed to provide the support, of the
2 following estimated cash flows:

3 “(I) The purchase price of the
4 support.

5 “(II) Dividends, redemptions,
6 and other shareholder distributions
7 during the term of the support.

8 “(III) Proceeds received upon a
9 sale, redemption, or other liquidation
10 of the support.

11 “(IV) Adjustments for risk of es-
12 timated losses, if any.

13 “(ii) CHANGES IN TERMS IN-
14 CLUDED.—The estimated cash flows de-
15 scribed in subclauses (I) through (IV) of
16 clause (i) shall include the effects of
17 changes in terms resulting from the exer-
18 cise of options included in the agreement
19 to provide the support.

20 “(C) REESTIMATE OF COST.—When the
21 estimated cost of support provided under para-
22 graph (1) with respect to a project made in a
23 single fiscal year is reestimated in a subsequent
24 year, the difference between the reestimated
25 cost and the previous cost estimate shall be

1 paid from, or transferred to, the balances avail-
 2 able in the Corporate Capital Account estab-
 3 lished under section 1434.”.

4 **SEC. 302. SUBORDINATION.**

5 Section 1421 of the Better Utilization of Investments
 6 Leading to Development Act of 2018 (22 U.S.C. 9621)
 7 is amended by adding at the end the following:

8 “(j) SUBORDINATION.—

9 “(1) IN GENERAL.—The Corporation may ac-
 10 cept a creditor status that is subordinate to that of
 11 other creditors, if the Corporation—

12 “(A) has determined that an acceptable
 13 level of risk of non-payment or under-payment
 14 has been established; and

15 “(B) provides to the appropriate congres-
 16 sional committees—

17 “(i) notice of the determination of an
 18 acceptable level of risk of non-payment or
 19 under-payment; and

20 “(ii) the information required by
 21 paragraph (2).

22 “(2) INFORMATION REQUIRED.—The informa-
 23 tion required by this paragraph includes—

24 “(A) the amount of each such financial
 25 commitment;

1 “(B) an identification of the recipient or
2 beneficiary; and

3 “(C) a description of the project, activity,
4 or asset and the development goal or purpose to
5 be achieved by providing support by the Cor-
6 poration.”.

7 **SEC. 303. TERMINATION.**

8 Section 1424(a) of the Better Utilization of Invest-
9 ments Leading to Development Act of 2018 (22 U.S.C.
10 9624) is amended by striking “7 years after the date of
11 the enactment of this Act” and inserting “7 years after
12 the date of the enactment of the DFC Modernization and
13 Reauthorization Act of 2024”.

14 **TITLE IV—OTHER MATTERS**

15 **SEC. 401. CORPORATE POWERS.**

16 Section 1432(a) of the Better Utilization of Invest-
17 ments Leading to Development Act of 2018 (22 U.S.C.
18 9632(a)) is amended—

19 (1) in paragraph (2), by striking “division C of
20 subtitle I of”; and

21 (2) in paragraph (10), by striking “until the ex-
22 piration of the current lease under predecessor au-
23 thority, as of the day before the date of the enact-
24 ment of this Act”.

1 **SEC. 402. MAXIMUM CONTINGENT LIABILITY.**

2 Section 1433 of the Better Utilization of Investments
3 Leading to Development Act of 2018 (22 U.S.C. 9633)
4 is amended by striking “\$60,000,000,000” and inserting
5 “\$120,000,000,000”.

6 **SEC. 403. AUTHORITY TO USE PORTION OF CORPORATION**
7 **FEEES TO UPDATE INFORMATION TECH-**
8 **NOLOGY SYSTEMS.**

9 Section 1434 of the Better Utilization of Investments
10 Leading to Development Act of 2018 (22 U.S.C. 9634)
11 is amended—

12 (1) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (B), by adding
15 “and” at the end;

16 (ii) in subparagraph (C), by striking
17 the semicolon at the end and inserting a
18 period; and

19 (iii) by striking subparagraph (D);
20 and

21 (B) in paragraph (2)—

22 (i) in subparagraph (B), by striking
23 “and” at the end;

24 (ii) in subparagraph (C), by striking
25 the period at the end and inserting a semi-
26 colon; and

1 (iii) by adding at the end the fol-
 2 lowing:

3 “(D) project-specific transaction costs; and

4 “(E) transfers and additions to such other
 5 accounts, funds, or reserves as the Corporation
 6 may establish, at such time and in such
 7 amounts as the Board may determine.”; and
 8 (2) in subsection (k)—

9 (A) in paragraph (1), by inserting “other
 10 direct costs associated with origination or moni-
 11 toring services, including seminars, conferences,
 12 and other preinvestment services,” after “legal
 13 expenses,”; and

14 (B) in paragraph (2), by striking “does not
 15 include” and inserting “includes”.

16 **SEC. 404. REPEAL OF EUROPEAN ENERGY SECURITY AND**
 17 **DIVERSIFICATION ACT OF 2019.**

18 The European Energy Security and Diversification
 19 Act of 2019 (title XX of division P of Public Law 116–
 20 94; 22 U.S.C. 9501 note) is hereby repealed.

Æ

Chairman McCAUL. Bill was circulated in advance and the clerk shall designate the bill.

The CLERK. H.R. 8926, to modify and reauthorize the Better Utilization of Investments Leading to Development Act of 2018.

Chairman McCAUL. Without objection, first reading is dispensed with. The bill is considered read and open to amendment at any point. I recognize myself in support of this bill.

We are in a great power competition. America's soft power is key to fostering democracy and freedom while also preventing the spread of authoritarianism around the globe. A key component of our diplomatic efforts is to establish partnerships and work with countries around the globe to support development. That is why the DFC was actually established.

I am proud to have been a strong supporter of the BUILD Act. Mr. Yoho was here previously; he was the author of that act. It established the DFC and it was designed primarily to counter China.

The Development Finance Corporation is a critical component in countering the malign intentions of other countries to exploit developing nations, especially the Chinese Communist Party. China's Belts and Road Initiative is a tool of economic coercion employing debt trap diplomacy to ensure nations—place them under the CCP's influence.

This bill modernizes the DFC and maintains its development mandate, but most importantly it strengthens the DFC's ability to further our national security interest by allowing it to provide a better alternative to Russian project and China's Belts and Road Initiative.

Legislation also enacts an equity fix that adjusts how the DFC investments are accounted for. This change will bring equity in line with Congress' original intent allowing the DFC to fully unleash its equity investment tool. This will make the taxpayers' money go further as it allows the DFC to make more investments with the same amount of appropriated money.

The legislation also expands country eligibility to allow DFC to invest in an additional 34 countries. It also creates a waiver for the DFC to work in high-income areas in countries. It allows the DFC to work in countries where China has already been active and to establish projects in those countries that advance our economic and national security interests.

I am pleased that this is a bipartisan bill. I want to thank Ranking Member Meeks for his efforts to work with me to modernize the DFC to make it more competitive and effective around the globe because when I go to Africa primarily or in Latin America, we say why are you doing business with China? And the answer is because you are not here. The United States is not there. This bill will allow the United States to be there and to compete more effectively.

And with that, I know recognize the ranking member, Mr. Meeks.

OPENING STATEMENT OF RANKING MEMBER GREGORY MEEKS

Mr. MEEKS. Thank you, Mr. Chairman, and I am proud to have introduced this legislation with you, Mr. Chairman, to reauthorize

the U.S. International Development Finance Corporation for the next 7 years.

The DFC has been one of our most important development innovated—innovations of the last decade representing a concerted effort by Congress and the executive branch to promote and catalyze inclusive and sustainable economic growth around the world and in areas where it is most urgently needed. This is an investment. It is not a handout.

This bill makes important modifications that will maximize the impact of DFC financing. Chief among those changes is the inclusion of a fully—of a full equity fix that allows our cost calculations made on a net present value bases which will allow the DFC to make more equity investments and projects to help get them off the ground. This fix will catalyze private sector investment while also recognizing that equity stakes are expected to return money to the United States Treasury.

I want to acknowledge the work of Mr. Castro for leading efforts to address the equity issue across multiple Congresses. This committee has been strong and consistent in our support for the expansion of DFC equity investments.

The bill also updates country eligibility definitions to increase the number of countries that will be able to receive DFC funding without a waiver. And of critical importance for me and other members of this committee, the reauthorizations for the first time allow certain countries with strong development needs that have been shut out of DFC financing to access it through a waiver process. And this also will help us be present and to compete with China.

For example, we know that small Caribbean Island countries have been among the first to experience acute challenges associated with climate change. Just look at the rapid destruction from Hurricane Beryl as one example.

Climate change requires these countries to adapt and build resilient infrastructure that will keep their citizens safe and prosperous, but because many of them have small populations and a few very wealthy residents, their gross national incomes are distorted making access to DFC financing out of reach.

The adjustments in this bill allow these countries to be considered for DFC funding as long as projects meet certain conditions including maintaining a strong focus on development impact. This will change people's lives for the better and we have an opportunity today to set that change in motion.

The bill also increases DFC's maximum contingency liability from 60 billion to 120 billion which would allow DFC to continue to take on new projects for years to come. This is a reflection of the importance of DFC's work to catalyze private sector investment to achieve sustainable development and economic growth.

I want to thank the stakeholders from the Administration as well as from the advocacy community and think tanks who have helped shape this bipartisan reauthorization. Their work to identify areas for improvement and ways to ensure protection of DFC's core development mandate have made this a better process.

And finally, again I want to thank Chairman McCaul and his staff for working with us on this bill and I will of course urge all

of my colleagues to support this measure and I yield back the balance of my time.

Chairman MCCAUL. The gentleman yields.

Any further discussion on the bill?

Ms. Kim is recognized.

Mrs. KIM OF CALIFORNIA. Thank you, chairman.

I am proud to cosponsor H.R. 8926 and support this legislation.

The message is clear each time I visit the Indo-Pacific that our allies are waiting for us to show up including through deeper economic engagements. When we don't show up, our adversaries do. CCP is funding critical infrastructure projects and signing security pacts across the region, yet the U.S. remains the economic and security partner of choice. But without greater U.S. support the region could be forced to accept further aid and investment from the CCP.

And it is no secret that the fiscal environment is getting more difficult for the United States and I am deeply concerned about our national debt and budget deficit. Given this environment I believe it is important that we get creative with how we think about development assistance.

That is why I am a big proponent of public-private collaboration and I am looking for ways to incorporate more private sector initiatives into our development policy. We need to incorporate more private sector initiatives into our development policy and agencies like the Development Finance Corporation are key to attracting more private sector investment into development countries.

This bill reauthorizes the DFC for another 7 years and is an upgraded version that will provide the DFC the tools to achieve their development impact and expand to additional countries.

With that, I strongly support this bill and I urge my colleagues to do the same, and I yield the balance of my time.

Chairman MCCAUL. The gentlelady yields.

Any further discussion?

Mr. Castro is recognized.

Mr. CASTRO. Chairman, thank you for the opportunity to speak on H.R. 8926, the bill to reauthorize the U.S. Development Finance Corporation for a period of 7 years and institute many much-needed reforms. And thank you and the ranking member and all others for their work on this.

The DFC became our Nation's newest international development agency after it was created through the BUILD Act in 2018. The BUILD Act recognized that many of the development challenges the world faces require the private sector to play a decisive role in alignment with the United States' international development priorities.

In addition to reauthorizing the agency for a period of 7 years, this bill has important provisions that are much needed. I am particularly supportive of the language in Section 301 of this bill that requires equity investments by the DFC to be scored on a net present value basis.

The DFC's equity authority has been hindered for years because of how it is treated for budgetary purposes. I have worked for years to fix this issue and I am glad to see this language in the DFC's reauthorization that we are considering today.

While this legislation is comprehensive, there are additional measures that I believe merit inclusion in the package including provisions to strengthen the DFC's development impact and its mobilization of private capital that I will offer today.

I also believe that the Congress must provide the DFC's Office of the Inspector General with law enforcement authorities. The BUILD Act created a new Office of the Inspector General for the DFC, but it did not provide that new office with law enforcement authorities as most Inspectors General have. The lack of this law enforcement authority has seriously and materially hindered the DFC Inspector General's ability to conduct robust oversight over the agency.

The legislation to provide this authority is unfortunately not in the jurisdiction of this committee, and so I understand why it wasn't included in this piece of legislation, but I hope that as a Congress we can work together to provide the DFC's Office of the Inspector General with this law enforcement authority.

With that, I yield back, chairman.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

Mr. Barr is recognized.

Mr. BARR. Thank you, Mr. Chairman. I am a proud cosponsor and strongly support H.R. 8926, DFC Modernization and Reauthorization Act of 2024.

Since its creation in the BUILD Act of 2018 the Development Finance Corporation has been a critical tool to advance American foreign policy while also returning taxpayer funding to the Treasury. In a time of increased scrutiny of how U.S. funding is used abroad the DFC is a unique tool that utilizes the market interests of the private sector to meet development and strategic needs.

Over the past 6 years we have taken note of ways to make this tool more competitive and effective. The bill before us today equips the DFC with critical capabilities to be able to keep the United States as a partner of choice in international financing and development.

I am proud that this legislation includes a change to the way DFC scores investments. Fixing the equity scoring issue allows the investment structure used in the private sector, allowing the DFC to make investments go farther and increase its presence abroad. One of our greatest soft power tools abroad should not be hampered by an antiquated accounting system.

Additionally, this bill opens up opportunities for the U.S. to compete with China's Belt and Road investments in countries that are technically classified as high-income by the World Bank. Thanks to changes in the chairman's bill a strategically important country like Panama is now eligible for the high-income country waiver.

I traveled to Panama, Mr. Chairman, and I saw that this is a strategic country where China has major investments on both sides of the canal, a strategically critical canal for the United States and the West. And DFC is not allowed to go in and compete with Belt and Road in a technically high-income country. But as we all know, Panama has an impoverished population as well. There is no reason from a development standpoint, there is no reason from a strategic standpoint that DFC should be arbitrarily excluded from

making investments in Panama and displacing China Belts and Road.

So this bill fixes that and stipulates that these waivers are to be focused on projects that directly counter foreign countries of concern such as China's many investments around the Panama Canal.

The Development Finance Corporation is unique in the way that it pulls in the private sector to support commercially viable projects while also advancing U.S. foreign policy goals. This is not a blank check from the American people, but a way that the United States is leveraging our unmatched capital markets and trusted relationships with allies to offer a real alternative to China's debt trap diplomacy.

Our ace in the hole in the strategic competition with the People's Republic of China is that China is a communist country. They misallocate capital. That is what communists do. We are capitalists. And with the Development Finance Corporation harnessing the power of American capital markets we will win the competition with China.

I am grateful to the chairman and the ranking member for bringing this important bipartisan measure before the committee today and I yield back.

Chairman MCCAUL. The gentleman yields back.

Great example about the Panama Canal. Thank you for that.

Is there any further discussion on the bill?

There being no further discussion, the committee will move to consideration of amendments. Does any member wish to offer an amendment?

Mr. MEEKS. Mr. Chairman?

Chairman MCCAUL. Mr. Meeks is recognized.

Mr. MEEKS. I have an amendment at the desk, No. 91.

[The Amendment offered by Mr. Meeks follows:]

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AMENDMENT TO H.R. 8926
OFFERED BY MR. MEEKS OF NEW YORK

In the table of contents, strike “Sec. 302. Termination.” and insert the following:

Sec. 302. Subordination.
 Sec. 303. Termination.

Page 5, line 5, strike “countries” and insert “economies”.

Page 9, line 23, strike “100” and insert “70”.

Page 14, line 1, strike “balances” and insert “balances otherwise”.

Page 14, line 16, strike “committees” and insert “committees, for all financial commitments that are greater than \$10 million”.

Page 17, after line 15, insert the following (and redesignate the subsequent section accordingly):

1 SEC. 404. NOTIFICATIONS TO BE PROVIDED BY THE COR-
2 PORATION.

3 Section 1446(b) of the Better Utilization of Invest-
4 ments Leading to Development Act of 2018 (22 U.S.C.
5 9656(b)) is amended—

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2

1 (1) in paragraph (2), by striking “and” at the
2 end;

3 (2) in paragraph (3), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(4)(A) information relating to whether the
7 Corporation has accepted a creditor status that is
8 subordinate to that of other creditors in the project,
9 activity, or asset; and

10 “(B) for all projects, activities, or assets that
11 the Corporation has accepted a creditor status that
12 is subordinate to that of other creditors the Corpora-
13 tion shall include a description of the substantive
14 policy rationale required by section 1422(b)(12) that
15 influenced the decision to accept such a creditor sta-
16 tus.”.

◇

Chairman McCAUL. The clerk shall distribute the amendment.

The clerk shall report the amendment.

The CLERK. Amendment to H.R. 8926 offered by Mr. Meeks of New York. In the table of contents strike Section 302—

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman is recognized for 5 minutes.

Mr. MEEKS. Thank you, Chairman McCaul.

As I stated in my comments on the underlying legislation, I appreciate the thoughtful bipartisan work that has gone into this bill and believe that we have produced one of the most important bills of this Congress when it comes to American leadership around the world.

This amendment is a mix of clarifying and technical fixes that are nonetheless important. For instance, one of the clarifying changes makes sure that the DFC will read the statute such that more countries are eligible for DFC financing including all the front line Baltic states that are represented in Washington, DC. This week for NATO's 75th Anniversary Summit.

This amendment further strengthens an already-strong product and I look forward to its passage. And with that I yield back the balance of my time.

Chairman McCAUL. The gentleman yields back.

I support this amendment. Is there any further discussion on the amendment?

There being no further discussion, the question now occurs on the amendment offered by Representative Meeks, No. 91. All those in favor, signify by saying aye?

All those opposed, signify by saying no?

In the opinion of the chair, the ayes have it and the amendment is agreed to. Without objection, further reading of the amendment is dispensed with.

Are there any further amendments?

Mr. Stanton is recognized.

Mr. STANTON. Thank you very much, Mr. Chairman. I have an amendment at the desk, No. 62.

[The Amendment offered by Mr. Stanton follows:]

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AMENDMENT TO H.R. 8926**OFFERED BY MR. STANTON OF ARIZONA**

Page 11, line 3, strike “interests” and insert “interests, including by complementing United States domestic investments in critical and emerging technologies”.

Page 11, line 11, strike “and”.

Page 11, line 13, add at the end “and”.

After page 11, line 13, add the following:

- 1 (iv) strategic planning on how to com-
- 2 plement United States domestic invest-
- 3 ments in critical and emerging tech-
- 4 nologies;



Chairman McCAUL. The clerk shall distribute the amendment.

The clerk shall report the amendment.

The CLERK. Amendment to H.R. 8926 offered by Mr. Stanton of Arizona. Page 11, line 3, strike—

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with. The gentleman is recognized for 5 minutes.

Mr. STANTON. Thank you very much, chairman and ranking member and your great bipartisanship and leading on this very, very important bill.

I am proud to introduce Amendment 62, which directs the Vice President for Foreign Affairs at the DFC to identify ways to advance U.S. foreign policy interests including by considering ways to build upon U.S. domestic investments in critical and emerging technologies.

Last Congress we made historic investments in semiconductor manufacturing in the United States via the CHIPS and Science Act in order to protect our national security and grow good stable jobs in the United States. That is only part of the puzzle. We need to build upon this domestic investment through your foreign policy efforts. We are already doing so.

So we have worked with partners in Netherlands, Japan, South Korea to implement multilateral export controls on semiconductor technology going into the PRC and we are working with Mexico to teach the semiconductor workforce of the future. But there is need and opportunity to do more.

We need to build out the upstream and downstream parts of the semiconductor supply chain, namely critical mineral mining, and processing, and assembly, and testing. There are many countries hungry to get in the game. Using DFC is a smart way to help get them in the Western Hemisphere.

Peru, Bolivia, Argentina, Chile, and Mexico have large deposits of critical minerals and could move up the value chain by not only mining, but processing those materials—those minerals. And Mexico, Costa Rica, and Dominican Republic are interested in assembly and testing.

Growth in these countries would fulfill DFC's mission of advancing our national security by building more secure emerging technology supply chains. Growth in those countries would fulfill DFC's mission of promoting development by delivering jobs that lift up communities, encourage people to stay in their home countries, jobs that are all the most stable and financially sound because of how they would contribute to trade and investment in the United States because of how they would integrate with our investments here at home.

The DFC reauthorization before us gives DFC more flexibility to invest. We should make those foreign investments go that much further by trying to build off our investments we have already made at home.

But given my understanding of the chairman's position, I am going to work—I am going to withdraw this amendment at this time, but look forward to working with the chair and ranking member moving forward on this policy proposal.

Chairman McCAUL. I thank the gentleman for withdrawing the amendment and pledge to work with him on that policy.

Any further amendments?

Mr. Stanton is recognized.

Mr. STANTON. Mr. Chairman, I have an amendment at the desk, No. 63.

[The Amendment offered by Mr. Stanton follows:]

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AMENDMENT TO H.R. 8926**OFFERED BY MR. STANTON OF ARIZONA**

Page 2, line 3, insert an em dash after “should”.

Page 2, line 4, strike “seek” and insert the following
(and redesignate accordingly):

1 (1) seek

Page 3, after line 2, insert the following:

2 (2) respond to current topics of national eco-
3 nomic and foreign policy concern, including
4 nearshoring, semiconductor supply chains, and crit-
5 ical mineral security.

◇

Chairman McCAUL. The clerk shall distribute the amendment.

And the clerk shall report the amendment.

The CLERK. Amendment to H.R. 8926 offered by Mr. Stanton of Arizona. Page 2, line 3, insert an M dash after should—

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman is recognized for 5 minutes.

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

I am proud to introduce Amendment 63, which underscores that DFC should respond to current topics of national and economic and foreign policy concern including nearshoring semiconductor supply chains and critical mineral activity.

DFC was created in part to counter the People's Republic of China's Belt and Road Initiative. As you know, as we will talk about during other bills considered in this markup, we are competing with the PRC on critical emerging technologies including and especially semiconductors.

Last Congress we did make historic investments in semiconductor manufacturing here in the United States via the CHIPS and Science Act. But manufacturing semiconductors is only one piece of the supply chain puzzle. We also need to think holistically about both the upstream and downstream parts of our supply chain, the critical mineral processing on the upstream and assembling and testing on the downstream.

Using the DFC to invest in such projects is a small part of—is a smart use of our resources because nearshoring and building out the semiconductor supply chain helps us to counter the PRC to shore up our national security by securing supply chains to further our national economic interests by complementing the CHIPS Act and to advance our foreign policy interests and development goals by incentivizing the creation of stable robust jobs in areas that need it.

The DFC is a powerful tool of American diplomacy. We should yield that power to respond to the most pressing national economic and foreign policy issues. So I urge my colleagues to vote yes on the amendment, and I yield back.

Chairman McCAUL. The gentleman yields.

Any other member seek recognition?

Mr. Meeks is recognized.

Mr. MEEKS. I support Mr. Stanton's amendment which emphasizes the interconnection between development and national security. DFC can and should take on projects across a number of key sectors. This amendment highlights the importance of working with partners in our region to strengthen economic cooperation and integration especially on critical supply chain issues that affect us all.

This is important work and I look forward to seeing more of it as DFC expands its portfolio over time. I support this amendment, ask others to join, and I yield back the balance of my time.

Chairman McCAUL. The gentleman yields.

Any other members seek recognition?

Mr. Davidson is recognized.

Mr. DAVIDSON. Thank you, Mr. Chairman.

I applaud the gentleman for this amendment. I think it does the right thing to get the organization focused. It is important that DFC accomplishes its actual mission, and this is really the kind of thing that is core to countering China's influence with the Belt and Road Initiative.

As we will see in coming amendments that I am offering, they are focused on all kinds of other things that are counterproductive and alienating their influence elsewhere, but this is a great amendment and I support it and hope everyone else does. I yield.

Chairman McCAUL. The gentleman yields.

Any other members seek recognition?

Let me say I also support this amendment. As a sense of Congress on semiconductor supply chains and critical mineral security, DFC plays a crucial role. And as the author of the CHIPS Bill, at the urging of Secretary Pompeo, fully support the intent behind this also because having recently come—visited Taiwan and TSMC, 90 percent of the advanced semiconductor manufacturing is on that island. And if China does invade, it would send the entire world into an economic shut down. So with that, I support it.

Any further discussion?

There being None, the question now occurs on the amendment offered by Representative Stanton, No. 63. All those in favor, signify by saying aye?

All those opposed, signify by saying no?

In the opinion of the chair, the ayes have it and the amendment is agreed to.

Are there any further amendments?

Mr. Davidson is recognized.

Mr. DAVIDSON. Thank you, chairman. This amendment is simple. It would prohibit the Development Finance Corporation from conducting DEI, diversity, equity, and inclusion activities. Again, DFC is more focused on—

Chairman McCAUL. If the gentleman will pause, the clerk shall distribute the amendment.

[The Amendment offered by Mr. Stanton follows:]

AMENDMENT TO H.R. 8926
OFFERED BY MR. DAVIDSON OF OHIO

Page 17, after line 15, insert the following (and conform the table of contents accordingly):

1 SEC. 404. PROHIBITION ON DEI ACTIVITIES.

2 (a) IN GENERAL.—Title V of the Better Utilization
3 of Investments Leading to Development Act of 2018 (22
4 U.S.C. 9671 et seq.) is amended by adding at the end
5 the following:

6 “SEC. 1455. PROHIBITION ON DEI ACTIVITIES.

7 “The Corporation is prohibited from providing diver-
8 sity, equity, or inclusion activities as part of—

9 “(1) any support under title II; or

10 “(2) any training or related activities within the
11 Corporation or with respect to any of its functions.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 for Public Law 115–254 is amended by adding after the
14 item relating to section 1454 the following:

“Sec. 1455. Prohibition on DEI activities.”.



Chairman McCAUL. And the clerk shall report the amendment.

The CLERK. Amendment to H.R. 8926 offered by Mr. Davidson of Ohio. Page 17, after line 15, insert the following: and confirm—

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman is recognized for 5 minutes on his amendment.

Mr. DAVIDSON. Thank you, chairman.

This amendment is very straightforward. It would prohibit the Development Finance Corporation from conducting DEI activities. DFC is unfortunately overly focused on pushing a radical progressive agenda than they are on following the congressional intent of the BUILD Act, which was clear in its purpose, which is to advance the foreign policy interests of the United States.

There is no statutory requirement for DEI, yet on its own authority DFC created the Division of Diversity, an Inclusion Officer, required their workforce to take DEI training, invested in gender equity projects, spent 5 million for small business lending in Honduras to support gender equity and inclusion, 15 million for a social development fund whose programming focuses on equity, \$5 million to a company to provide gender assistance—I don't know how many gender fluidity issues they have in Africa—5 million for technical assistance to increase the number of DFC's gender investments, and enable existing DFC clients to improve gender equity, 150 million for loans in India to address the economic gender gap, 15.5 million for the expansion of lending programs in El Salvador to support DEI at small businesses.

Look, less development countries are typically more conservative and traditional in their values, so the DEI activities this Administration is forcing on these allies are ruining our relationships with them. And this is compatible what the Administration to do when they appointed Ambassadors who are purposely focused on very hostile confrontations with the cultural values.

Maybe no place more emblematic of that than in Guatemala where the Secretary of State is literally trying to remove the party in power any remnant of that with the current Attorney General. They are actually coercing members of the Guatemalan legislature by limiting their visas, the visas of their family members, and threatening to revoke the student visas of Americans in the United States to study here.

So obviously that alienates allies, people that we want to have good relationships with and need to, particularly here in our own hemisphere. And when you look at the purpose of DFC and the urgency of countering the China Belt and Road Initiative, why would we continue to allow this Administration to go unchecked with a very abusive approach?

So I think this amendment makes the bill a better bill and I would encourage everyone to support it, and I yield back.

Chairman McCAUL. The gentleman yields.

Is there any further discussion?

Mr. Meeks is recognized.

Mr. MEEKS. I strongly oppose this amendment because it is not only 100 percent wrong on policy, it is also a poison pill that would jeopardize the entire DFC reauthorization.

Programs that provide diversity equity are central to our foreign assistance and provide tremendous benefits to the workplace and our foreign policy outcomes. An essential part of advancing our development goals is working with other governments to harness the diversity in their societies and use that to create more inclusive and equitable governance. This builds stability in other countries in the long run, which is ultimately key to our own national security. The connection is clear as day.

Congress has worked with DFC in a bipartisan fashion since it was created and we should not jeopardize that strong partnership now with a partisan battle. The DFC's work is far too important and this amendment is wrong-headed. It is not right. It amounts to nothing more than an attempt to block reauthorization of the DFC, and thereby I urge my colleagues to reject it, and I yield back the balance of my time.

Chairman McCAUL. The gentleman yields.

Any further discussion?

Let me say first of all I really sympathize with the intent behind this amendment. I have been very critical of the DFC prioritizing DEI and green energy, putting our—the Administration's social values over what may be the values of say Africans. And also green energy. And I know that will be the gentleman's next amendment.

The issue is that it is not defined—it is not—it doesn't exist in the statute, DEI, and it is not defined in this amendment.

But let me—I pledge to you, sir, that I have held these projects in the past. We have our oversight capabilities and I have held these projects, and will continue to do so. The only one that has gone forward was one related to women's initiative that was championed by Ivanka Trump and supported by her father. And that helps women take on leadership roles in financial services around the world.

But with respect to this amendment and your next amendment, I pledge to work with you to make sure that we hold that. And I know with respect to the green energy my argument on that is the same. I believe in the all-of-the-above energy approach. And I will just in advance give you my counter to your second amendment.

To completely take out all green energy projects would go against our all-of-the-above energy policies. In addition, China has made great strides in green energy technology and we would fail to be competitive in that arena as well. So I with some reluctance oppose the well-intentioned—your—this amendment and your next one.

Do any other members seek recognition?

There being no further discussion, the question now occurs on the amendment offered by Representative Davidson, No. 159. All those in favor, signify by saying aye?

All those opposed, signify by saying no?

In the opinion of the chair, the noes have it. The amendment is not agreed to.

Mr. DAVIDSON. Mr. Chair, could I ask for a recorded vote on this amendment?

Chairman McCAUL. Roll call vote has been requested and pursuant to the chair's previous announcement this vote will be postponed.

Are there any further amendments?

Mr. Davidson is recognized.

Mr. DAVIDSON. Mr. Chairman, I have an amendment at the desk, No. 161, climate.

[The Amendment offered by Mr. Davidson follows:]

AMENDMENT TO H.R. 8926
OFFERED BY MR. DAVIDSON OF OHIO

Page 17, after line 15, insert the following (and conform the table of contents accordingly):

1 SEC. 404. PROHIBITION ON DEI ACTIVITIES.

2 (a) IN GENERAL.—Title V of the Better Utilization
3 of Investments Leading to Development Act of 2018 (22
4 U.S.C. 9671 et seq.) is amended by adding at the end
5 the following:

6 “SEC. 1455. PROHIBITION ON DEI ACTIVITIES.

7 “The Corporation is prohibited from providing diver-
8 sity, equity, or inclusion activities as part of—

9 “(1) any support under title II; or

10 “(2) any training or related activities within the
11 Corporation or with respect to any of its functions.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 for Public Law 115–254 is amended by adding after the
14 item relating to section 1454 the following:

“Sec. 1455. Prohibition on DEI activities.”.



Chairman MCCAUL. The clerk shall distribute the amendment.

The clerk will report the amendment.

The CLERK. Amendment to H.R. 8926 offered by Mr. Davidson of Ohio. Add at the end the following new section:

Chairman MCCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman is recognized for 5 minutes.

Mr. DAVIDSON. Thank you, chairman. I appreciate your comments on the previous amendment and on this one.

Frankly, it is the same kind of thing. The Republicans are offering kind of scalpel approaches and the Democrats' response, as Mr. Meeks responded, is well, it is all or nothing. I mean, if we put this in here, well, then we clearly don't want the Development Finance Corporation to exist. No, I am fine with the thing existing. I supported an amendment to make it more focused.

But when you have got Ambassadors and tools like the DFC more focused on Pride Month than on conflict minerals and—critical minerals and how many solar panels or electric vehicles a country has, how many charging stations they have in a foreign country, when with \$7⁰ billion they have built what, two or three in America with these green energy funds here? It is turning into a slush fund to advance policy.

We all know it. And when Republicans have a chance to advance Republican legislation with a Republican majority with a scalpel—not taking out the whole thing, but just making it more focused and effective. Things that we should all agree on.

We don't want to fund the things we don't agree on. Let's fund the things we do agree on because we agree on a lot here, but it is like, no, no, we can't have that. We can't change it, we can't make it more focused, the four corners don't agree. That is why nothing ever changes. It is always the same play over and over again. Surrender now with a hollow promise to fight later. It is really disappointing. So that is why the place never changes.

Under the Biden Administration tax dollars have been used to push a radical left climate agenda, Green New Deal programming in America and abroad. And when you look at these projects: 10 million for a company in Kenya to develop electric motorcycles and buses, 10 million for a company in India to manage batteries for their electric vehicles, 300 million for an expansion of a lending program in Vietnam for climate-linked small business loans, 5 million for an America—electric vehicles in Nepal, 60 million in El Salvador for their climate finance portfolio, another 10 million in India, which is turning into a fairly wealthy country, for climate adaptation things. The list goes on.

And we have a \$1.9 trillion budget. I mean, how is this countering the Belt and Road Initiative? It is squandering the wealth of our country. It is bankrupting our country, not just financially, but morally.

The BUILD Act which authorized DFC is extremely clear in its purpose. And if the DFC is not going to follow congressional intent and advance foreign policy interests of our country, then it shouldn't receive a single cent of Federal funding to do the things that are against that program. The climate agenda applied by the

Biden Administration is radically different than the consensus on climate.

It is not like Republicans don't push anything that is conservation-oriented, that we don't care about the climate or environment anywhere else in the world, but we don't push the Green New Deal radical agenda, that frankly builds China's green energy sector, builds China's monopoly on rare earth minerals, and harms America's energy sector. It is at odds with our interest and we shouldn't be funding things with a program that is supposed to advance our interests that are working against ours.

I urge all of our colleagues to support this amendment and I plead with the chairman to reconsider. I yield.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

Mr. KEATING. Mr. Chair?

Chairman MCCAUL. Yes, recognized.

Mr. KEATING. Thank you, Mr. Chairman. I speak in opposition to this amendment. Part of the goals of the DFC is to try and make us competitive with other competitive nations in the world like China, like Russia, make sure we are stopping any independence and exploration of energy needs from countries like Iran. And this amendment would take away that advantage.

If we want countries to move away from dependence on fossil fuels: oil and gas from countries like Russia or Iran, if we want to compete with new technologies with countries like China, we had better put ourselves in this field. To take ourselves away from this field and exclude it is to defeat the very purpose of what the DFC is trying to do, bring countries forward, raise their economies, move them away from dependence on Russian fuel or dependence on Iranian fuel.

So this is counterproductive to not only the intent of the DFC, but it is—also contradicts the U.S. policy as a whole, a policy we should all agree with. So I am very strong in my opposition to this and I hope it does not pass.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

Mr. Meeks is recognized.

Mr. MEEKS. I also oppose this amendment. Prohibiting funds for solar and wind energy projects, for example makes little sense to me especially when we are talking about mobilizing private capital to build sustainable development and economic growth in countries that already rely on these technologies.

DFC works closely with the private sector and they develop projects based in large part on where the private sector wants to go. And guess what? The private sector is incredibly interested in building out renewable energy projects because this sector has tremendous growth and profit potential. The authorization legislation for DFC does not specify the type of energy projects the DFC should or shouldn't do. And we should remain consistent in that approach here.

Further, I would like to point out that a significant part of the DFC's existing portfolio is in renewable energy, and these are exactly the types of projects where the United States should be in-

volved so we can provide a viable alternative to financing from who? The PRC. In reality, cutting off all funding for renewables would compromise the national security efforts I know our friends on the other side of the aisle also care so deeply about.

So I believe this is a harmful amendment and therefore I oppose it and yield back the balance of my time.

Chairman McCAUL. The gentleman yields.

Any further discussion?

Let me say I again sympathize with the intent behind this amendment, and in many respects I agree with the gentleman from Ohio, but to zero out all green energy again would go against the policy of all-of-the-above, which we often talk about.

Second, it would—gravely concerned, it would jeopardize the reauthorization that we are trying to achieve here today. I would emphasize again our oversight ability and ability to hold these programs and projects. And that has been my practice since I have become the chairman of this committee.

Now green energy is not found anywhere in the statute itself. It is just a matter of practice that this Administration engages in that we can prevent through our process of holding things. And I would say to the gentleman again I agree with the spirit of this. The best way to change this would be have a new administration. The best way to change this practice would be to have a new administration in power. So with that, I do oppose this.

And there being no further discussion, the question now occurs on the amendment offered by Representative Davidson, No. 162. All those in favor, signify by saying aye?

All those oppose, signify by saying no?

In the opinion of the chair, the noes have it. The amendment is not agreed to.

Mr. DAVIDSON. Chairman, I ask for a roll vote.

Chairman McCAUL. Roll call vote has been requested. Pursuant to the chair's previous announcement this vote will be postponed. Are there any further amendments?

Mr. Castro is recognized.

Mr. CASTRO. Thank you, chairman. The DFC is first—or I am sorry. I have an amendment at the desk. It is No. 134.

[The Amendment offered by Mr. Castro follows:]

AMENDMENT TO H.R. 8926
OFFERED BY MR. CASTRO OF TEXAS

Strike section 2 and insert the following:

1 SEC. 2. SENSE OF CONGRESS.

2 It is the sense of Congress that the United States
3 International Development Finance Corporation should
4 seek to responsibly increase its risk tolerance in invest-
5 ments to ensure that the Corporation is maximizing the
6 mobilization of private capital and properly pursuing its
7 statutory objectives of advancing developmental and na-
8 tional security goals, including—

9 (1) by more frequent use of one or more of a
10 variety of tools to mitigate risk to the private sector,
11 including the use of equity, accepting creditor status
12 that is subordinate to that of other creditors, using
13 partial guarantees, employing first loss coverage,
14 and using blended finance;

15 (2) by guaranteeing loans up to 100 percent of
16 the principal as part of projects structured in com-
17 pliance with the Better Utilization of Investments
18 Leading to Development Act of 2018; and

19 (3) by lending, investing, or offering insurance
20 in high-risk countries, regions, or sectors as a means

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1 to achieve its mission as a development agency to
 2 mobilize capital and build private markets.

Page 6, line 4, strike “and” at the end.

Page 6, line 7, strike the period at the end and in-
 sert “; and”.

Page 6, after line 7, insert the following:

3 “(iii) is structured in such a way as to
 4 maximize private capital mobilization.”.

Page 7, beginning on line 3, strike “the Corporation
 has made all reasonable efforts to ensure that”.

Page 7, line 18, strike “and”.

Page 7, after line 18, insert the following:

5 (cc) the support is struc-
 6 tured in such a way as to maxi-
 7 mize private capital mobilization;
 8 and

Page 7, line 19, strike “(cc)” and insert “(dd)”.

Strike section 203 and insert the following:

9 **SEC. 203. VICE PRESIDENT FOR DEVELOPMENT POLICY.**

10 Section 1413 of the Better Utilization of Investments
 11 Leading to Development Act of 2018 (22 U.S.C. 9613)

1 is amended striking subsection (g) and inserting the fol-
2 lowing:

3 “(g) VICE PRESIDENT FOR DEVELOPMENT POL-
4 ICY.—

5 “(1) APPOINTMENT.—The Chief Executive Of-
6 ficer shall appoint a Vice President for Development
7 Policy, who shall also have the title of Chief Devel-
8 opment Officer, from among individuals with experi-
9 ence in international development policy matters.

10 “(2) DUTIES.—The Vice President shall—

11 “(A) advise the Chief Executive Officer
12 and Deputy Chief Executive Officer on inter-
13 national development policy matters;

14 “(B) in addition to the Chief Executive Of-
15 ficer and the Deputy Chief Executive Officer,
16 represent the Corporation in the interagency
17 international development policy planning proc-
18 ess;

19 “(C) work with other relevant Federal
20 agencies to identify projects that advance
21 United States international development policy
22 interests;

23 “(D) coordinate the Corporation’s develop-
24 ment policies and implementation efforts with
25 the United States Agency for International De-

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1 development, the Millennium Challenge Corpora-
2 tion, and other relevant United States Govern-
3 ment departments and agencies, including di-
4 rectly liaising with missions of the United
5 States Agency for International Development,
6 to ensure that departments, agencies, and mis-
7 sions have training, awareness, and access to
8 the Corporation's tools in relation to develop-
9 ment policy and projects in countries;

10 "(E) manage employees that are dedicated
11 to monitoring and assessing the development
12 impact of Corporation transactions, including
13 transactions co-designed with the United States
14 Agency for International Development and
15 other relevant United States Government de-
16 partments and agencies;

17 "(F) authorize and coordinate transfers of
18 funds or other resources to and from such
19 agencies, departments, or missions upon the
20 concurrence of those institutions in support of
21 the Corporation's projects or activities;

22 "(G) manage the responsibilities of the
23 Corporation under paragraphs (1) and (4) of
24 section 1442(b) and paragraphs (1)(A) and
25 (3)(A) of section 1443(b);

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1 “(H) coordinate and implement the activi-
 2 ties of the Corporation under section 1445;

3 “(I) be an ex officio member of the Devel-
 4 opment Advisory Council established under sub-
 5 section (i) and participate in or send a rep-
 6 resentative to each meeting of the Council;

7 “(J) oversee the implementation of the
 8 Corporation’s development impact strategy and
 9 work to ensure development impact at the level
 10 of transaction and portfolio-wide;

11 “(K) foster and maintain relationships
 12 within the Corporation and external to the Cor-
 13 poration that increase the capacity of the Cor-
 14 poration to achieve its mission to advance
 15 United States international development policy
 16 and international development interests; and

17 “(L) coordinate within the Corporation to
 18 ensure United States international development
 19 policy and international development interests
 20 are considered together with the Corporation’s
 21 foreign policy and national security goals.”.

Page 17, after line 15, insert the following (and re-
 designate the subsequent section accordingly):

1 SEC. 404. ANNUAL REPORT.

2 Section 1443(b)(1) of the Better Utilization of In-
3 vestments Leading to Development Act of 2018 (22
4 U.S.C. 9653(b)(1)) is amended—

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

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

8 “(C) the total private capital projected to
9 be mobilized throughout the year, including an
10 analysis of the lenders and investors involved
11 and investment instruments used;

12 “(D) a breakdown of—

13 “(i) the amount and percentage of
14 Corporation support provided to less devel-
15 oped countries, upper-middle-income coun-
16 tries, and high-income countries in the pre-
17 vious fiscal year; and

18 “(ii) the amount and percentage of
19 Corporation support provided to less devel-
20 oped countries, upper-middle-income coun-
21 tries, and high-income countries averaged
22 over the last 5 fiscal years; and

23 “(E) a breakdown of the aggregate
24 amounts and percentage of the maximum con-
25 tingent liability of the Corporation authorized
26 to be outstanding pursuant to section 1433 in

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1 less developed countries, upper-middle-income
2 countries, and high-income countries;”.

3 SEC. 405. PUBLICLY AVAILABLE PROJECT INFORMATION.

4 Section 1444(1) of the Better Utilization of Invest-
5 ments Leading to Development Act of 2018 (22 U.S.C.
6 9654) is amended—

7 (1) by striking “including, to the extent fea-
8 sible,” and inserting “including—

9 “(A) to the extent feasible,”; and

10 (2) by inserting after “performance metrics;
11 and” the following:

12 “(B) a description of the development im-
13 pact of the project, including anticipated impact
14 prior to initiation of the project and assessed
15 impact during and after the completion of the
16 project; and”.

◇

Chairman MCCAUL. The clerk shall distribute the amendment.

The clerk shall report the amendment.

The CLERK. Amendment to H.R. 8926 offered by Mr. Castro of Texas. Strike Section 2 and insert the following: It is in the sense of Congress that the United States International Development Finance Corporation should seek to responsibly increase its risk tolerance——

Chairman MCCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman is recognized for 5 minutes.

Mr. CASTRO. Thank you.

The DFC is tasked with international development and I have continually raised the need to defend that development mandate. My amendment reinforces the DFC's development mandate and also includes provisions to highlight the DFC's need to mobilize private capital.

Specifically, this amendment would reinforce the need for the DFC to responsibly increase its risk tolerance and mobilize private capital, require the DFC to structure its projects in upper-middle income and high-income countries in such a way to maximize private capital mobilization, strengthen the standards that need to be met for the DFC to work in high-income countries, establish a new Vice President for Development Policy within the regular reporting structure of the DFC to complement the Vice President for Foreign Policy established by the underlying legislation, and significantly increase the DFC's transparency when it comes to private capital mobilization and development impact.

I have raised concerns in the past that efforts to allow the DFC to work in high-income countries and to more directly prioritize foreign policy priorities could be detrimental to its international development priorities.

H.R. 8926 does include language allowing the DFC to work in high-income countries and establishes a Vice President for Foreign Policy, which is why I believe this amendment which would strengthen the DFC's development mandate and its need to prioritize private capital mobilization is necessary. And I urge my colleagues to support the measure and yield back.

Chairman MCCAUL. The gentleman yields.

Any further discussion on the amendment?

The ranking member, Mr. Meeks, is recognized.

Mr. MEEKS. Thank you, Mr. Chairman.

I am pleased to support this amendment and I want to thank Ranking Member Castro for offering it.

The amendment will strengthen DFC's development focus and ability to mobilize private capital, both of which are essential for DFC's operations. It will also ensure greater transparency.

This amendment makes clear that the DFC should use all the tools at the corporation's disposal to responsibly increase risk appetite including partial guarantees, first loss coverage, and blending finance. Increasing use of these authorities will help to expand the number of DFC projects and amplify the agency's impact.

The amendment also includes language that will strengthen the certification process for funding to high-income countries and will

further emphasize the importance of maximizing investments from the private sector.

The amendment makes a key structural improvement also by codifying the position of Vice President for Development Policy. This will elevate the chief development officer within DFC's structure and better integrate development policies throughout the agency's work.

Finally, this amendment adds reporting requirements that will make more information available on DFC's investments. With the modifications we are making to country eligibility to improve access to DFC financing it will be essential that we understand how much DFC support is going to countries in each eligibility category. That information will help both the DFC and us in the U.S. Congress boost investment impact in the long term.

And I thank again Chairman McCaul and the majority for working with us on these improvements and I urge colleagues to support this amendment and yield back the balance of my time.

Chairman McCAUL. The gentleman yields.

Any further discussion on the amendment?

Let me say I support this amendment. It ensures that the DFC is properly mobilizing private capital. It is especially important in the upper-middle and high-income countries that the DFC invests to ensure that private capital mobilization is maximized. It also simplifies the operational structure of the DFC by renaming the Chief Development Officer as the Vice President for Development Policy. And overall it advances development in our high school goals. So with that I support it.

There being no further discussion, the question now occurs on the amendment offered by Representative Castro, No. 134. All those in favor, signify by saying aye?

All those opposed, signify by saying no?

In the opinion of the chair, the ayes have it and the amendment is agreed to.

Are there any further amendments?

Mr. KEATING. Mr. Chairman, I have an amendment at the desk, No. 100.

[The Amendment offered by Mr. Keating was not submitted]

Chairman McCAUL. Mr. Keating is recognized.

The clerk shall report—distribute the amendment.

The clerk shall report the amendment.

The CLERK. Amendment to H.R. 8926 offered by Mr. Keating of Massachusetts.

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman is recognized for 5 minutes.

Mr. KEATING. Thank you, Mr. Chairman.

I want to thank Chairman McCaul and Ranking Member Meeks for holding this markup today and for your work on H.R. 8926 to authorize the Development Finance Corporation for 7 years. This is a timely and important bill, and I strongly support it.

As we face many challenges in the world today, the Development Finance Corporation is a vital tool to the United States to provide effective financing to nations across the energy, health, critical infrastructure, telecommunication sectors, among many more.

Since Russia's illegal invasion of Ukraine, DFC has worked diligently in Ukraine, providing financing to more than 12,000 micro-enterprises as well as loans to major banks and businesses. Having met with DFC CEO Scott Nathan earlier this year, I have no doubt the DFC's work is critical to Ukraine's war effort and to the European continent's security and stability.

Further efforts to support DFC's work in Europe—in 2019, I coled the European Energy Security and Diversification Act, which enabled DFC to work on energy projects in Europe. I am grateful this reauthorization provides for greater authorities for many European countries across all sectors, not just energy.

However, it is important that we continue to State resolutely that DFC's work must counter the political influence of Russia and China, as well as promote the energy, security, and national security of European countries through energy, telecommunications, and other infrastructure projects.

As the U.S. hosts the NATO Summit this week, we must be clear-eyed that we are here stronger together as partners against the malign actors who seek to divide us wherever weaknesses presents itself. As Ben Franklin said, we must all hang together, or most assuredly, we will all hang separately.

Therefore, this amendment reassures European partners and clarifies the DFC's work across all sectors in Europe will further U.S. national security and further the Transatlantic Partnership.

Mr. Chairman, I would also like to take a moment and speak briefly in strong support of the MEGOBARI Act introduced by my friend Joe Wilson, which incorporates aspects of my bill H.R. 8845, which was also introduced by Senator Shaheen in the Senate.

The bipartisan MEGOBARI Act, which I cosponsored, makes clear that the Georgian Dream leadership and their team makes clear to them that the actions they have taken recently will not go without response. At the same time, the Georgian people have been resolute in their support for Georgia's Euro-Atlantic integration for almost 30 years. The U.S. has been supportive in these efforts.

I strongly support this measure and appreciate the committee considering it for markup today. I want to thank you all, and I yield back.

Chairman MCCAUL. The gentleman yields. Any further discussion on the amendment?

Mr. Meeks is recognized.

Mr. MEEKS. Thank you, Mr. Chairman.

I strongly support this amendment. As many of our allies gather in our Nation's capital to celebrate the 75th anniversary of NATO and plan for its future in the years ahead, it is crucial that we promote economic growth in strategic sectors for our NATO allies that may not have the financing capabilities of some of the wealthier NATO countries.

We want our NATO allies not only to spend on defense—and I note that under the Biden administration's leadership, we have gone from nine countries contributing 2 percent to 23. We also want to use safe telecommunication systems. We have energy resources from reliable partners and cyber capabilities from trusted companies.

This statement of policy emphasizes such important goals, and I formally support the amendment of Mr. Keating. And I yield back the balance of my time.

Chairman McCAUL. The gentleman yields. Any further discussion?

There being no—let me say first I support this amendment. Just as the DFC is labeled as a counter-China initiative, it is also a counter-Russia initiative. So I appreciate the gentleman bringing this forward.

There being no further discussion, the question now occurs on the amendment offered by Representative Keating. All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to.

Are there any further amendments?

There being no further amendments, further proceedings on this bill are postponed.

Pursuant to notice, I call up H.R. 8345, the No Official Palestine Entry Act.

[The Bill H.R. 8345 follows:]

118TH CONGRESS
2D SESSION

H. R. 8345

To limit funds to the United Nations and other organizations that provide any status, rights, or privileges beyond observer status to the Palestine Liberation Organization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2024

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

A BILL

To limit funds to the United Nations and other organizations that provide any status, rights, or privileges beyond observer status to the Palestine Liberation Organization, 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 “No Official Palestine
5 Entry Act of 2024”.

1 **SEC. 2. MODIFICATION WITH RESPECT TO MEMBERSHIP OF**
2 **PALESTINE LIBERATION ORGANIZATION IN**
3 **UNITED NATIONS AGENCIES.**

4 Section 414(a) of the Foreign Relations Authoriza-
5 tion Act, Fiscal Years 1990 and 1991 (22 U.S.C. 287e
6 note; Public Law 101-246) is amended by striking “the
7 same standing as member states” and inserting “any sta-
8 tus, rights, or privileges beyond observer status”.

9 **SEC. 3. AMENDMENTS TO LIMITATIONS ON CONTRIBU-**
10 **TIONS TO THE UNITED NATIONS AND AFFILI-**
11 **ATED ORGANIZATIONS.**

12 Section 410 of the Foreign Relations Authorization
13 Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note;
14 Public Law 103-236) is amended by striking “full mem-
15 bership” each place it appears and inserting “any status,
16 rights, or privileges beyond observer status”.

17 **SEC. 4. RULE OF CONSTRUCTION.**

18 Nothing in this Act shall be construed to apply to Tai-
19 wan.

Æ

Chairman McCAUL. The bill was circulated in advance, and the clerk shall designate the bill.

The CLERK. H.R. 8345, to limit funds to the United Nations and other organizations that provide any status, rights, or privileges beyond observer status to the Palestine Liberation Organization and for other purposes—

Chairman McCAUL. Without objection, the first reading is dispensed with. The bill is considered read and open to amendment at any point.

Is there any discussion on the bill?

Mr. BAIRD. Mr. Chairman?

Chairman McCAUL. Mr. Baird is recognized.

Mr. BAIRD. I want to thank you, Mr. Chairman and the ranking member, for today's consideration of H.R. 8345 and for also serving as a co-lead on this important piece of legislation.

I also want to thank my other members who have joined as co-sponsors. This bipartisan bill, H.R. 8345, the No Official Palestinian Entry Act, updates existing U.S. funding prohibitions to include any U.N. organization that gives any status, right, or privilege beyond observer status to the Palestinian Authority or the Palestinian Liberation Organization.

These entities have continued to commit egregious acts of terrorism and human rights atrocities. Current U.S. law prohibits U.S. funding to any U.N. organizations that give the PLO full membership or standing as a member State. As the conflict in the Middle East continues, the United States must stand with our ally Israel against the PA's attempts to weaponize international organizations.

However, on May the 10 of 1924, the United Nations General Assembly intentionally voted to bypass United States law and give the Palestinian Authority and Palestinian Liberation Organization enhanced status. Although the term "enhanced status" does not guarantee full membership status, it will still give the PLO numerous rights and privileges that have previously been given to full-status members.

Unfortunately, this vote passed even with the United States voting against it. It is deeply shameful that the United Nations continues to enable the PA's attempts to manipulate the system for its own gain. The recent action at the U.N. General Assembly is just the latest example of how the U.N. has chosen to turn its back on human rights and our domestic allies in favor of terrorism.

This necessary bill would close loopholes and ensure that the American taxpayer dollars are not funneled through U.N. entities that are enabling abuses by the PA. I urge all of my colleagues on the committee to support this bill, and I yield back.

Chairman McCAUL. The gentleman yields. Any further discussion on the bill?

Mr. Meeks is recognized.

Mr. MEEKS. Mr. Chairman, over the nearly three decades that I have been in the U.S. Congress, I have traveled throughout Israel and Palestinian territories in addition to the Levant region at-large. I have met with thousands of constituents, activists, clergy, Israelis, and Palestinians who are all impacted by the Israeli-Palestinian conflict in different ways and invested in solving it.

And I am convinced by these many experiences that the only way to achieve a lasting peace between Israelis and Palestinians is to secure a negotiated two-State solution in which a Jewish State of Israel lives side by side with an independent and viable Palestinian State.

I don't believe such peace can be lasting unless security for both parties is assured. And there are leaders and populations on both sides ready to compromise and put the conflict behind them. And I don't think real and lasting peace can be forced on either side. Only face-to-face negotiations which cover final status issues, such as Jerusalem, water, orders, settlements, and security, can assure a sustainable peace.

This is why, for years, Congress on a bipartisan basis has worked to convince the U.N. not to recognize Palestine as an independent State outside of direct peace negotiations. The bill before us seeks to clarify current foreign assistance laws to make it clear that any attempt by the PLO to move beyond observer status within the U.N. system will put U.S. support for that agency in jeopardy.

However, the bill as currently drafted could have extraordinarily negative consequences for the United States beyond the Israeli-Palestinian conflict. The State Department has indicated that if this bill were to become law, it could immediately trigger a potential cutoff of funding to the United Nations based not only on the U.N. General Assembly resolution on Palestinian status adopted in May, but possibly even the observer State resolution from 2012.

The current draft of this bill could gut U.S. leadership at the U.N. following a U.S. defunding, including possibly even causing the United States to lose our ability to vote in the General Assembly within a year. The United States stepping back from its U.N. obligations could threaten the institution's ability to function writ large, impacting a host of issues that are critical to the United States' interests and ceding even more ground to our adversaries.

There is also concern that were this language to become law, it would make it significantly more difficult for U.N. agencies to provide some lesser status to the Palestinians short of membership as a State, which various agencies have done since long before the May 2024 U.N. UNGA resolution, and which has been considered useful and acceptable by the Oslo Accords as a means to avoid the PLO obtaining the status of a member State within these organizations.

So I want to see Israelis and Palestinians living side by side in peace. I do not want to see our committee's actions result in a defunding of the United Nations simply because the Palestinians have been afforded some violent privileges shy of statehood at the U.N.

And I want to send a strong message that unilateral action by any party—Israel, the PLO, or the United Nations—that do not bring the parties together and closer to the vision of the Oslo Accords are not going to secure a viable peace. But this bill is not the way to do that in a responsible manner, in my humble opinion.

Unilateral declaration of Palestinian states outside of negotiations just won't work, and I don't believe this bill will either. And therefore, I oppose its passage. And I yield back the balance of my time.

Chairman McCAUL. The gentleman yields. Is there any further discussion?

Mr. Mast is recognized.

Mr. MAST. Thank you, Chairman.

I want to thank Mr. Baird for his work on this legislation, and I would like to yield him the remainder of my time.

Chairman McCAUL. The gentleman is recognized.

Mr. BAIRD. I would like to take issue with the comments that were just made by the ranking member. You know, Congress passed multiple laws over 30 years ago to use the power of the purse to prevent the Palestinians from circumventing a real peace process with Israel.

In that same vein, the rights and privileges of the UNGA, General Assembly, has extended the PA excessive amounts of privileges. And that example would be the right to be seated among member states in alphabetical order. And seating for the Holy See should be arranged immediately after member states and before the other observers when it participates as a nonmember State observer, the allocation of six seats in the General Assembly Hall.

So I don't feel that we are setting a precedent or that we are preventing the U.S. from having leadership in the United Nations with this bill. I yield back.

Chairman McCAUL. The gentleman yields. Any further discussion?

Mr. Phillips is recognized.

Mr. PHILLIPS. Thank you, Mr. Chairman.

I admire my friend and colleague Mr. Baird, but I also oppose this measure. I, too, believe that existing U.S. law is quite clear and that the Palestinian Liberation Organization should not gain standing as a member State right now.

And while the bill initially looks like a mere clarification of language, in reality, I believe it would have far-reaching impacts and not only damage U.S. leadership in the United Nations but also extends beyond the PLO to possibly include the Holy See and even perhaps the European Union.

I also believe in a two-State solution that would see a Palestinian State living side by side in mutual peace and security with the State of Israel. However, this will only come through a negotiated peace process between Israelis and Palestinians, not unilateral action at the United Nations.

Until new leadership emerges—and I'll say it again: until new leadership emerges to take on the mantle of peace and coexistence, I will stand by United States existing law. Moving forward with this legislation, in my estimation, will further restrict current law and undoubtedly hurt U.S. leadership, also have wide-ranging consequences, and in my estimation is unnecessary.

And with that, I yield back.

Chairman McCAUL. The gentleman yields. Is there any further discussion?

Ms. Manning is recognized.

Ms. MANNING. Thank you, Mr. Chairman.

While I have concerns about the impact of H.R. 8345, I welcome the discussion and debate on the bill, the No Official Palestine

Entry Act, introduced by our colleague Representative Jim Baird, because of the importance of the underlying issue.

I want to be very clear I am a proud lifelong supporter of a negotiated two-State solution to the Israeli-Palestinian conflict. That is the only solution that protects Israel's long-term future as both a Jewish and a Democratic State while also meeting the aspirations of the Palestinian people. However, that outcome can only come as a result of direct negotiations between the two parties and can never be imposed by an international organization such as the United Nations.

Time and again, we have seen the Palestinians attempt to make an end run around the peace process by seeking unilateral recognition by the international community. Unfortunately, these efforts have been encouraged or supported by certain U.N. member states, bodies, and the General Assembly, which in May voted to upgrade the Palestinians status at the U.N.

One-sided U.N. resolutions do not advance peace. They single out one side of a conflict for blame while encouraging the other side to reject direct negotiations in favor of a unilateral strategy. It also removes any sense of agency or responsibility from one side. It removes the incentive to work assiduously toward peace, and it rewards one side for its refusal to make tough compromises and acknowledge that the Jewish people have a right to live in peace in their ancestral homeland.

We must oppose unilateral efforts from either side that attempt to determine the status outside of the context of direct negotiations. That is the only way to achieve a lasting agreement with two states for two people living side by side in peace and security.

And with that, Mr. Chairman, I yield back the balance of my time.

Chairman McCAUL. The gentlelady yields. Is there any further discussion?

Mr. Castro is recognized.

Mr. CASTRO. Thank you, Chairman.

I have to rise in opposition to this bill, which would seriously undermine the United States' leadership on the world stage, cutoff U.S. assistance to the United Nations, and seriously target U.S. allies and partners, including, as Congressman Phillips mentioned, the European Union and the Catholic Church's mission to the United Nations, the Holy See.

Under existing law, the United States cannot fund a U.N. agency that admits the State of Palestine or other entities that are not commonly regarded as a State as a full-member State of that body. The bill was drafted in part in response to the May 10 resolution adopted by the United Nations General Assembly that granted the State of Palestine certain rights and privileges that go beyond that of an ordinary observer State at the United Nations.

This includes, among others, the right to speak on issues not directly related to Palestine, the right to make statements on behalf of a group, the right to submit proposals and amendments, the right to cosponsor proposals and amendments, and the right to participate in U.N. conferences.

And this resolution was adopted by a vote at the U.N. of 145 to 9. Close United States allies, including France, Portugal, Spain, Po-

land, Norway, Denmark, Japan, South Korea, Australia, and New Zealand, voted for the resolution. These enhanced rights and privileges will go into effect in September.

So, if H.R. 8345 is enacted, the conditions in the bill would be immediately triggered, requiring the United States to end all assistance to the United Nations, including its life-saving work. A vote for this bill is a vote to defund the United Nations.

There are other entities that enjoy such enhanced rights and privileges at the United Nations, either at the General Assembly or in one of the many U.N. agencies. That includes, for example, the European Union and the representatives of the Catholic Church at the United Nations, the Holy See.

So I have serious concerns that this legislation, if enacted, would result in the end to all U.S. support to U.N. entities that provide enhanced rights and privileges to the EU and the Holy See and may also result in the U.N. revoking those rights and privileges to the EU and the Holy See.

So I am a strong supporter of ties between our country and both the European Union and the Holy See, and I oppose this legislation that would undermine those ties. And I urge my colleagues to support the United Nations and a vote against defunding it by voting for this legislation. I yield back.

Chairman MCCAUL. The gentleman yields. Any further discussion?

There being no further discussion of the bill, the committee will move to consideration of amendments. Does any member wish to offer an amendment?

There being no amendments, I move that the committee report H.R. 8345 to the House with a favorable recommendation. All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it, and the motion is agreed to.

Mr. SELF. Ask for a roll call vote.

Chairman MCCAUL. A roll call vote has been requested. Pursuant to the chair's previous announcement, this vote will be postponed.

Pursuant to notice, I now call up H.Res 1323, rejecting the United Nations' decision to place the Israel Defense Force on a list of child rights abusers.

[The Bill H.Res. 1323 follows:]

118TH CONGRESS
2D SESSION

H. RES. 1323

Rejecting the United Nations decision to place the Israel Defense Force
on a list of child's rights abusers.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2024

Mr. BURCHETT (for himself, Mr. MOSKOWITZ, Mr. LAWLER, and Mr.
GOTTHEIMER) submitted the following resolution; which was referred to
the Committee on Foreign Affairs

RESOLUTION

Rejecting the United Nations decision to place the Israel
Defense Force on a list of child's rights abusers.

Whereas over 1,200 innocent people in Israel were murdered
by Hamas and other terrorists on October 7, 2023;

Whereas Hamas and other terrorists took over 250 innocent
people hostage, including children;

Whereas, since October 7, Israel has been fighting a war to
eliminate the threat posed by Hamas, restore security,
and free the hostages;

Whereas Hamas and other terrorists in Gaza frequently use
civilians and civilian infrastructure as human shields,
which is a war crime;

Whereas Hamas has used funds intended for humanitarian needs to build a massive tunnel network under Gaza for its terror activities;

Whereas the United Nations continues to refuse to recognize Hamas as a terrorist organization;

Whereas Hamas Chief in Gaza, Yahya Sinwar, has said that civilian Palestinian casualties are a part of Hamas strategy;

Whereas the Israel Defense Forces take unprecedented precautions to reduce harm to civilians while fighting in a defensive war, including aborting strikes when civilians are identified close to targets and warning and evacuating civilians prior to planned strikes;

Whereas the United States recognizes the right of Israel to protect and defend its citizens from those, like Hamas, Hezbollah, and Iran, that seek the destruction of the State of Israel;

Whereas the United Nations routinely relies on Hamas-supplied casualty figures for its reports;

Whereas, since the massacre on October 7, 2023, United Nations bias against Israel has reached unprecedented levels;

Whereas, in May 2024, the United Nations halved its count of Palestinian women and children killed in Gaza following widespread criticism over the lack of verification of its Hamas-supplied data;

Whereas the United Nations has a long and documented history of anti-Israel bias including by passing more resolutions targeting Israel than any other country in the world;

Whereas, in June 2024, the United Nations Secretary General's Annual Report on Children and Armed Conflict included the Israel Defense Forces on a list of parties to conflict that have not put in place adequate measures to protect children: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) rejects the decision of United Nations Sec-
3 retary General António Guterres to include the
4 Israel Defense Forces on a list of parties to conflict
5 that have not put in place adequate measures to pro-
6 tect children;

7 (2) condemns the United Nations' longstanding
8 bias against Israel across multiple United Nations
9 bodies, including the United Nations Human Rights
10 Council and United Nations Security Council;

11 (3) condemns Hamas use of human shields and
12 urges the Biden administration to fully utilize the
13 authorities in the Sanctioning the Use of Civilians as
14 Defenseless Shields Act to impose sanctions on
15 Hamas and other terrorists' use of human shields;

16 (4) calls on Hamas to free all remaining hos-
17 tages; and

18 (5) reaffirms its support for the State of Israel
19 and Israel's right to defend itself.

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Chairman MCCAUL. The resolution was circulated in advance. The clerk shall designate the resolution.

The CLERK. H.Res. 1323, rejecting the United Nations' decision to place the Israel Defense Force on a list of child's rights abusers. Whereas over 1,200 innocent people in Israel were murdered by Hamas and other terrorists on—

Chairman MCCAUL. Without objection, the first reading is dispensed with, and the resolution is considered read and open to amendment at any point. Is there any discussion on the resolution?

Mr. BURCHETT. Mr. Chairman?

Chairman MCCAUL. Mr. Burchett is recognized.

Mr. BURCHETT. Thank you, Mr. Chairman.

I appreciate you all including this resolution in the markup today. My resolution is very clear. It rejects the idea that the Israeli Defense Force is a child's rights abuser.

Last month, the United Nations Secretary-General Annual Report on Children in Armed Conflict included the Israel Defense Force on a list of groups that committed violations against children. The report listed the Israel Defense Force alongside terror groups like ISIS, the Taliban, and Boko Haram.

This ridiculously misguided decision follows a pattern of anti-Semitism and anti-Israel actions by the United Nations. Israel has demonstrated that it takes serious measures to mitigate civilian harm. It is Hamas who purposely puts civilians in harm's way. The United Nations should focus its efforts on Hamas and releasing the kidnapped Israelis they still have.

I would also like to thank my good friend Congressman Jared Moskowitz and his staff for helping me draft this resolution. I would also like to thank Representative Mike Lawler and Josh Gottheimer for being original cosponsors to this resolution. I ask for your support on this.

Chairman MCCAUL. The gentleman yields back. Is there any further discussion?

Mr. Meeks is recognized.

Mr. MEEKS. The U.N. Secretary-General's Annual Children in Armed Conflict Report reviews and makes important findings impacting children's rights around the globe. And the report's included global list of states or militias who are child rights violators is important for identifying and ending impunity for such abuses.

But in the case of the most recent report, which lists child rights violators, Israel has no place on this list. Unfortunately, this is yet another example of the well-documented anti-Israel bias at the U.N.

Unlike other countries listed in this year's annex, the report itself notes the good-faith effort that Israel is making to address the U.N.'s concerns, including engaging with U.N. Secretariat special representatives to develop an action plan to address the report's findings. In contrast with some of the other states and entities on the list, including Hamas and the Palestinian Islamic Jihad, the State Department has noted that Israel is working with the U.N. to address the serious issues outlined in the report.

At the same time, we also need to recognize that killing of children is unacceptable whenever and wherever it happens, including

in Israel, Gaza, and the West Bank. We don't help our friends by hiding findings or deflecting concerns.

Since the October 7 attack on Israel and Israel's subsequent war against Hamas in Gaza, the conflict in Gaza has exacted an intolerable toll, especially for children. It must all be counted. Killing children and other innocent civilians is a gruesome and horrific part of Hamas' and other terrorist groups' strategy in the operations against Israel, and it cannot be part of a successful response to that terrorism.

For that reason, we must continue to work with Israel to ensure that it takes every precaution to prevent children in Gaza from being harmed in this conflict. The Biden-Harris administration has made this clear to Israel, and I have made this clear during my conversations with Israeli officials.

However, putting Israel on par with the like of the Taliban, Hamas, Yemen, and Russia is simply wrong to do, and it undercuts the responsible approach with which Israel is responding to the U.N.'s concerning findings. And in light of this, I support this resolution. And I yield back the balance of my time.

Chairman MCCAUL. The gentleman yields. Is there any further discussion?

Ms. Manning is recognized.

Ms. MANNING. Thank you, Mr. Chairman.

I am proud to speak in support of H.Res. 1323, Representative Burchett's bipartisan resolution rejecting the U.N.'s recent decision to include the IDF on a list with some of the world's worst child rights abusers.

Mr. Chairman, on October 7, Hamas terrorists attacked Israel in the most gruesome and horrific manner, killing 1,200 innocent civilians, including many babies and children, and taking 250 people hostage. In the aftermath of this sickening attack, Israel has the right and the obligation to defend itself and its citizens and deter and defeat Hamas, which we know has vowed to repeat October 7 again and again.

That is why it is so deeply disappointing to see that in June, the Secretary-General's Annual Report on Children in Armed Conflict placed our Democratic ally Israel, which was attacked in such a barbaric manner, on a list alongside some of the world's worst child rights abusers, including Yemen, the DRC, Mali, and Myanmar.

What more evidence do we need of the U.N.'s outrageous bias against Israel? This decision says it all. It is important that Israel take steps to protect innocent civilians and to mitigate harm. However, the U.N.'s misguided step establishes a false equivalency between Israel, which has actually cooperated with U.N. officials to address concerns, and the terrorist group Hamas, which uses women and children as human shields and targets Israeli children.

Mr. Chairman, I support this resolution, and I encourage my colleagues to join me in the fight to reject the bias, double standards, and a disproportionate focus on Israel at the U.N. as it exercises its right to defend itself.

Thank you, and I yield back the balance of my time.

Chairman MCCAUL. The gentlelady yields. Is there any further discussion on the resolution?

Mr. Self is recognized.

Mr. SELF. Thank you, Mr. Chairman.

I rise in enthusiastic support for this resolution. It is a resolution, however. My question is, where is the red line? Where is the red line where this body will start to take action with the power of the purse against the organization that does such a thing?

When will we take action? Where is the red line that America will no longer allow the U.N. to do this without consequences? This is not the first, nor will it be the last, time that the U.N. has done something this horrific. When will we take action? That is my question, and I yield back.

Chairman MCCAUL. The gentleman yields. Any further discussion?

There being no further discussion—oh, Mr. Castro is recognized.

Mr. CASTRO. Yes. Thank you, Chairman.

And I am going to present the counterargument here. And I have to disagree with this resolution, which undermines the United Nations. And bear in mind that this report has come out for about the last 25 years and has been welcomed and heralded by both Republican and Democratic administrations.

And the resolution in front of us downplays the devastating harm to women and children from the ongoing conflict in Gaza and condemns a factual United Nations report that our country has relied on for years to document harms to children. Again, we have celebrated this report over the years.

Since 1999, the United Nations has released an annual report on the risks that children face in armed conflict. The United States has long supported this report and has consistently praised it for the spotlight it places on the harms visited upon the world's children.

The 2024 report lists, quote, Israeli armed and security forces, among many others, State actors and non-State actors, on the list of parties that violate the rights of children during the ongoing conflict, in this case, during the ongoing conflict in Gaza.

The report is fact-based and includes significant documentation to substantiate this designation. In other words, this was a very thorough, vetted process, unlike in front of us today. I mean, we are considering a resolution. We haven't done any of the work or any of the investigation to support the resolution in front of us, which is try to negate something that was well documented, well investigated, and has been praised by both Republican and Democratic administrations over the years.

Rather than pushing Israel to take basic steps to protect the safety of children and to continue to engage with the United Nations, this resolution simply seeks to declare an alternate reality without any evidence to rebut the conclusions of the United Nations report.

And so, for those reasons, I cannot support the resolution in front of us. We have seen the tragedy of Gaza. We have seen schools, churches, hospitals bombed. We have seen a record number of amputees among the children of Gaza. We have seen outright carnage.

And when this report came out, our mission to the United Nations welcomed it. Our mission to the United Nations had input in it. They did the hard work of investigation and vetting and consideration, unlike what we have done in this committee today.

And so I urge my colleagues to reject the resolution in front of us. I yield back, Chairman.

Chairman McCAUL. The gentleman yields back. Any further discussion?

There being no further discussion of the resolution, the committee will move to consideration of amendments. Does any member wish to offer an amendment?

There being no amendments, I move that the committee report H.Res. 1323 to the House with a favorable recommendation. All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion—the ranking member is registered as an aye. In the opinion of the chair, the ayes have it, and the motion is agreed to.

Mr. BURCHETT. Thank you, Mr. Chairman. Thank you, members across the aisle, as well.

Chairman McCAUL. OK. Without objection, the motion to reconsider is laid on the table, and the staff has authorized making technical conforming changes. Happens to the best of us, you know?

Pursuant to notice, I will now call up H.R. 8232 to authorize the Secretary of State to withdraw from the United Nations Relief and Works Agency for Palestine Refugees in the Near East Federal funds previously made available to such organization.

[The Bill H.R. 8232 follows:]

118TH CONGRESS
2D SESSION

H. R. 8232

To authorize the Secretary of State to withdraw from the United Nations Relief and Works Agency for Palestine Refugees in the Near East Federal funds previously made available to such organization.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2024

Mr. MAST (for himself, Mr. GOTTHEIMER, Mr. SMITH of New Jersey, Mr. WILSON of South Carolina, and Mr. BAIRD) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To authorize the Secretary of State to withdraw from the United Nations Relief and Works Agency for Palestine Refugees in the Near East Federal funds previously made available to such organization.

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. AUTHORIZATION OF WITHDRAWAL OF FUNDS.**

4 The Secretary of State shall take such steps as may
5 be necessary to expeditiously withdraw or otherwise re-
6 cover any Federal funds made available to the United Na-
7 tions Relief and Works Agency for Palestine Refugees in

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2

1 the Near East that have not been expended by such Agen-
2 cy as of the date of the enactment of this Act.

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Chairman MCCAUL. The bill was circulated in advance, and the clerk shall designate the bill.

The CLERK. H.R. 8232, to authorize the Secretary of State to withdraw from the United Nations Relief and Works Agency for Palestine Refugees in the Near East Federal funds—

Chairman MCCAUL. Without objection, the first reading is dispensed with. The bill is considered read and open to amendment at any point. Is there any discussion on the bill?

Mr. Mast is recognized.

Mr. MAST. Thank you, Mr. Chairman.

As we talk about clawing back dollars that were sent to UNRWA, I want to give a little bit of a time line on why this is important to take place. So, January 2024, the United States under the Biden administration paused funding to UNRWA following reports that there were UNRWA staff that participated in the October 7 massacre that killed over 1,200 innocent people in Israel.

And there are other estimates that have come out since that, some of those estimates in the time line being that an estimated 10 percent of UNRWA employees are actually operatives for Hamas or Palestinian Islamic Jihad or al-Aqsa Martyrs' Brigade or other terrorists groups operating in Gaza. Other estimates that have come out on that time line—50 percent of them have family ties to these groups.

Part of this time line that goes before January •24 is that UNRWA was defunded under the Trump administration, and funding was therefore reinstituted under the Biden administration before they came back and cut it off. And while the decision to pause UNRWA that funding in January was definitely a good step, it did come too late. And this is an important part of that time line, as I know I am jumping around in it a little bit.

The administration could have announced at any time, really, between October 7 and January that they wanted to pause the funding for UNRWA. But they did, whether conveniently or not, wait just a couple of days after there was a distribution of about \$121 million to UNRWA to announce that they were going to pause funding to them. And this bill is about clawing back any dollars that went UNRWA.

I'm proud to say that this is a bipartisan bill, lead with Representative Gottheimer and other members on this committee that have been a part of this, as well, that, as I said, directs the Secretary of State to take the steps to withdraw or recover any Federal funds that have been made available to UNRWA.

You know, we can keep going on the thread of time line, and let's bring it right up to this week. Just in the past couple days, there have been raids on UNRWA headquarters in Gaza City by the IDF. Why? Because the UNRWA headquarters in Gaza City has been used as a launching pad for terrorist operations by Palestinian Islamic Jihad, by Hamas, by others. That's just right up into these past couple days.

UNRWA continues to be a safe haven for terrorists in Gaza, and it is therefore very important that we not only make sure that there are no funds that go to them—that we call back any funds that have gone to them in the past or make every effort to do so.

I do suspect that I may hear argument from the other side. I have heard arguments from the other side about taking dollars from UNRWA. And one of the most prominent arguments that I have heard has been to say, "Listen. We can't defend UNRWA. We can't defend what UNRWA has done and their participation in October 7, their participation of employees that have held hostages, their participation of employees and their family members that have supported building tunnels and transporting weapons. We can't defend any of that, but we have to continue to fund them."

That makes absolutely no sense. It is one of the worst arguments that I have ever heard for why we shouldn't retract any dollars that were sent to them, prevent any dollars from being sent to them. If we cannot defend them, then we have absolutely no business funding them and funding them with one dollar of every American taxpayer across our country.

Mr. Chairman, I thank you for the time, and I yield back the remainder of my time.

Chairman McCAUL. The gentleman yields back. And I strongly support this measure. Is there any further discussion?

Mr. Meeks is recognized.

Mr. MEEKS. I strongly oppose this measure. It is designed to further eliminate UNRWA's already depleted funds, which is critical to its humanitarian response and, in fact, saving lives in Gaza.

The State Department, the U.N. Secretary-General, and heads of various U.N. humanitarian agencies, including the World Food Programme, have been very, very clear. There is no replacement of UNRWA at this time. UNRWA continues to lead the humanitarian response in Gaza, where millions of Palestinian lives are in danger and thousands at imminent risk of famine.

The fact remains that without UNRWA's staff and logistical support, the humanitarian situation in Gaza will be significantly worse than the horrific conditions that exist today. And that would only further exacerbate the challenges in achieving an end to this conflict.

This bill goes further than the existing Republican-led legal prohibition on U.S. funding for UNRWA until March 2025 by requiring the Secretary of State to recover U.S. funds for UNRWA disbursed previously. UNRWA's financial situation is already teetering on the edge of collapse. This bill is the definition of really kicking someone while they are down in a place where too many people are already hurting in hunger and dying.

This is a measure that the State Department did not ask for, and it does nothing to advance U.S. interests in peace and stability and humanitarian aid in Gaza and the broader Middle East region. In fact, this bill undermines our interests. And that is why I oppose this measure and ask all to vote no.

With that, I yield back the balance of my time.

Mr. SELF [presiding]. The gentleman yields. Is there any further discussion?

The gentlelady is recognized.

Ms. DEAN. Thank you, Mr. Chairman.

I, too, rise in strong opposition to H.R. 8232. We have seen repeated attempts to block any and all U.S. support for UNRWA, most recently in the Fiscal Year 2025 State and Foreign Oper-

ations Appropriations Bill, which restricts any funds from being made available for contributions, grants, or payments to UNRWA.

These measures, and this measure in particular—it is unclear in its own wording, this half-a-page bill, whether the Secretary of State is authorized or Secretary of State is required to claw back whatever little funds are left from U.S. support.

I was there in Israel 5 weeks after the horrific, grotesque, unimaginable acts of October the 6. I was there again in February, when we met with UNRWA officials both on the ground in Israel as well as the Director of UNRWA—Director for Rafah of UNRWA. He spoke of the dire conditions on the ground. He is an American citizen. He is actually an American veteran of more than two decades. He spent 6 years in Gaza administering UNRWA support prewar and came back during this war.

They are doing God's work. More than two million Gazans have been displaced, the sanitation almost unexistant. Health support without UNRWA—almost unexistent. Schools? Forget it. They're shut down. The sanitation on the ground, women having babies by cesarean section in tents without anesthesia sometimes, dead bodies being attacked by dogs—he describes a hellscape of what is going on with too little aid coming in.

And so this demonization of UNRWA, who has lost—as of February had lost more than 157 of its own aid workers, dead, killed in their attempts to bring humanitarian aid to the starving, displaced multiple times people of Gaza—they are doing God's work. I don't know how they do it, especially as they describe they don't have the funds. They don't have the trucks coming in.

The director, Scott Anderson—I commend him to you, an American military vet putting his life at risk, along with all of those who work with him. He spoke glowingly of those who work with him, who sometimes go home at night and a building that they are in is bombed and their family members killed, and the employee comes back because they believe in the mission of trying to stop some portion of the suffering in Gaza.

I met also with Mrs. Cindy McCain. What an extraordinary woman, working with the World Food Programme. And she and her team described that they work day in, day out, hand-in-hand with UNRWA to try to do whatever they can to distribute aid that they have, too little that it is, in an ungodly place.

But the bill has other problems because think about it. UNRWA serves many places, including humanitarian assistance to those in need suffering not just in Gaza but also the West Bank, also Palestinian refugees in Lebanon, Syria, and Jordan.

So, while it is interesting that everybody would just say UNRWA is some bogeyman, they are the only ones in coordination with World Food Programme—the World Food Programme says they cannot be replaced if you shut them down—that is really offering help and survival to some in Gaza.

I would also like to say I wish that the members of this committee would take the time to talk to Mr. Scott Anderson and others from UNRWA. It is one thing that we stopped aid to them, but to now try to claw it back by way of disparaging the entire organization—you know that of the 12 people who were accused of being—having some connection—accused by Israel, which they have

every right and responsibility to do—having some connection to the attack of October the 6, that investigation—multiple investigations are ongoing.

Of the 12, all 12 were fired. Two were dead at the time. And I think eight remain under investigation, under the one investigation. We are talking about a handful of people, an organization that serves millions of people.

I wish we would stop punishing those who are doing God's work in the most ungodly of places. We need to work together to solve—do our best to create peace and end suffering. And by underfunding/unfunding UNRWA, you're contributing to the problem. I yield back.

Mr. SELF. The gentlelady yields. I recognize myself, and I yield my time to Mr. Mast.

Mr. MAST. Thank you, Mr. Chairman.

I think there were some statements here that people are going to wish that they could retract. To say that UNRWA is doing God's work is really beyond the pale. I went over a list of things, but let us ask some questions.

Is there anybody in here who said, "Well, there was just 12 people working with UNRWA that were a part of working with Hamas and other terrorist organizations"? Would anybody in here want to say it stopped at 12? That is it; it just stopped at 12, as my colleague Ms. Dean just put forward? It was just 12 people? That is all?

I see nobody raising their hand to say that it was just 12, not even my colleague Ms. Dean, who just said so, because it is not the case. It wasn't just 12 people. They have been teaching Jew hate in UNRWA schools for years upon years. They have been a part of building the tunnels for years upon years.

Nobody is speaking out against that. Would anybody say that UNRWA facilities are not used by the terrorists? Is there anybody here that wants to say that? Nobody that wants to say that?

It was said by the ranking member, Ranking Member Meeks, that there is no replacement for UNRWA. There absolutely is. There are—you know, if you are talking about aid as far as aid organizations, there are a great number under the United Nations that work to give aid to Sudan and—I don't know; take your pick of places across the globe—that are not UNRWA. They are part of the United Nations, but it is not UNRWA.

It was said by the ranking member that taking—clawing back money from UNRWA is like kicking somebody while they are down. UNRWA is not a one-individual somebody. UNRWA is an entity that has been a part of supporting hatred against Jews, against Israel, a part of facilitating the attacks, holding hostages. And as I pointed out in my remarks just a few moments ago, literally, their headquarters in Gaza City was just raided because of their participation in housing of Hamas and Palestinian Islamic Jihad terrorists.

But I would ask one further question in my remarks, and I don't know if—I am happy to yield time to Ms. Dean if she would like to answer this. But do you agree that President Biden made the right decision when he defunded UNRWA, or was that just a mo-

ment—another moment of cognitive lapse by the President? Happy to yield time.

Ms. DEAN. I am not interested in your quiz. I really reject this bill. Thank you.

Mr. MAST. She should be interested in this quiz because if you can't answer questions about whether it was just 12 UNRWA or whether it's more systemic, like, 10, 20, 30 percent what their facilities are being used for, where U.S. taxpayer dollars are going to, if a U.S. representative is not interested in a quiz about where U.S. tax dollars are going abroad I think that really points to a much more systemic issue that's going on here.

In that, I thank you, Mr. Self, for yielding me the time and I yield you back the 1:30 that's remaining.

Mr. SELF. The gentleman yields. Is there any further discussion?

There being no further discussion of the bill, the committee will move to consideration of amendments. Does any member wish to offer an amendment?

Mr. McCormick, you are recognized.

Dr. MCCORMICK. Thank you, Mr. Chairman. I have an amendment at the desk, No. 196.

Mr. SELF. The chair—the clerk shall distribute the amendment. The clerk shall report the amendment.

The CLERK. Amendment to H.R. 8232 offered by Mr. McCormick of Georgia. Page1, line 4, strike the secretary and insert—

Mr. SELF. Without objection, further reading of the amendment is dispensed with.

[The Amendment offered by Dr. McCormick follows:]

AMENDMENT TO H.R. 8232**OFFERED BY MR. MCCORMICK OF GEORGIA**

Page 1, line 4, strike “The Secretary” and insert “Not later than 90 days after the date of the enactment of this Act, the Secretary”.

Page 2, line 2, strike “as of” and all that follows through the end of the section and insert “as of such date of enactment”.



Mr. SELF. The gentleman is recognized for 5 minutes on his amendment.

Dr. McCORMICK. Thank you, Mr. Chairman, for yielding. I'm glad the committee is bringing this important bill from my colleague, Representative Mast, for markup.

For the sake of time I'll keep this short and sweet. UNRWA represents the worst of the United Nations, is duplicative. Agency hired staff who participated in the October 7th attacks, had Hamas tunnels dug underneath their headquarters, and has promoted anti-Semitic education for years.

Most reasonable people on either side of the aisle agree they should not receive U.S. funding, which is why there currently is a prohibition on funding UNRWA until March 2025 and, in my opinion, maybe for the rest of their pitiful existence.

This is a great bill that seeks to ensure that U.S. follows through on withdrawals from this corrupt and anti-Semitic organization.

My amendment today would simply strengthen the bill by placing a 90-day deadline on the secretary for withdrawal from UNRWA rather than just given an arbitrary requirement.

This is in line with the spirit and the intention of the underlying bill. I ask for my colleagues' support on this amendment.

Thank you, and I yield back.

Mr. SELF. The gentleman yields back.

Do any other members seek recognition?

Ranking Member Meeks?

Mr. MEEKS. Yes, I oppose this amendment for the same reasons that I oppose the underlying bill.

It will lead to further misery of the Palestinians who are already struggling and further destabilize the broader Middle East region, including among our key allies in the region such as Jordan and countries already on the brink of conflict like Lebanon.

I oppose this amendment and the underlying bill, and I yield back the balance of my time.

Mr. SELF. The gentleman yields.

Is there any further discussion?

There being no further discussion, the question now occurs on the amendment offered by Representative McCormick, No. 196.

All those in favor signify by saying aye.

All opposed signify by saying no.

In the opinion of the chair the ayes have it and the amendment is agreed to.

Are there any further amendments?

Seeing no further amendments, I move that the committee report H.R. 8232 as amended to the House with a favorable recommendation.

All those in favor signify by saying aye.

All those opposed signify by saying no.

In the opinion of the chair the ayes have it and the motion is agreed to.

Mr. MEEKS. I ask for a roll call vote.

Mr. SELF. A roll call vote has been requested. Pursuant to the chair's previous announcement this vote will be postponed.

Pursuant to notice I now call up H.R. 8924, the Protecting American Innovation and Development Act of 2024. This bill was circulated in advance. The clerk shall designate the bill.

The CLERK. H.R. 8924, to require the Secretary of Commerce to identify and report on foreign adversary entities using intellectual—

Mr. SELF. Without objection, the first reading is dispensed with and the bill is considered read and open to amendment at any point.

[The Bill H.R. 8924 follows:]

118TH CONGRESS
2D SESSION

H. R. 8924

To require the Secretary of Commerce to identify and report on foreign adversary entities using intellectual property related to emerging technology without a license, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 2, 2024

Mrs. KIM of California (for herself and Mr. MOOLENAAR) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To require the Secretary of Commerce to identify and report on foreign adversary entities using intellectual property related to emerging technology without a license, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting American
5 Innovation and Development Act of 2024” or the “PAID
6 Act of 2024”.

1 **SEC. 2. STATEMENT OF POLICY.**

2 Section 1752(2) of the Export Control Reform Act
3 of 2018 (50 U.S.C. 4811(2)) is amended by inserting after
4 subparagraph (G) the following:

5 “(H) To ensure the continued strength
6 and leadership of the United States in the re-
7 search and development of critical and emerg-
8 ing technologies.”.

9 **SEC. 3. PUBLIC TRANSPARENCY REGARDING FOREIGN AD-**
10 **VERSARY ENTITIES USING INTELLECTUAL**
11 **PROPERTY RELATED TO CRITICAL OR**
12 **EMERGING TECHNOLOGY WITHOUT A LI-**
13 **CENSE.**

14 (a) IN GENERAL.—Part I of the Export Control Re-
15 form Act of 2018 (50 U.S.C. 4811 et seq.) is amended
16 by inserting after section 1758 the following:

17 **“SEC. 1758A. PUBLIC TRANSPARENCY REGARDING FOR-**
18 **EIGN ADVERSARY ENTITIES USING INTEL-**
19 **LECTUAL PROPERTY RELATED TO CRITICAL**
20 **OR EMERGING TECHNOLOGY WITHOUT A LI-**
21 **CENSE.**

22 “(a) IDENTIFICATION.—

23 “(1) IN GENERAL.—The Secretary shall publish
24 in the Federal Register a notice that identifies a for-
25 eign adversary entity if a majority of the members
26 of the End-User Review Committee determines that

1 the foreign adversary entity is using a patented in-
2 vention or covered trade secret without a license, in-
3 cluding if a majority of the members of the Com-
4 mittee determines that the foreign adversary enti-
5 ty—

6 “(A) is manufacturing or selling a product
7 that incorporates a patented invention or cov-
8 ered trade secret without a license;

9 “(B) acquired a patented invention or cov-
10 ered trade secret through improper means, in-
11 cluding—

12 “(i) theft;

13 “(ii) bribery;

14 “(iii) misrepresentation;

15 “(iv) breach of, or an inducement of a
16 breach of, a duty to maintain secrecy; or

17 “(v) espionage; or

18 “(C) disclosed a patented invention or cov-
19 ered trade secret without express or implied
20 consent.

21 “(2) IDENTIFICATION BY PETITION.—

22 “(A) IN GENERAL.—A United States per-
23 son may submit a petition to the End-User Re-
24 view Committee requesting the Committee to
25 make a determination in accordance with the

1 requirements of paragraph (1) for purposes of
2 the Secretary publishing in the Federal Reg-
3 ister a notice that identifies a foreign adversary
4 entity in accordance with the requirements of
5 paragraph (1) if the United States person—

6 “(i) has reason to believe that a for-
7 eign entity is using a patented invention or
8 covered trade secret without a license; and

9 “(ii) is the owner of that patented in-
10 vention or covered trade secret.

11 “(B) DEADLINE.—After the End-User Re-
12 view Committee receives a petition submitted
13 under subparagraph (A), the Committee shall
14 make a determination with respect to the peti-
15 tion in accordance with the requirements of
16 paragraph (1) not later than 90 days after the
17 date on which the Committee receives the peti-
18 tion.

19 “(3) REMOVAL.—

20 “(A) IN GENERAL.—The Secretary shall
21 publish in the Federal Register a subsequent
22 notice with respect to a foreign adversary entity
23 identified in the Federal Register under the
24 process described in this section if the Sec-
25 retary, in consultation with the other members

1 of the End-User Review Committee, determines
2 that there is prima facie evidence that the for-
3 eign adversary entity—

4 “(i) is no longer using a patented in-
5 vention or covered trade secret without a
6 license; or

7 “(ii) is using a patented invention or
8 covered trade secret without a license,
9 but—

10 “(I) has entered into an agree-
11 ment for such use with the owner of
12 the patented invention or covered
13 trade secret; or

14 “(II) has entered into binding ar-
15 bitration with the owner of the pat-
16 ented invention or covered trade se-
17 cret to set the terms for such use.

18 “(B) REMOVAL BY PETITION.—If a foreign
19 adversary entity identified in the Federal Reg-
20 ister under the process described in this section
21 for using a patented invention or covered trade
22 secret without a license, or the owner of the
23 patented invention or covered trade secret, be-
24 lieves that the foreign adversary entity meets
25 the conditions described in clause (i) or (ii) of

1 subparagraph (A), the foreign adversary entity
2 or the owner of the patented invention or cov-
3 ered secret may petition the Secretary to have
4 the Secretary publish in the Federal Register a
5 subsequent notice with respect to the foreign
6 adversary entity.

7 “(b) REPORT REQUIRED.—Upon request from any of
8 the appropriate congressional committees, the Secretary
9 shall submit to the appropriate congressional committees
10 a report that includes a list of all foreign adversary enti-
11 ties identified in the Federal Register under the process
12 described in this section, including a written explanation
13 of the reasons therefor.

14 “(c) DEFINITION OF CRITICAL OR EMERGING TECH-
15 NOLOGY.—In this section, the term ‘critical or emerging
16 technology’ includes any technology defined by the Under
17 Secretary of Defense for Research and Engineering as a
18 ‘critical technology area’ as soon as practicable on or after
19 the date of the enactment of this section.

20 “(d) OTHER DEFINITIONS.—In this section:

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

24 “(A) the Committee on Banking, Housing,
25 and Urban Affairs of the Senate; and

1 “(B) the Committee on Foreign Affairs
2 and the Select Committee on the Strategic
3 Competition Between the United States and the
4 Chinese Communist Party of the House of Rep-
5 resentatives.

6 “(2) END-USER REVIEW COMMITTEE.—The
7 term ‘End-User Review Committee’ means the End-
8 User Review Committee described in Supplement
9 No. 9 to part 748(1) of the Export Administration
10 Regulations, or any successor regulation, as making
11 decisions related to export controls.

12 “(3) FOREIGN ADVERSARY.—The term ‘foreign
13 adversary’ means—

14 “(A) the People’s Republic of China (in-
15 cluding the Special Administrative Regions of
16 China, including Hong Kong and Macau);

17 “(B) the Russian Federation;

18 “(C) the Republic of Cuba;

19 “(D) the Democratic People’s Republic of
20 Korea;

21 “(E) the Islamic Republic of Iran; and

22 “(F) the Venezuelan regime under the
23 leadership of Nicolas Maduro.

24 “(4) FOREIGN ADVERSARY ENTITY.—The term
25 ‘foreign adversary entity’—

1 “(A) means—

2 “(i) an individual who is a citizen or
3 national (as defined in section 101(a) of
4 the Immigration and Nationality Act (8
5 U.S.C. 1101(a))) of a foreign adversary;

6 “(ii) an entity that is headquartered
7 in, or organized under the laws of, or has
8 its principal place of business in a foreign
9 adversary;

10 “(iii) an entity subject to the control
11 (as that term is defined in section 800.208
12 of subpart B of chapter VIII of title 31,
13 Code of Federal Regulations, or any suc-
14 cessor regulations) of any entity or com-
15 bination of entities described in clause (i)
16 or (ii); or

17 “(iv) any successor, subsidiary, or af-
18 filiate of any entity described in clause (i),
19 (ii), or (iii); but

20 “(B) does not include any entity with re-
21 spect to which—

22 “(i) a majority of the equity interest
23 in the entity is owned by nationals of the
24 United States and nationals of such coun-
25 tries (other than a foreign adversary) as

1 are identified for purposes of this subpara-
2 graph pursuant to regulations prescribed
3 by the Secretary; or

4 “(ii) its ultimate parent entity is an
5 entity organized under the laws of, and
6 headquartered in, the United States or its
7 States, territories, or subdivisions.

8 “(5) OWNER OF THE PATENTED INVENTION OR
9 COVERED TRADE SECRET.—The term ‘owner of the
10 patented invention or covered trade secret’ means—

11 “(A) in the case of a patented invention,
12 the person or entity in whom or in which right-
13 ful legal or equitable title to, or license in, the
14 applicable patent is reposed; and

15 “(B) in the case of a covered trade secret,
16 the person or entity in whom or in which right-
17 ful legal or equitable title to, or license in, the
18 applicable trade secret is reposed.

19 “(6) PATENTED INVENTION.—The term ‘pat-
20 ented invention’ means an invention—

21 “(A) related to critical or emerging tech-
22 nology; and

23 “(B) protected by a patent—

24 “(i) issued under title 35, United
25 States Code; and

1 “(ii) with respect to which the rightful
2 legal or equitable title to, or license in such
3 patent is reposed in a United States per-
4 son.

5 “(7) COVERED TRADE SECRET.—The term ‘cov-
6 ered trade secret’ means a trade secret (as such
7 term is defined in section 1839 of title 18, United
8 States Code)—

9 “(A) related to critical or emerging tech-
10 nology; and

11 “(B) with respect to which the rightful
12 legal or equitable title to, or license in, the
13 trade secret is reposed in a United States per-
14 son.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in section 2(b) of the John S. McCain National Defense
17 Authorization Act for Fiscal Year 2019 and the table of
18 contents at the beginning of title XVII of division A of
19 such Act are each amended by inserting after the item
20 relating to section 1758 the following new item:

“Sec. 1758A. Public transparency regarding foreign adversary entities using in-
tellectual property related to critical or emerging technology
without a license.”.

Æ

Mr. SELF. Is there any discussion on this bill?

Mrs. Young is recognized.

Mrs. KIM OF CALIFORNIA. Thank you, Chairman.

I want to also thank Ranking Member Meeks for holding today's markup and for considering my bill, H.R. 8924, the Protecting American Innovation and Development Act, or the PAID Act, of 2024.

I also want to thank Chairman Moolenaar of the Select Committee on CCP for co-leading this bill with me. The PAID Act requires the Secretary of Commerce to identify and report on all foreign adversary entities including those affiliated with the Chinese Communist Party, Russia, North Korea, and Iran who steal American intellectual property and trade secrets of dual-use technology that is important to our national security.

According to the FBI, the CCP steals up to \$600 billion worth of U.S. intellectual property every year. So protecting U.S. IP should be and is a bipartisan issue.

Last year, the Indo-Pacific Subcommittee heard testimony from American business Phantom Metrics, which makes advanced technology for the semiconductor industry. Their IP was stolen but the U.S. Government has been unable to slow down or punish the CCP company benefiting from stolen IP.

We cannot take action to hold foreign adversaries accountable for stealing our IP and trade secrets if we do not know who the bad actors are. The PAID Act creates a transparent process around the IP theft and simply requires the Commerce secretary to submit to Congress a report on all foreign adversary entities in violation of this bill.

This bill provides U.S. small and medium-sized businesses with a voice and harnesses industry to provide the rationale and basis for inclusion on this report.

For too long the CCP has exploited loopholes in our courts including the International Trade Commission to steal IP without consequences.

The PAID Act is a crucial first step to expose foreign adversary entities stealing U.S. IP of dual-use technology including hypersonics, advanced computing and space technology.

It's time to hold the CCP and any other foreign adversary companies accountable and I urge my colleagues to support this bill, and I yield the balance of my time.

Mr. SELF. The gentlelady yields back.

Is there any further discussion?

The gentleman is recognized.

Mr. MEEKS. Thank you, and I regretfully must oppose this measure. Intellectual property theft is a serious challenge but this bill is not an effective way to address it. This bill needs additional vetting and negotiations.

This committee has had numerous hearings and briefings with the Bureau of Industry and Security including a hearing just this spring with the undersecretary of this.

At None of these hearings do I recall this particular bill or the mechanism proposed within it being raised. The Department of Commerce opposes H.R. 8924 and does not believe that export con-

trols are an effective way to tackle IP theft and patent infringement.

There are substantive problems with this bill. First, despite its focus on export controls and patents it is frequent—and its frequent use of the term license, the bill never clarifies whether the licenses it is referring to are patent licenses or export licenses, making this bill difficult to implement.

Second, it calls on the End User Review Committee to solicit and review petitions from U.S. persons regarding potential foreign entities that are using a patent or coveted trade secret without a license.

This committee does not have the capacity or expertise to do this work. In fact, forcing the End User Review Committee to take on this role would divert critical resources away from addressing the far more acute national security risk posed by the kinds of entities it generally adds to the Entity List.

In short, this bill is not an effective means to tackle IP theft. In January 2023 President Biden already signed into law the Protecting American Intellectual Property Act to deter the theft of U.S. intellectual property by non-U.S. actors through sanctions.

I was proud to push that bill to the floor in the final days of the 117th Congress and led debate in favor of that legislation. That bill was an important response to intellectual property theft.

Unfortunately, I cannot say the same about this legislation. Therefore, I must oppose this measure and yield back the balance of my time.

Mr. SELF. The gentleman yields back.

Is there any further discussion?

Mrs. Kim, you're recognized for 5 minutes.

Mrs. KIM OF CALIFORNIA. Thank you, Mr. Meeks, for raising your concerns.

And with respect to the bill not being properly vetted and there is no Commerce TA I would like to respond and emphasize once again that the PAID Act creates a reporting mechanism that boosts public transparency on foreign adversary entities who illegally acquire U.S. IP or trade secrets or technology that is important to our national security.

This bill has also been vetted by the United States Chamber of Commerce and also the Judiciary Committee and we also incorporated many feedback from each of the tech stakeholders, and we did our due diligence of reaching out to the Commerce Department more than a week ago for their TA.

While we have been eager to work in good faith with BIS they only got back to us less than 24 hours before this markup.

Unfortunately, most of their comments were based off the version that did not include the red lines from the Judiciary Committee, which we work in very good faith for that, and regarding your concerns regarding the infringement on U.S. patent system, we cleared this bill with Judiciary Committee's IP Subcommittee as well.

We also incorporated all of their red lines to ensure this bill does not overlap with existing U.S. patent laws and regulating entities.

All this bill does is to protect our U.S. IP from the bad actors. So with that, I hope you will come to terms and support this bill. Thank you very much.

Mr. SELF. The gentlelady yields back.

Is there any further discussion?

Mr. MEEKS. Let me just ask—oh, before she yields back I wonder if Mrs. Kim would yield just a second.

Mr. SELF. Mrs. Kim, will you yield time to the ranking member?

Mr. MEEKS. I would love to be able to work with you on this bill. I really would. I think that that's why I said I regretfully had to oppose.

But in the future—I just could not vote for this now but I would love to work with you in the future. Thank you. I yield back.

Mrs. KIM OF CALIFORNIA. Thank you very much, Mr. Meeks.

Mr. SELF. The gentlelady yields back.

Is there any further discussion?

Seeing no further discussion on the bill does any member wish to offer an amendment?

Mrs. Kim?

Mrs. KIM OF CALIFORNIA. Thank you for recognizing me again. I have an amendment to H.R. 8924, the PAID Act.

Mr. SELF. The clerk shall distribute the Kim amendment in the nature of a substitute number 70.

The clerk shall report the amendment.

The CLERK. Amendment in the nature of a substitute to H.R. 8924 offered by Mrs. Kim of California. Strike all after the enacting clause and insert the following.

Mr. SELF. Without objection further reading of the amendment is dispensed with.

[The Amendment offered by Mrs. Kim follows:]

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**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8924
OFFERED BY MRS. KIM 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 “Protecting American
3 Innovation and Development Act of 2024” or the “PAID
4 Act of 2024”.

5 **SEC. 2. STATEMENT OF POLICY.**

6 Section 1752(2) of the Export Control Reform Act
7 of 2018 (50 U.S.C. 4811(2)) is amended by inserting after
8 subparagraph (G) the following:

9 “(H) To ensure the continued strength
10 and leadership of the United States in the re-
11 search and development of critical and emerg-
12 ing technologies.”.

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1 SEC. 3. PUBLIC TRANSPARENCY REGARDING FOREIGN AD-
2 VERSARY ENTITIES USING INTELLECTUAL
3 PROPERTY RELATED TO CRITICAL OR
4 EMERGING TECHNOLOGY WITHOUT A LI-
5 CENSE.

6 (a) IN GENERAL.—Part I of the Export Control Re-
7 form Act of 2018 (50 U.S.C. 4811 et seq.) is amended
8 by inserting after section 1758 the following:

9 “SEC. 1758A. PUBLIC TRANSPARENCY REGARDING FOR-
10 EIGN ADVERSARY ENTITIES USING INTEL-
11 LECTUAL PROPERTY RELATED TO CRITICAL
12 OR EMERGING TECHNOLOGY WITHOUT A LI-
13 CENSE.

14 “(a) IDENTIFICATION.—

15 “(1) IN GENERAL.—The Secretary shall publish
16 in the Federal Register a notice that identifies a for-
17 eign adversary entity if a majority of the members
18 of the End-User Review Committee determines, in
19 consultation with other Federal agencies as appro-
20 priate and in accordance with applicable Federal
21 patent and trade secret laws, that the foreign adver-
22 sary entity is knowingly using a covered patented in-
23 vention, or is knowingly using or has knowingly dis-
24 closed a covered trade secret, without a license,
25 and—

1 “(A) in the case of a covered patented in-
2 vention, the foreign adversary entity had actual
3 knowledge of the relevant patent, which is en-
4 forceable and not invalid, prior to or during its
5 use of the covered patented invention; and

6 “(B) acquired the covered patented inven-
7 tion or covered trade secret through improper
8 means, including—

9 “(i) theft;

10 “(ii) bribery;

11 “(iii) misrepresentation;

12 “(iv) breach of, or an inducement of a
13 breach of, a duty to maintain secrecy;

14 “(v) espionage; or

15 “(vi) knowingly receiving the covered
16 patented invention or covered trade secret
17 from a person who the foreign adversary
18 entity knows, or has reason to know, com-
19 mitted one of the acts described in clause
20 (i), (ii), (iii), (iv), or (v).

21 “(2) IDENTIFICATION BY PETITION.—

22 “(A) IN GENERAL.—A United States per-
23 son may submit a petition to the End-User Re-
24 view Committee requesting the Committee to
25 make a determination in accordance with the

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1 requirements of paragraph (1) for purposes of
2 the Secretary publishing in the Federal Reg-
3 ister a notice that identifies a foreign adversary
4 entity in accordance with the requirements of
5 paragraph (1) if the United States person—

6 “(i) has reason to believe that a for-
7 eign entity is using a covered patented in-
8 vention or covered trade secret without a
9 license;

10 “(ii) is the owner of the covered pat-
11 ented invention or covered trade secret;
12 and

13 “(iii) is not a party to a proceeding at
14 the U.S. Patent and Trademark Office in-
15 volving a patent that is a basis, in whole
16 or in part, of its petition to the Committee.

17 “(B) DEADLINE.—After the End-User Re-
18 view Committee receives a petition submitted
19 under subparagraph (A), the Committee shall
20 make a determination with respect to the peti-
21 tion in accordance with the requirements of
22 paragraph (1) not later than 90 days after the
23 date on which the Committee receives the peti-
24 tion.

25 “(3) REMOVAL.—

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1 “(A) IN GENERAL.—The Secretary shall
2 publish in the Federal Register a subsequent
3 notice with respect to a foreign adversary entity
4 identified in the Federal Register under the
5 process described in this section if the Sec-
6 retary, in consultation with the other members
7 of the End-User Review Committee, determines
8 that there is prima facie evidence that the for-
9 eign adversary entity—

10 “(i) is no longer using a covered pat-
11 ented invention or covered trade secret
12 without a license; or

13 “(ii) is using a covered patented in-
14 vention or covered trade secret without a
15 license, but—

16 “(I) has entered into an agree-
17 ment for such use with the owner of
18 the covered patented invention or cov-
19 ered trade secret; or

20 “(II) has entered into binding ar-
21 bitration with the owner of the cov-
22 ered patented invention or covered
23 trade secret to set the terms for such
24 use.

1 “(B) REMOVAL BY PETITION.—If a foreign
2 adversary entity identified in the Federal Reg-
3 ister under the process described in this section
4 for using a covered patented invention or cov-
5 ered trade secret without a license, or the owner
6 of the covered patented invention or covered
7 trade secret, believes that the foreign adversary
8 entity meets the conditions described in clause
9 (i) or (ii) of subparagraph (A), the foreign ad-
10 versary entity or the owner of the covered pat-
11 ented invention or covered secret may petition
12 the Secretary to have the Secretary publish in
13 the Federal Register a subsequent notice with
14 respect to the foreign adversary entity.

15 “(b) REPORT REQUIRED.—Upon request from any of
16 the appropriate congressional committees, the Secretary
17 shall submit to the appropriate congressional committees
18 a report that includes a list of all foreign adversary enti-
19 ties identified in the Federal Register under the process
20 described in this section, including a written explanation
21 of the reasons therefor.

22 “(c) DEFINITION OF CRITICAL OR EMERGING TECH-
23 NOLOGY.—In this section, the term ‘critical or emerging
24 technology’ includes any technology defined by the Under
25 Secretary of Defense for Research and Engineering as a

1 ‘critical technology area’ as soon as practicable on or after
2 the date of the enactment of this section.

3 “(d) OTHER DEFINITIONS.—In this section:

4 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term ‘appropriate congressional com-
6 mittees’ means—

7 “(A) the Committee on Banking, Housing,
8 and Urban Affairs and the Committee on the
9 Judiciary of the Senate; and

10 “(B) the Committee on Foreign Affairs,
11 the Committee on the Judiciary, and the Select
12 Committee on the Strategic Competition Be-
13 tween the United States and the Chinese Com-
14 munist Party of the House of Representatives.

15 “(2) COVERED PATENTED INVENTION.—The
16 term ‘covered patented invention’ means an inven-
17 tion—

18 “(A) directed to critical or emerging tech-
19 nology; and

20 “(B) protected by a utility patent—

21 “(i) issued under title 35, United
22 States Code; and

23 “(ii) with respect to which the rightful
24 legal or equitable title to, or exclusive li-

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1 cense in such patent is reposed in a United
2 States person.

3 “(3) COVERED TRADE SECRET.—The term ‘cov-
4 ered trade secret’ means a trade secret (as such
5 term is defined in section 1839 of title 18, United
6 States Code)—

7 “(A) directed to critical or emerging tech-
8 nology; and

9 “(B) with respect to which the rightful
10 legal or equitable title to, or exclusive license in,
11 the trade secret is reposed in a United States
12 person.

13 “(4) END-USER REVIEW COMMITTEE.—The
14 term ‘End-User Review Committee’ means the End-
15 User Review Committee described in Supplement
16 No. 9 to part 748(1) of the Export Administration
17 Regulations, or any successor regulation, as making
18 decisions related to export controls.

19 “(5) FOREIGN ADVERSARY.—The term ‘foreign
20 adversary’ means—

21 “(A) the People’s Republic of China (in-
22 cluding the Special Administrative Regions of
23 China, including Hong Kong and Macau);

24 “(B) the Russian Federation;

25 “(C) the Republic of Cuba;

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1 “(D) the Democratic People’s Republic of
2 Korea;

3 “(E) the Islamic Republic of Iran; and

4 “(F) the Venezuelan regime under the
5 leadership of Nicolas Maduro.

6 “(6) FOREIGN ADVERSARY ENTITY.—The term
7 ‘foreign adversary entity’—

8 “(A) means—

9 “(i) an individual who is a citizen or
10 national (as defined in section 101(a) of
11 the Immigration and Nationality Act (8
12 U.S.C. 1101(a))) of a foreign adversary;

13 “(ii) an entity that is headquartered
14 in, or organized under the laws of, or has
15 its principal place of business in a foreign
16 adversary;

17 “(iii) an entity subject to the control
18 (as that term is defined in section 800.208
19 of subpart B of chapter VIII of title 31,
20 Code of Federal Regulations, or any suc-
21 cessor regulations) of any entity or com-
22 bination of entities described in clause (i)
23 or (ii); or

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1 “(iv) any successor or subsidiary of
2 any entity described in clause (i), (ii), or
3 (iii); but

4 “(B) does not include any entity with re-
5 spect to which—

6 “(i) a majority of the equity interest
7 in the entity is owned by nationals of the
8 United States and nationals of such coun-
9 tries (other than a foreign adversary) as
10 are identified for purposes of this subpara-
11 graph pursuant to regulations prescribed
12 by the Secretary; or

13 “(ii) its ultimate parent entity is an
14 entity organized under the laws of, and
15 headquartered in, the United States or its
16 States, territories, or subdivisions.

17 “(7) OWNER OF THE COVERED PATENTED IN-
18 VENTION OR COVERED TRADE SECRET.—The term
19 ‘owner of the covered patented invention or covered
20 trade secret’ means—

21 “(A) in the case of a covered patented in-
22 vention, the person or entity in whom or in
23 which rightful legal or equitable title to, or ex-
24 clusive license in, the applicable patent is re-
25 posed; and

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1 “(B) in the case of a covered trade secret,
2 the person or entity in whom or in which right-
3 ful legal or equitable title to, or exclusive license
4 in, the applicable trade secret is reposed.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 2(b) of the John S. McCain National Defense
7 Authorization Act for Fiscal Year 2019 and the table of
8 contents at the beginning of title XVII of division A of
9 such Act are each amended by inserting after the item
10 relating to section 1758 the following new item:

“Sec. 1758A. Public transparency regarding foreign adversary entities using in-
tellectual property related to critical or emerging technology
without a license.”.



Mr. SELF. The gentlelady is recognized for 5 minutes on the amendment.

Mrs. KIM OF CALIFORNIA. Thank you, and I want to thank my colleague Representative Darrell Issa and the Judiciary Committee's IP Subcommittee for working with me on this common sense and technical edits to my bill.

My amendment to the PAID Act does a couple of things. First, it requires the Commerce Department's End User Review Committee, who is in charge of reviewing and identifying foreign adversary entities who have committed IP theft, to consult other Federal agencies and operate in accordance with Federal patent and trade secret laws.

This will prevent unintentionally creating a new patent or trade secret law and will ensure the End User Review Committee consults IP experts in other Federal agencies.

It also includes provisions to exclude accidental infringement situations and to make sure we don't apply the law to invalid or unenforceable patents.

Additionally, protections are included against patent trolls and definitions have been tailored to ensure the bill does what it was intended to do, to target malign adversary entities that get away with stealing U.S. IP while providing guardrails for our U.S. companies.

So I urge my colleagues to support this amendment and I yield the balance of my time.

Mr. SELF. The gentlelady yields back.

Do any other members seek recognition? The ranking member is recognized.

Mr. MEEKS. Yes. I have to oppose this ANS as it does not address the concerns that I've raised about the underlying measure.

It remains unworkable for me, for the End User Review Committee to take on this and on export controls. It is not an effective measure to address this problem and, as I said, I'd love to work in the future with Representative Kim.

I yield back the balance of my time.

Mr. SELF. The gentleman yields.

Do any other members seek recognition?

There being no further discussion, do any members wish to offer an amendment to the Kim Amendment in the nature of a substitute?

There being no further amendments, the question now occurs on the amendment in the nature of a substitute No. 70 offered by Representative Kim.

All those in favor signify by saying aye.

All those opposed signify by saying no.

In the opinion of the chair the ayes have it and the amendment is agreed to.

There being no further amendments, I move that the committee report H.R. 8924 as amended to the House with a favorable recommendation.

All those in favor signify by saying aye.

All those opposed signify by saying no.

In the opinion of the chair the ayes have it and the motion is agreed to.

Mr. MEEKS. I'd ask for a roll call vote.

Mr. SELF. A roll call vote has been requested. Pursuant to the chair's previous announcement, this vote will be postponed.

Pursuant to notice, I now call up H.R. 8892, Missile Technology Controls Revision Act. The bill was circulated in advance. The clerk shall designate the bill.

The CLERK. H.R. 8892, to modify certain provisions relating to bilateral agreements and AUKUS defense trade cooperation under the Arms Export Control Act and—

Mr. SELF. Without objection, the first reading is dispensed with and the bill is considered read and open to amendment at any point.

[The Bill H.R. 8892 follows:]

118TH CONGRESS
2D SESSION

H. R. 8892

To modify certain provisions relating to bilateral agreements and AUKUS defense trade cooperation under the Arms Export Control Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2024

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

A BILL

To modify certain provisions relating to bilateral agreements and AUKUS defense trade cooperation under the Arms Export Control Act, 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 “Missile Technology
5 Controls Revision Act” or the “MTCR Act”.

1 SEC. 2. MODIFICATION OF CERTAIN PROVISIONS RELATING
2 TO BILATERAL AGREEMENTS AND AUKUS DE-
3 FENSE TRADE COOPERATION UNDER THE
4 ARMS EXPORT CONTROL ACT.

5 (a) IN GENERAL.—Section 38 of the Arms Export
6 Control Act (22 U.S.C. 2778) is amended—

7 (1) in subsection (j)(1)(C)(ii)—

8 (A) by striking subclauses (I), (II), and
9 (III); and

10 (B) by redesignating subclauses (IV), (V),
11 (VI), and (VII) as subclauses (I), (II), (III),
12 and (IV), respectively; and

13 (2) in subsection (l)(4)(B), by striking “sub-
14 section (j)(1)(C)(ii)” and inserting “any of sub-
15 clauses (I), (II), (III), or (IV) of subsection
16 (j)(1)(C)(ii)”.

17 (b) STATEMENT OF POLICY.—

18 (1) IN GENERAL.—It shall no longer be the pol-
19 icy of the United States to apply a “strong presump-
20 tion of denial” to exports of materials considered
21 Category 1 or 2 of the Missile Technology Control
22 Regime to North Atlantic Treaty Organization
23 (NATO) allies or countries of the “Five Eyes” intel-
24 ligence alliance.

25 (2) FIVE EYES INTELLIGENCE ALLIANCE DE-
26 FINED.—In this subsection, the term “Five Eyes in-

1 telligence alliance’’ means Australia, Canada, New
2 Zealand, the United Kingdom, and the United
3 States.

Æ

Mr. SELF. Is there any discussion on the bill? The gentleman is recognized for 5 minutes.

Mr. HUIZENGA. Thank you, Chairman Self.

The Missile Technology Control Regime, or MTCR as it's known, is a cold war era nonbinding political agreement with 35 nations including Russia, and it was originally designed to curtail the export and the proliferation of ballistic missiles and WMD delivery vehicles.

It applies a strong presumption of denial on exports including UAVs and cruise missiles. This is something that as a child of the cold war was seared into my memory when I was in high school and going into college and having some of these collapse of the Soviet Union era backstops being put in place.

However, technology has advanced and we have deepened our cooperation and collaboration on advanced technologies with allied nations through partnerships like NATO, the Five Eyes, AUKUS, and the guidelines the MTCR have not evolved to meet current threats.

So, for example, the MTCR operates via consensus and past attempts to reform the export policies have been unsuccessful when countries like Russia have the ability to veto anything it doesn't like.

Additionally, the MTCR has no independent means to verify whether member states are adhering to its guidelines nor a mechanism to penalize states if they violate them.

We do have other—we do have other organizations like the IAEA—the International Atomic Energy Agency—that has investigative powers at least and we have None of that in this.

The United States has already overcome the presumption of denial with the exports of MQ-9s, Global Hawk, and Tomahawk cruise missiles, each of which was subject to an interagency review process that delayed these decisions.

So I was pleased to see the committee pass my bill, the AUKUS Submarine Transfer Authorization Act and its subsequent inclusion into the Fiscal Year 1924 NDAA.

However, it's my worry that the MTCR will stand in the way of current collaboration on AUKUS, especially on pillar two issues, the next step.

And let's not forget as we sit here today, Mr. Chairman, both the United Kingdom and Australia are still waiting on their defense trade exemptions.

We cannot let this opportunity to enhance collaboration with our allies be stifled by a bureaucratic process littered with red tape, and as such the United States is ceding its sovereignty and allowing countries like Russia to have influence over how we engage with our allies and partners. That does not advance the national security interests of the United States, in my opinion.

The weakness of the MTCR is not only felt by our allies and partners but it's also felt by U.S. companies losing their competitive edge as strategic partners move away from American products and instead choose foreign competitors.

In fact, in April 2024 a roundtable hosted by this committee industry leaders there detailed at length the lack of transparency

and uncertainty caused by the MTCR in both the defense and in the civil sectors.

The amendment in the nature of a substitute in my bill to H.R. 8892, the Missile Technology Controls Revision Act, is a simple and narrowly scoped bill or amendment, I should say.

It removes the statutory requirement of the MTCR from the Arms Export Control Act, thus allowing for expedited trade with countries the President determines to be eligible for a defense trade exemption.

Additionally, the bill requires comprehensive reporting to help collaborate—calibrate, sorry—future approaches to the MTCR.

The ANS was negotiated in good faith with my Democrat colleagues and where we incorporated their desire for a reporting requirement to shed light on the delinquencies around licensing times and procedures, which I think, frankly, enhances the underlying bill.

And what's more, this exemption language is not new. Nearly a year ago today 22 of my Democrat colleagues supported the same legal exemption when they supported the ranking member's substitute amendment to both the KOALA and the BRITS Act, and I would just rhetorically ask what has changed in the world since a year ago?

So while this administration has left exemptions for our AUKUS partners on the table the Houthis are getting—gaining access to these covered technologies in the Red Sea, indiscriminately attacking more than 60 vessels.

China has fielded countless ballistic missiles and drone systems and Russia and North Korea are proliferating these capabilities in places like Ukraine where the Defense Intelligence Agency has confirmed the appearance of North Korean missile debris, all of which destabilize national security interests of the United States.

It's time to reform our approach to the MTCR and allow for enduring cooperation with allies and partners in the face of aggressive action from our adversaries.

I want to point out—clarify one thing that the bill does not do. It does not pull the United States out of the MTCR or from the obligations of global security cooperation. It simply removes policy decisions surrounding the MTCR by allowing the President to have the agency to exempt allies and partners from outdated regulatory burdens and I believe that this act reflects the current security realities and needs to meet the pace of relevance and flexibility on the global stage, Mr. Chairman.

And so I urge support of the ANS and I yield back.

Mr. SELF. The gentleman yields.

Is there any further discussion? The ranking member is recognized for 5 minutes.

Mr. MEEKS. Thank you.

I really appreciate the gentleman from Michigan's intent. I think that they are well intended. But I must oppose this measure due to its detrimental impacts on global nonproliferation efforts and the vital importance of protecting and safeguarding sensitive missile technology and the administration's ongoing diplomatic and defense dialogs which this legislation undercuts, I believe.

The Missile Technology Control Regime, or the MTCR, is a decades-old political agreement among like-minded states in the United States pioneered along with the G-7 in order to limit the proliferation of missiles and sensitive missile technologies.

These long-range missiles and rockets are among mankind's most advanced weapons of war and can be employed to deliver the most destructive payloads including nuclear, chemical, or biological agents.

This agreement the MTCR has instituted—was instituted to address and limit the increasing proliferation of these destructive weapons and now comprises over 30 countries committed to these objectives.

The MTCR does so by providing a framework for standards and regulations as well as coordination and control over such transfers and exports and establishes mutually reinforcing safeguards.

This bill will preemptively and prematurely create exemptions from the MTCR for the most sensitive missile systems and related technologies on the planet and weaken the U.S.' important structure of defense technology controls enshrined in the Arms Export Control Act.

This bill would also open the door for other states to loosen their constraints on such transfers of long-range missiles and rocket systems as well.

The administration opposes this bill as do multiple outside organizations such as the Arms Control Association, the Foreign Policy for America, and others.

Supporters on the other side of the aisle may claim such a step is necessary to provide, quote, "additional flexibility," unquote, or support to certain NATO or AUKUS partners to develop advanced missiles or drone capabilities. But this is not the case.

The administration has stated to relevant congressional committees that it has plenty of discretion and MTCR implementation, and its current MTCR commitments have never impeded the U.S. from meeting security cooperation objectives with NATO, AUKUS, or beyond.

All transfers that fall under MTCR category items are evaluated on a case by case basis and there is strong confidence and support among allies and partners for maintaining this important arms control regime.

Specific to AUKUS, neither the U.K. nor Australia are planning comparable preemptive changes to their respective defense controls to allow a license-free transfer of the most highly capable and sensitive MTCR items.

Any modification is best done jointly with our AUKUS partners and in a thoughtful, coordinated manner. More broadly, unilateral removal of MTCR categories from important defense licensing controls will have a negative impact on the confidence of allies and other nations in our commitment to export controls and multilateral agreements.

We are stronger together when we operate multilaterally and coordinate with our allies to uphold important arms control agreements and regimes in the face of those states who wish to destroy such efforts.

Therefore, I must oppose this measure and I yield back the balance of my time.

Mr. SELF. The gentleman yields.

Is there any further discussion?

Mrs. Kim is recognized for 5 minutes.

Mrs. KIM OF CALIFORNIA. Thank you, Chairman.

I support this amendment in the nature of a substitute offered by Representative Huizenga.

This week we have four Indo-Pacific partners participating in the NATO Summit—Australia, Japan, New Zealand, and South Korea.

The participation of our Indo-Pacific partners demonstrates that the threats we now face can no longer be siloed into regions.

Mr. Chairman, we are faced with an unholy alliance. Today we see this unholy alliance using Ukraine as its battlefield. North Korean missile debris has recently been uncovered in Ukraine. These are said to be KN-2030's or hostile missiles, a short-range ballistic missile that Putin is deploying in his terror campaign against innocent Ukrainians.

At the same time, North Korean missiles are being battle tested for potential use by Kim Jong-un against the United States, our treaty allies, our MTCR partners South Korea and Japan.

Mr. Chairman, the Missile Technology Control Regime does not impose any legally binding obligations on MTCR members. It will never punish Russia for not adhering to its guidelines nor will Russia be removed from MTCR.

I support this amendment because it eliminates an outdated provision in the Arms Export Control Act. What served us in the 1990's on the heels of the collapse of the Soviet Union is now hampering our ability to work with our allies and partners to deter against our adversaries—Russia, Iran, North Korea.

So I urge my colleagues to vote yes on Representative Huizenga's ANS and to ensure U.S. policy has the flexibility it needs to address the challenges we're faced with today.

I yield the balance of my time.

Mr. SELF. The gentlelady yields. Is there any further—

Mr. HUIZENGA. Well, Mr. Chairman, sorry. Will the gentlelady yield for a moment?

Mrs. KIM OF CALIFORNIA. Yes, I yield to you, Representative Huizenga.

Mr. HUIZENGA. Thank you. The—I just want to make a couple of quick points on this.

The MTCR is a nonbinding, informal political arrangement between 35 countries. We're not legally bound to follow the MTCR but we have.

That is not actually true with a number of the other signatories to that including Russia, and as you pointed out, we have seen what has been happening in the Ukrainian conflict. I will also point out that the U.S. has changed its interpretation of the MTCR in the last administration.

But wait. Before this becomes political somehow, the Obama administration also changed their interpretation of it in 2012. So that was when—allowing South Korea to develop longer-range missiles with U.S. technology.

So it was good enough for the Obama administration. In 2020 the Trump administration implemented changes to the unmanned aerial systems—the UASes—overcoming that presumption of denial and, by the way, this administration has kept both of those changed interpretations in place.

So if it's good enough for the Biden administration to accept those changes from the Obama administration and the Trump administration I don't understand why we would not have that same eye toward this particular situation.

So I will have to admit I don't understand quite the objection to this from my colleagues and friends on the other side but—or the opposition of this administration.

They've accepted—they've accepted changes to the interpretation of the MTCR already under the last two administrations.

So with that, I appreciate my friend Mrs. Kim and I yield back the time to her.

Chairman McCAUL [presiding]. The gentleman yields back.

Any further discussion? Oh, Mr. Meeks?

No, Ms. Wild.

Ms. WILD. I'd like to yield to my ranking member Mr. Meeks. Thank you.

Mr. MEEKS. Yes. Let me just remind my colleague that in December I know Chairman McCaul and, I believe, over 100 other Republicans voted in favor of Fiscal Year 1924 NDAA which in Section 1343 upheld these very same missile transfer controls which continue in force of law.

The bill before us today, H.R. 8892, would both overturn that vote and existing MTCR safeguards and controls.

And I yield back to the gentlelady.

Chairman McCAUL. The gentleman yields back.

Any further discussion?

There being no further discussion of the bill the committee will move to consideration of amendments. Does any member wish to offer an amendment?

Mr. Huizenga?

Mr. HUIZENGA. Mr. Chairman, I think—I believe the offering of the ANS is in order so that would be my offer, my—sorry, my—that's what I would offer to the committee. Sorry.

Chairman McCAUL. So the clerk shall distribute the Huizenga Amendment in the nature of a substitute No. 101.

The clerk shall report the amendment.

The CLERK. Amendment in the nature of the substitute to H.R. 8892 offered by Mr. Huizenga of Michigan. Strike all after the enacting clause and insert the following. Section 1 short—

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

[The Amendment offered by Mr. Huizenga follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8892
OFFERED BY MR. HUIZENGA OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Missile Technology
3 Controls Revision Act” or the “MTCR Act”.

4 **SEC. 2. MODIFICATION OF CERTAIN PROVISIONS RELATING**
5 **TO BILATERAL AGREEMENTS AND AUKUS DE-**
6 **FENSE TRADE COOPERATION UNDER THE**
7 **ARMS EXPORT CONTROL ACT.**

8 Section 38 of the Arms Export Control Act (22
9 U.S.C. 2778) is amended—

10 (1) in subsection (j)(1)(C)(ii)—

11 (A) by striking subclauses (I), (II), and
12 (III); and

13 (B) by redesignating subclauses (IV), (V),
14 (VI), and (VII) as subclauses (I), (II), (III),
15 and (IV), respectively; and

16 (2) in subsection (l)(4)(B), by striking “sub-
17 section (j)(1)(C)(ii)” and inserting “any of sub-

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1 clauses (I), (II), (III), or (IV) of subsection
2 (j)(1)(C)(ii)".

3 **SEC. 3. REPORT.**

4 (a) **IN GENERAL.**—Not later than 90 days after the
5 date of the enactment of this Act, the Secretary of State
6 shall submit to the appropriate congressional committees
7 a report on the following:

8 (1) The opportunities and challenges that
9 United States participation in the Missile Tech-
10 nology Control Regime create in addressing missile
11 proliferation threats, including a comprehensive de-
12 scription of diplomatic and technical engagements
13 with allies and partners regarding MTCR participa-
14 tion, guidelines, and standards.

15 (2) The opportunities and challenges United
16 States participation in the MTCR create regarding
17 security cooperation with allies and partners, includ-
18 ing a comprehensive description of diplomatic and
19 technical engagements with allies and partners re-
20 garding MTCR participation, guidelines, and stand-
21 ards.

22 (3) An update on MTCR-related deliberations
23 and engagements specific to North Atlantic Treaty
24 Organization (NATO) allies, Australia, and other
25 partners and allies in the Indo-Pacific, including—

1 (A) technical consultations, diplomatic en-
2 gagements, and export control regime consulta-
3 tions and assistance; and

4 (B) an enumeration of planned modifica-
5 tions to or recommended changes to address the
6 need for expedited sales and transfer of MTCR-
7 controlled systems to address threats to United
8 States national security, including in the Indo-
9 Pacific region.

10 (4) A detailed description and assessment of
11 disinformation and misinformation campaigns or ac-
12 tivities seeking to discredit or undermine global non-
13 proliferation regimes, including such campaigns or
14 activities conducted by the People's Republic of
15 China, Iran, Russia, and North Korea and their as-
16 sessed impact on such regimes.

17 (5) A detailed description of Russia's efforts to
18 disrupt consensus based decisions at the MTCR.

19 (6) A detailed description and assessment of co-
20 operation between the People's Republic of China,
21 Iran, Russia, and North Korea relating to MTCR
22 equipment or technologies.

23 (7) A comprehensive list, disaggregated by cat-
24 egory of MTCR equipment or technology, of all
25 countries that have sought to purchase MTCR

1 equipment or technologies during the 10-year period
2 ending on the date of the enactment of this Act, in-
3 cluding—

4 (A) average time for an approval or dis-
5 approval decision;

6 (B) reasoning and procedures that led to
7 an approval or disapproval decision; and

8 (C) details about countries that have re-
9 peatedly overcome the presumption of denial
10 standard if and how the Department of State
11 expedited considerations for further requests.

12 (8) A comprehensive list, disaggregated by cat-
13 egory of MTCR equipment or technology, of United
14 States persons that have sought to export MTCR
15 equipment or technologies to other countries, includ-
16 ing—

17 (A) average time for an approval or dis-
18 approval decision;

19 (B) reasoning and procedures that led to
20 an approval or disapproval decision;

21 (C) information on those United States
22 persons who have challenged any disapproval
23 decision; and

24 (D) a detailed explanation of the process
25 United States persons can follow to appeal a

1 disapproval decision, including a detailed licens-
2 ing process that such persons should expect to
3 follow to in order to receive consideration for an
4 approval decision.

5 (b) FORM.—The report required by subsection (a)
6 shall be submitted in unclassified form but may include
7 a classified annex.

8 (c) DEFINITIONS.—In this section—

9 (1) the term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Foreign Affairs of
12 the House of Representatives; and

13 (B) the Committee on Foreign Relations of
14 the Senate; and

15 (2) the terms “Missile Technology Control Re-
16 gime”, “MTCR” and “MTCR equipment or tech-
17 nology” have the meanings given those terms in sec-
18 tion 74(a) of the Arms Export Control Act (22
19 U.S.C. 2797c(a)).



Chairman MCCAUL. The gentleman is recognized for 5 minutes.

Mr. HUIZENGA. Well, Mr. Chairman, in lieu of going back over my comments earlier I would just simply say that I believe that we are seeing the United States cede our sovereignty in allowing other countries like Russia to influence and affect how we engage with our allies and partners.

We know that in the very important legislation that we had had before this committee not that long ago regarding the AUKUS submarine transfers we see that both the United Kingdom and Australia are waiting for their defense trade exemptions and we cannot let this opportunity to enhance collaboration with our allies be stifled by the red tape.

This is about national security, not just for the United States, I would argue, for our interests around the world and those interests of our allies so—and again, I would just reiterate that this does not remove us from that.

My friend and colleague from New York was saying that it has the force of law yet it is not law. It is interpreted that way.

Yet, both the Obama administration, the Trump administration, have recognized exemptions to that and the Biden administration has accepted those exemptions and have maintained those exemptions that were put in place.

So, again, doesn't pull the United States out of the MTCR or from the obligations that we have of global security cooperation but it does give us the flexibility to make sure that our allies have the weapons and tools and technology that they need and as my friend from California, Mrs. Kim, had highlighted, South Korea and Taiwan and other places are vital to the Indo-Pacific interests that we have.

And I would just point out again that we are seeing North Korea technology being deployed in Ukraine or at least evidence of that that is there. So we know that—we know that there are adherents to the MTCR that are not actually living up to their obligations with that.

So we need to make sure that the United States does not handcuff itself that way.

So, Mr. Chairman, I will yield back.

Chairman MCCAUL. The gentleman yields back.

Any other member seek recognition?

There being no further discussion do any members wish to offer an amendment to the Huizenga Amendment in the nature of a substitute?

There being no further amendments the question now occurs on the amendment in the nature of a substitute offered by Representative Huizenga.

All those in favor signify by saying aye.

Ally those opposed signify by saying no.

In the opinion of the chair the ayes have it and the amendment is agreed to.

There being no further amendments I move that the committee report H.R. 8892 as amended to the House with a favorable recommendation.

All those in favor signify by saying aye.

All those opposed signify by saying no.

In the opinion of the chair the ayes have it and the motion is agreed to.

Mr. MEEKS. With that I ask for a roll call.

Chairman MCCAUL. A roll call has been requested. Pursuant to the chair's previous announcement this vote will be postponed.

Pursuant to notice, I now call up H.R. 8936, the Rohingya Genocide Accountability and Protection Act. The bill was circulated in advance and the clerk shall designate the bill.

The CLERK. H.R. 8936, to provide protection, support and humanitarian assistance to Rohingya refugees and internally displaced people as well as promote accountability—

Chairman MCCAUL. Without objection the first reading is dispensed with. The bill is considered read and open to amendment at any point.

[The Bill H.R. 8936 follows:]

118TH CONGRESS
2D SESSION

H. R. 8936

To provide protection, support, and humanitarian assistance to Rohingya refugees and internally displaced people as well as promote accountability and a path out of genocide and crimes against humanity for Rohingya.

IN THE HOUSE OF REPRESENTATIVES

JULY 5, 2024

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

A BILL

To provide protection, support, and humanitarian assistance to Rohingya refugees and internally displaced people as well as promote accountability and a path out of genocide and crimes against humanity for Rohingya.

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 “Rohingya Genocide
5 Accountability and Protection Act” or “Rohingya GAP
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) In its report dated September 17, 2018, the
2 United Nations Independent International Fact-
3 Finding Mission on Myanmar (FFM) found that im-
4 punity was a “root cause of continued human rights
5 violations in Myanmar” that “has significantly and
6 demonstrably contributed to the validation of deeply
7 oppressive and discriminatory conduct, enabled re-
8 currence of human rights violations and atrocity
9 crimes, and emboldened perpetrators and silenced
10 victims,” and concluded that “ensuring account-
11 ability for crimes” was “the key to disrupting pat-
12 terns of oppression and cycles of violence” as well as
13 a legal obligation for Burma.

14 (2) On December 13, 2018, the U.S. House of
15 Representatives passed H. Res. 1091, by an over-
16 whelming majority of 394 to 1, expressing the sense
17 of the House of Representatives that atrocities com-
18 mitted against Rohingya by members of the Burma
19 military and security forces since August 2017 con-
20 stitute crimes against humanity and genocide.

21 (3) On September 16, 2019, the FFM reported
22 that it “has reasonable grounds to conclude that the
23 evidence that infers genocidal intent on the part of
24 the State, identified in its last report, has strength-

1 ened that there is a serious risk that genocidal ac-
2 tions may occur or recur”.

3 (4) On February 1, 2021, the Burma military
4 conducted a coup d’état, derailing Burma’s transi-
5 tion to democracy and disregarding the will of the
6 people of Burma.

7 (5) Since the February 2021 military coup, the
8 Burma military and certain local armed groups have
9 continued to commit crimes and abuses against
10 Rohingya. In Rakhine State, over 600,000
11 Rohingya, including at least 130,000 confined in in-
12 ternally displaced persons (IDP) camps face height-
13 ened risks. The military continues to target
14 Rohingya with laws and policies that criminalize the
15 exercise of human rights, as well as with arbitrary
16 arrest and detention, torture, sexual violence, and
17 murder.

18 (6) On March 21, 2022, Secretary of State
19 Antony Blinken announced the Secretary had deter-
20 mined that “members of the Burmese military com-
21 mitted genocide and crimes against humanity
22 against Rohingya”.

23 (7) The United States is the leading contributor
24 of humanitarian assistance in response to the
25 Rohingya crisis. Since 2017, the United States Gov-

1 ernment has provided nearly \$2.4 billion in response
2 to the Rohingya crisis, including \$1.9 billion to as-
3 sist Rohingya refugees and host communities in
4 Bangladesh. The United Kingdom and Japan, the
5 other leading contributors of humanitarian assist-
6 ance to the Rohingya crisis, have provided nearly
7 \$479 million and \$220 million respectively to sup-
8 port Rohingya refugees in Bangladesh.

9 (8) The United Nations High Commissioner for
10 Human Rights said in a June 2023 report that the
11 Burma military’s restrictions on aid access by local
12 and international organizations seeking to respond
13 to Cyclone Mocha in Rakhine State in May 2023
14 may amount to gross violations of international
15 human rights law, and serious violations of inter-
16 national humanitarian law.

17 (9) According to the World Food Program,
18 since it was forced to cut food rations in March and
19 May 2023, food insecurity has increased for
20 Rohingya refugees in Bangladesh, “with a stag-
21 gering 90 per cent of the population lacking access
22 to an adequate diet and over 15 percent of young
23 children suffering from malnutrition”. The World
24 Food Program estimates that it needs another \$38

1 million in funding to fully restore a ration to meet
2 the basic minimum nutritional needs of refugees.

3 (10) Funding cuts and rising commodity prices
4 have exacerbated protection concerns for Rohingya
5 refugees in Bangladesh, especially with respect to
6 gender-based violence and child protection, wors-
7 ening health outcomes and fueling unsafe and irreg-
8 ular migration throughout the surrounding region.

9 (11) Combined with rising food insecurity,
10 Rohingya are increasingly unsafe in Bangladesh as
11 a result of growing competition between armed and
12 criminal groups in the refugee camps. These factors
13 have driven thousands of Rohingya to flee to mari-
14 time Southeast Asia by boat only to face obstacles
15 from regional navies and growing resentment from
16 local populations.

17 (12) The long, systemic denial of the exercise of
18 certain rights, including education, freedoms of ex-
19 pression, movement, and rights related to nationality
20 have had enduring effects on many Rohingya per-
21 sons' mental and physical well-being and perpetuate
22 the risk of future genocidal violence until these root
23 causes are addressed.

24 **SEC. 3. STATEMENT OF POLICY.**

25 It is the policy of the United States—

1 (1) to uphold Article I of the Convention on the
2 Prevention and Punishment of the Crime of Geno-
3 cide, to which the United States is a party, to pre-
4 vent the crime of genocide and punish its perpetra-
5 tors;

6 (2) to prevent and end atrocities committed
7 against Rohingya by addressing the root causes of
8 the genocide committed against them, holding the
9 perpetrators of these crimes accountable, supporting
10 solutions to respect the human rights and uphold the
11 dignity of Rohingya, and to ensure Rohingya in-
12 volvement and representation in decision making and
13 implementation processes to address these needs;

14 (3) to support the empowerment of Rohingya
15 civilian leadership in diaspora communities, refugee
16 camps in Bangladesh, and inside Burma through
17 consultation and collaboration with Rohingya com-
18 munity representatives;

19 (4) to provide holistic support to the Rohingya
20 community to overcome decades of systematic perse-
21 cution and discrimination and to best support the
22 desires of all communities in Burma to achieve last-
23 ing peace and an inclusive, Federal democracy in-
24 cluding through credible transitional justice proc-
25 esses;

1 (5) to collaborate with other countries to pursue
2 and implement coordinated, comprehensive, and sus-
3 tained measures for upholding the dignity and pro-
4 tecting the human rights of Rohingya; and

5 (6) to engage in a coordinated manner with the
6 United Nations High Commissioner for Refugees
7 other relevant United Nations agencies, govern-
8 ments, and intergovernmental entities to establish
9 protocols and respond to protection concerns and to
10 prevent and protect Rohingya from further atroc-
11 ities.

12 **SEC. 4. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) the United States has a moral and legal re-
15 sponsibility to prevent and punish genocide, includ-
16 ing against Rohingya;

17 (2) the Secretary of State's determination of
18 genocide and crimes against humanity against
19 Rohingya by members of the Burma military in
20 March 2022 was historic and should serve as a clar-
21 ion call to support Rohingya to overcome decades of
22 systemic persecution, marginalization, and violence;

23 (3) the Rohingya crisis and the broader Burma
24 crisis must be addressed simultaneously, not in se-
25 quence; and

1 (4) the United States should encourage other
2 countries to contribute additional assistance and fol-
3 low United States leadership in protecting Rohingya
4 through humanitarian assistance, political and eco-
5 nomic empowerment, accountability for genocide,
6 crimes against humanity, and any other inter-
7 national crimes committed by the Burma military
8 and other armed groups in Burma, and supporting
9 the voluntary resettlement or eventual safe repatri-
10 ation of Rohingya refugees to Burma when condi-
11 tions allow.

12 **SEC. 5. UNITED STATES SPECIAL COORDINATOR FOR**
13 **ROHINGYA ATROCITIES PREVENTION AND**
14 **RESPONSE.**

15 (a) **IN GENERAL.**—The President is authorized to
16 designate an official of the Department of State at the
17 Under Secretary level to serve as the United States Spe-
18 cial Coordinator for Rohingya Atrocities Prevention and
19 Response for a two-year period that may be renewed by
20 the President. The official so appointed may continue to
21 serve in the official’s capacity at the Under Secretary level.

22 (b) **DUTIES.**—The Special Coordinator shall assist
23 in—

24 (1) coordinating the policies of the United
25 States regarding Rohingya with relevant bureaus

1 and offices within the Department of State and
2 other relevant United States Government agencies;
3 and

4 (2) diplomatically engaging with foreign govern-
5 ments and international organizations to advance
6 international coordination and cooperation to sup-
7 port Rohingya.

8 **SEC. 6. SUPPORT FOR PROTECTION EFFORTS AND DURA-**
9 **BLE SOLUTIONS WITH RESPECT TO**
10 **ROHINGYA.**

11 (a) IN GENERAL.—The Secretary of State and the
12 Administrator of the United States Agency for Inter-
13 national Development should, in consultation with the
14 Special Coordinator (if so designated), support efforts to
15 protect Rohingya and prevent further atrocities against
16 Rohingya.

17 (b) PROTECTION EFFORTS.—In carrying out sub-
18 section (a), the Secretary and Administrator should seek
19 to engage in crisis response efforts and efforts to maximize
20 the safety, security, and well-being of Rohingya in Burma
21 and throughout South Asia and Southeast Asia, by—

22 (1) supporting Rohingya refugees' access to
23 international protection as well as international asy-
24 lum and refugee mechanisms, and preventing indefi-
25 nite detention and non-refoulement;

1 (2) ensuring Rohingya facing ongoing abuse, in-
2 cluding human trafficking and gender-based vio-
3 lence, have access to a range of legal support serv-
4 ices, including protection case management and legal
5 and health support;

6 (3) supporting a monitoring mechanism, rapid
7 response team, legal assistance, and communication
8 mechanisms to overcome military-imposed internet
9 and telecommunication restrictions for Rohingya liv-
10 ing in Burma;

11 (4) working with governments in the region to
12 strengthen regional mechanisms and overall coordi-
13 nation on lifesaving search and rescue, safe disem-
14 barkation, effective receiving and comprehensive as-
15 sistance for Rohingya refugees;

16 (5) supporting host communities to facilitate a
17 safer, more supportive, and welcoming environment
18 for Rohingya refugees through the provision of tech-
19 nical assistance and cooperation with local organiza-
20 tions and governments;

21 (6) engaging the Government of Bangladesh to
22 establish the necessary mechanisms for Rohingya
23 refugees to file protection claims, and seek account-
24 ability by—

1 (A) improving Rohingya refugees' ability to
2 access justice within Bangladesh through legal
3 aid, simplifying the process for filing cases, fa-
4 cilitating the access of lawyers involved in inter-
5 national legal proceedings involving Rohingya,
6 and enabling Rohingya to travel abroad to par-
7 ticipate in legal proceedings in other courts;

8 (B) supporting enhanced coordination
9 among Bangladesh security forces on investiga-
10 tions and accountability;

11 (C) supporting training for Bangladesh's
12 Armed Police Battalion (APBn) and any other
13 units providing security for Rohingya refugee
14 camps on humanitarian protection principles
15 and community safety; and

16 (D) encouraging the Government of Ban-
17 gladesh and other host governments to allow
18 safe houses for Rohingya human rights defend-
19 ers, as well as defectors, insider witnesses to
20 atrocities against Rohingya and other refugees
21 facing imminent threats;

22 (c) PROMOTING DURABLE SOLUTIONS.—In carrying
23 out subsection (a), the Secretary and Administrator
24 should seek to promote durable solutions with respect to
25 Rohingya by—

1 (1) supporting the inclusion of Rohingya across
2 various sectors in Burma and facilitating training
3 and capacity building on atrocity prevention for the
4 National Unity Government (NUG), the National
5 Unity Consultative Council (NUCC), the Committee
6 Representing Pyidaungsu Hluttaw (CRPH), ethnic
7 armed organizations, and other political stake-
8 holders;

9 (2) in consultation with Rohingya community
10 representatives, including women and civil society
11 leaders, collaborating with and supporting key non-
12 military stakeholders to take preparatory steps for—

13 (A) ensuring the safe and voluntary return
14 of Rohingya, which should include those individ-
15 uals displaced in the 1990s or born as inter-
16 nally displaced persons or refugees to their
17 places of origin in Burma;

18 (B) restoring and protecting Rohingyas’
19 rights and providing them full and equal citi-
20 zenship;

21 (C) recognizing Rohingya as an official
22 ethnic group in Burma, and securing equal so-
23 cial and political power-sharing under a Federal
24 democratic constitution;

1 (D) promoting convenings and engagement
2 among Rohingya, non-state actors, civil society
3 groups, and other key stakeholders in Rakhine
4 State to promote trust-building and reconcili-
5 ation;

6 (E) including Rohingya across administra-
7 tion and governance mechanisms of Burma, in-
8 cluding Rakhine State; and

9 (F) developing a comprehensive transi-
10 tional justice strategy;

11 (3) working with United States allies and part-
12 ners to broaden resettlement programs and sup-
13 porting the voluntary resettlement of the most vul-
14 nerable individuals within Rohingya populations, as
15 well as defectors, deserters, and insider witnesses
16 participating in justice processes; and

17 (4) supporting repatriation of Rohingya refu-
18 gees only when conditions are conducive for a safe,
19 voluntary, and sustainable return with full rights re-
20 stored.

21 **SEC. 7. HUMANITARIAN ASSISTANCE AND SUPPORT FOR**
22 **ROHINGYA REFUGEES AND INTERNALLY DIS-**
23 **PLACED PERSONS.**

24 (a) IN GENERAL.—The Secretary of State and the
25 Administrator of the United States Agency for Inter-

1 national Development, in consultation with the Special Co-
2 ordinator (if so designated) and other relevant United
3 States Government agencies, should continue to provide
4 assistance to Rohingya refugees, internally displaced per-
5 sons, and host communities receiving such refugees and
6 persons.

7 (b) ACTIVITIES SUPPORTED.—Assistance provided
8 under subsection (a) shall include the following:

9 (1) Protection programming, including interven-
10 tions focused on Rohingya civil society leaders,
11 human rights defenders, and others threatened by
12 armed groups.

13 (2) Support—

14 (A) to Rohingya civil society and commu-
15 nity-based organizations so they can represent
16 themselves.

17 (B) and diplomatic engagement to encour-
18 age the Government of Bangladesh to allow the
19 operation of Rohingya-led civil society and com-
20 munity-based organizations in the refugee
21 camps in Bangladesh.

22 (3) Programs to prevent and respond to gender-
23 based violence, trafficking, forced marriage, as well
24 as specialized training programs for vulnerable
25 groups.

1 (4) Support for education, including higher edu-
2 cation, for Rohingya refugees in Bangladesh.

3 (5) Support for displaced Rohingya to access
4 livelihoods through vocational training and volunteer
5 programs organized by international organizations
6 and nongovernmental organizations.

7 (6) Support for meeting basic needs, including
8 food, nutrition, healthcare, protection, shelter, water,
9 sanitation, and hygiene support;

10 (7) Support to Rohingya in Burma, refugee
11 camps in Bangladesh, and the diaspora to preserve
12 Rohingya culture, history, and memory.

13 **SEC. 8. PROMOTING ACCOUNTABILITY FOR GENOCIDE AND**
14 **CRIMES AGAINST HUMANITY COMMITTED**
15 **AGAINST ROHINGYA IN BURMA.**

16 (a) **IN GENERAL.**—The Secretary of State and the
17 Administrator of the United States Agency for Inter-
18 national Development, in consultation with the Special Co-
19 ordinator (if so designated) and other relevant United
20 States Government agencies, should take the actions de-
21 scribed in subsection (b) to promote accountability for
22 genocide and crimes against humanity committed against
23 Rohingya in Burma.

24 (b) **ACTIONS DESCRIBED.**—The actions described in
25 this subsection are the following:

1 (1) Support comprehensive justice and account-
2 ability for genocide and crimes against humanity
3 committed against Rohingya, including through con-
4 sultation with and participation by the Rohingya
5 community.

6 (2) Support for the efforts of entities, including
7 the Independent Investigative Mechanism for
8 Myanmar, in their work to safely collect and pre-
9 serve evidence of genocide and crimes against hu-
10 manity committed against Rohingya, including
11 through open-source research and by cultivating in-
12 sider, defector, deserter, and survivor witnesses, and
13 to develop the chain of evidence, for potential use in
14 prosecutions in domestic, hybrid, and international
15 courts.

16 (3) Provide assistance, particularly financial
17 and technical assistance, to efforts led by Rohingya
18 to monitor and document evidence to lead, assist, or
19 inform other investigative mechanisms and justice
20 processes.

21 (4) Encourage development of an intergovern-
22 mental fund to support reparative justice for
23 Rohingya victims and survivors and identifying
24 sources of funding among other States and within

1 the United States Government that have already
2 been appropriated.

3 (5) Support and monitor an effective remedy
4 and reparations process for Rohingya, especially by
5 engaging with Burma's civilian leadership and any
6 subsequent democratic leadership in Burma to offi-
7 cially acknowledge genocide and crimes against hu-
8 manity committed by members of the Burma mili-
9 tary, restore Rohingya's citizenship and equal rights
10 in Burma, and ensure compensation by the Govern-
11 ment of Burma and restitution for their land and
12 property, and by providing support, including tech-
13 nical and financial assistance, for efforts to memori-
14 alize genocide and crimes against humanity in
15 Burma, particularly those efforts led by the affected
16 communities.

17 (6) Provide support for institutional reform and
18 other guarantees of non-recurrence by civilian lead-
19 ership in Burma, including the security sector, legis-
20 lature, and education system, and the inclusion and
21 equal participation of Rohingya in all areas of ad-
22 ministration and governance, under an eventual
23 Federal democratic system.

24 (7) Use convening authority to directly bring
25 together various ethnic groups and other related

1 stakeholders in Burma to promote truth, justice,
2 non-recurrence, and reconciliation, to support facili-
3 tation of related efforts by civilian leadership in
4 Burma, and to provide both technical and financial
5 support to entities, especially the civil society of
6 Burma, to implement work aimed at strengthening
7 rule of law and initiatives aimed at atrocity and
8 genocide prevention.

9 **SEC. 9. REPORT.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, and annually thereafter
12 for 5 years, the Secretary of State and the Administrator
13 of the United States Agency for International Develop-
14 ment shall submit to the appropriate congressional com-
15 mittees a report that includes—

16 (1) a description of and an assessment of the
17 effectiveness of the efforts of the United States Gov-
18 ernment, during the year prior to the submission of
19 such report, to—

20 (A) identify and respond to atrocity risk
21 factors that concern Rohingya;

22 (B) deter future atrocities against
23 Rohingya;

24 (C) respond to the need for humanitarian
25 assistance for and protection of Rohingya;

1 (D) document the nature of and responsi-
2 bility for atrocity crimes committed against
3 Rohingya; and

4 (E) promote justice and accountability for
5 atrocity crimes committed against Rohingya;

6 (2) a detailed description of the actions taken
7 pursuant to sections 6, 7, and 8;

8 (3) an assessment of the effect of the actions
9 described in paragraph (2) on the advancement of
10 the policies described in section 3;

11 (4) a list of activities and programs initiated
12 pursuant to this Act;

13 (5) the number of Rohingya refugees resettled
14 in the United States in the year preceding the sub-
15 mission of such report, segmented by the country
16 from which such refugees were resettled;

17 (6) the number of Rohingya refugees resettled
18 in countries other than the United States in the year
19 preceding the submission of such report;

20 (7) a description of any new challenges facing
21 Rohingya in Burma or in refugee camps in the year
22 preceding the submission of such report, including
23 an assessment of early warning indicators and risk
24 factors for atrocities; and

1 (8) a list of recommendations to facilitate the
2 implementation of this Act and advance the policies
3 described in section 3, which may include rec-
4 ommended—

- 5 (A) legislative action;
6 (B) administrative action; and
7 (C) provision of additional resources.

8 (b) REPORT FORM.—

9 (1) CLASSIFICATION.—The report required
10 under subsection (a) shall be submitted in unclassi-
11 fied form and may contain a classified annex.

12 (2) PUBLIC AVAILABILITY OF INFORMATION.—
13 Not later than 45 days after the date on which the
14 appropriate congressional committees received such
15 report, the unclassified portion of such report shall
16 be made publicly available on the website of the De-
17 partment of State.

18 **SEC. 10. SCHOLARSHIPS.**

19 (a) IN GENERAL.—Subject to the availability of ap-
20 propriations, for each of fiscal years 2025 through 2030,
21 the Secretary of State should distribute to Rohingya who
22 do not live in Burma not fewer than 50 scholarships to
23 attend an institution of higher education in the United
24 States.

1 (b) SCHOLARSHIP DEFINED.—In this section, the
2 term “scholarship” means financial assistance for—

3 (1) tuition and fees required to attend an edu-
4 cational institution, in full or in part;

5 (2) books, supplies, and equipment required for
6 a course at an educational institution;

7 (3) living expenses at an educational institution;
8 and

9 (4) travel expenses to, from, and within the
10 United States for the purpose of attending an insti-
11 tution of higher education.

12 SEC. 11. AUTHORIZATION TO ENSURE SUFFICIENT RA-
13 TIONS.

14 The Administrator of the United States Agency for
15 International Development and the Secretary of State are
16 authorized to ensure that Rohingya refugees in refugee
17 camps in Bangladesh receive a ration sufficient to meet
18 the humanitarian minimum standards for food and nutri-
19 tion needs.

20 SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

21 (a) GENERAL AUTHORIZATIONS.—For each of fiscal
22 years 2025 through 2030, there are authorized to be ap-
23 propriated, from amounts made available to carry out the
24 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq),

1 such sums as may be necessary to carry out sections 6,
2 7, and 8 of this Act.

3 (b) SPECIFIC AUTHORIZATIONS OF APPROPRIA-
4 TIONS.—For each of fiscal years 2025 through 2029,
5 there are authorized to be appropriated—

6 (1) \$10,000,000 for the Department of State to
7 support atrocity crime investigations, documentation,
8 and casework, transitional justice and accountability
9 mechanisms, witness protection measures, and tech-
10 nical support related to Rohingya; and

11 (2) \$8,000,000 for the Conflict Observatory of
12 the Department of State’s Bureau of Conflict and
13 Stabilization Operations to establish and support a
14 Burma-focused conflict observatory program that
15 captures, analyzes, and makes widely available evi-
16 dence of the ongoing atrocities in Burma through
17 the documentation, verification, and dissemination of
18 open-source evidence regarding the actions of the
19 Burma military.

20 **SEC. 13. DEFINITIONS.**

21 In this Act:

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

1 (A) the Committee on Foreign Affairs of
2 the House of Representatives; and

3 (B) the Committee on Foreign Relations of
4 the Senate.

5 (2) SPECIAL COORDINATOR.—The term “Spe-
6 cial Coordinator” means the United States Special
7 Coordinator for Rohingya Atrocities Prevention and
8 Response designated by the President pursuant to
9 section 5(a).

10 (3) GENOCIDE.—The term “genocide” means
11 any offense described in section 1091(a) of title 18,
12 United States Code.

13 (4) TRANSITIONAL JUSTICE.—The term “tran-
14 sitional justice” means the range of judicial, non-
15 judicial, formal, informal, retributive, and restorative
16 measures employed by countries transitioning out of
17 armed conflict or repressive regimes or employed by
18 the international community through international
19 justice mechanisms, to redress past or ongoing
20 atrocities and to promote long-term, sustainable
21 peace.

Æ

Chairman McCAUL. Is there any discussion on the bill? Ranking Member Mr. Meeks is recognized.

Mr. MEEKS. Thank you, Mr. Chairman.

I support this measure, the Rohingya GAP Act, and I'm proud to have introduced it to support a pathway for Rohingya from the genocide and crimes against humanity perpetrated against them, and I want to thank you, Mr. Chairman, for working with me and being the lead Republican on this important bill.

After decades of persecution in Burma, the plight of the Rohingya reached new lows over the last 10 years. The Burmese military's attacks against Rohingya forced nearly 100,000 of them to seek refuge to Bangladesh in 2016.

In 2017, 9,000 perished and another 740,000 were forced to flee because of the military's brutality. Thanks to sustained pressures from Congress, in March 2022 Secretary Blinken determined that members of the Burmese military committed genocide and crimes against humanity against Rohingya.

Since the Holocaust this was only the eighth time that the U.S. Government made such a determination. Prior to the February 2021 military coup in Burma over 870,000 Rohingya refugees were in Bangladesh with nearly 600,000 remaining in Burma.

After conducting its illegal coup the military began yet another campaign of violence against the Rohingya people. The result has been a more protracted tragedy for Rohingya in Burma.

Today, there are over 980,000 Rohingya refugees in Bangladesh, an increase of over a hundred thousand in just three and a half years, and over 148,000 Rohingya remain internally displaced in Burma itself.

I was proud to have President Biden sign my BURMA Act into law in 2022 to hold the junta accountable for the coup and the ensuing violence.

But that bill did not address the escalating crises facing Rohingya today. The bill in front of us acknowledges that we need to tackle the larger Burma crises and the plight of the Rohingya simultaneously because the reality is that despite the determination that they have experienced genocide and crimes against humanity international donor funding to address rising violence and the continued influx of refugees into Bangladesh has decreased over the last 2 years.

Facilities and services have been cut, straining the Bangladesh government and host communities. According to the U.N. Refugee Agency, living conditions in the densely populated camps are dire, particularly for women and children who are vulnerable to violence and exploitation and human trafficking.

Last year, due to funding shortfalls the World Food Programme was forced to cut food vouchers for displaced Rohingya to just \$.27 a day. This is a growing crisis that requires the United States to lead. It is our moral responsibility to do more to protect and support Rohingya after they have suffered so much.

For this reason, the Rohingya GAP Act calls on the U.S. Government to comprehensively address the crises and support the Rohingya community.

To do so it authorizes the designation of a Special Coordinator for Rohingya Atrocities Prevention and Response to elevate the crises and coordinate Rohingya policy among the interagency.

It calls on the State Department and USAID to bolster protection efforts and humanitarian assistance and ensure Rohingya refugees receive rations at a level that meets basic needs.

Finally, it promotes receive ration at a level that meets basic needs. Finally, it promotes justice and accountability for atrocities by establishing a new conflict observatory for Burma to monitor and report on the ongoing violence in Burma and it authorizes \$10 million to support atrocity crime investigations, documentation and casework, as well as transitional justice and accountability mechanisms.

The bill showcases that America is serious about its commitment to human rights. This bill builds on the strong bipartisan signal Congress sent with the passage of the BURMA Act to demonstrate that we have not forgotten the Rohingya and are committed to finding a—to help find a sustainable path out of genocide and crimes against humanity.

This bill is supported by a number of human rights and Rohingya diaspora groups including Human Rights Watch, Americans for Rohingya, Refugees International, Global Center for Responsibility to Protect, U.S. Campaign for Burma, and Women's Peace Network.

So, therefore, I strongly support this measure and urge all of my colleagues to do the same, and I yield back the balance of my time.

Chairman McCAUL. The gentleman yields.

Is there any further discussion on the bill?

I recognize myself. I strongly support this. I'm proud to be the lead co-sponsor on my side of the aisle.

Six years ago Burma's military launched a genocidal campaign against the Rohingya people, razing villages, raping, torturing, killing thousands of Rohingya men, women, and children. As a result, over a million Rohingya have fled across South and Southeast Asia.

The February 2021 military coup in Burma only exacerbated the situation, destroying a budding democracy while doubling down on ethnic cleansing. That is why Ranking Member Meeks and I introduced the BURMA Act during the previous Congress.

It placed sanctions on the Burmese military, authorized humanitarian aid, and pushed for a genocidal determination. In March 2022 after our bill was signed into law Secretary Blinken determined that the Burmese military had, indeed, committed genocide and crimes against humanity on the Rohingya people.

Three years later Burma remains embroiled in a bloody civil war with escalating violence and continued genocide against the Rohingya people and more than a million displaced people over the past 6 months, including over 500,000 Rohingyans.

So today I'm proud to lead the Rohingya GAP Act with Ranking Member Meeks. This resolution continues our bipartisan support in addressing the crisis in Burma and the Rohingya genocide.

This bill is consistent with the BURMA Act and addresses issues that remain over 2 years after its passage. It will provide humanitarian assistance and hold those accountable for crimes against humanity.

This bill also authorizes the president to appoint a special coordinator to concentrate all relevant resources in the State Department and USAID to more effectively address this ongoing crisis.

So I urge my colleagues to support it and show the world that the U.S. Congress will not let genocide go unanswered.

Is there any further discussion on the bill?

Ms. Wild is recognized.

Ms. WILD. Oh, not yet. Sorry. No. Sorry.

Chairman MCCAUL. Ms. Wild yields back. There being no further discussion of the bill the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

Mr. Huizenga is recognized.

Mr. HUIZENGA. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman MCCAUL. The clerk shall distribute the amendment. The clerk shall report the amendment.

The CLERK. Amendment to H.R. 8936 offered by Mr. Huizenga of Michigan. Page 21 after line 19 insert the following and redesignate subsequent sections accordingly. Section 12, adherence to American——

Chairman MCCAUL. Without objection, further reading of the amendment is dispensed with.

[The Amendment offered by Mr. Huizenga follows:]

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AMENDMENT TO H.R. 8936
OFFERED BY MR. HUIZENG OF MICHIGAN

Page 21, after line 19, insert the following (and re-designate subsequent sections accordingly):

1 SEC. 12. ADHERENCE TO AMERICAN SERVICEMEMBERS'
2 PROTECTION ACT OF 2002.
3 Support and assistance provided pursuant to this Act
4 shall be provided consistent with the requirements of the
5 American Servicemembers' Protection Act of 2002 (22
6 U.S.C. 7421 et seq.).



Chairman MCCAUL. The gentleman is recognized for 5 minutes.

Mr. HUIZENGA. Thank you, Mr. Chairman, and I do want to say a sincere thanks to you and Ranking Member Meeks for bringing this important legislation forward.

As co-chair of the first ever congressional Burma Caucus these issues are close to home for me and my district in southwest Michigan where nearly 5,000 Burmese reside in the Battle Creek and Springfield area.

The brutal military junta in Burma is something that needs more attention from the mainstream media. The indiscriminate killing of civilians throughout Burma is horrific, but the arrest, detention, and torture, sexual violence and murder of the Rohingya is unacceptable and rightly earns the genocide determination by the State Department in 2022.

Now, yesterday Secretary Yellen, our Treasury Secretary, was in front of our Financial Services Committee, which I am also a member of, discussing international situations.

She's required to do that once a year and come in and talk about the international sanctions and different things that are happening internationally, and I pushed her on this about a piece of legislation, which I'll get into, but also the current sanctions that are on the Myanmar government—the junta—right now with MOGE which is their oil and gas company, their central bank and others, and we're trying to work with this administration to make sure that the sanctions that are in place currently are being fully enforced—that is extremely important—but also we want to expand and make more robust those current sanctions.

So it's my hope that through the Burma Caucus and by offering bipartisan initiatives such as my bill, the BRAVE Burma Act, which I urge my colleagues to co-sponsor, by the way, as it cuts the military junta off from resources it uses to launch attacks against the Rohingya, Congress can elevate the voices of those who must survive under the brutal military junta in Burma.

Mr. Chairman, my amendment is simple and in continuance of current law it clarifies that of all the support and assistance provided pursuant to this bill shall be provided in a manner consistent with the American Servicemembers Protection Act—the ASPA—and the focus of this bill, 8936, should be on elevating the voices of the Rohingya and ensuring future participation.

My amendment refocuses the underlying message of the bill by ensuring legislative clarity and removes attempts to tacitly expand the ASPA beyond its current interpretation. So, broadly speaking, under the ASPA the United States can provide support to, quote, “international efforts to bring to justice foreign nationals accused of genocide, war crimes or crimes against humanity,” close quote.

However, using H.R. 8939 as a platform to inject an expansion or reinterpretation of the current law is not what I believe the Rohingya or this issue deserves so that's why I put that amendment forward.

So I urge my colleagues to support my amendment, preserve the legislative clarity and intent of Congress and, for God's sake, let's help those people in Burma. They need the help.

This administration needs to step forward, be strong, make sure that we are cutting off the—especially the jet fuel and the other

avenues of which the junta has been gaining the opportunity to literally wage war and genocide on their own people.

So with that, Mr. Chairman, I appreciate it and I yield back.

Chairman MCCAUL. The gentleman yields back.

Let me first say thank you for your—all your good work for the people of Burma and on this measure as well. I support this amendment as it simply reaffirms existing law. All funding and activities must be consistent with the American Servicemembers Protection Act.

So with that, I say I support it. Do any other members seek recognition?

Ms. Wild is recognized.

Ms. WILD. Thank you. I oppose this amendment and I am disappointed that it is being offered despite the bipartisan and collaborative spirit in which we negotiated this bill. After agreeing to not include this language in the bipartisan text the majority is now trying to add it via amendment.

This kind of cynical move undermines the trust and the bipartisan spirit of this committee. I would also note that this amendment is entirely unnecessary because the prohibition is already in the statute.

Moreover, my bill does not mention the ICC so I see this as an attempt to play politics when we're dealing with the serious issue of genocide and crimes against humanity conducted against Rohingya.

I yield.

Chairman MCCAUL. The gentlelady yields.

Any further discussion? There being—oh, Mr. Huizenga is recognized.

Mr. HUIZENGA. Thank you, Mr. Chairman.

I'll just note that I didn't once utter ICC. That is not the goal—the intent of this. I'm trying to make sure that we are focused on it.

I'm not sure what negotiations were had directly by our colleague who was either sitting in and was a part of this or the ranking member. I was not a part of that. I believe that this is a simple and proper clarification of current law to make sure that we are headed in the right direction for the benefit of the Burmese people who need the help.

And I yield back.

Chairman MCCAUL. The gentleman yields.

And I agree, it simply reaffirms existing law. Any further discussion?

There being no further discussion, the question now occurs on the amendment offered by Representative Huizenga, No. 102.

All those in favor signify by saying aye.

All those opposed signify by saying no.

In the opinion of the chair the ayes have it and the amendment is agreed to.

Are there any further amendments?

There being no further amendments, I move that the committee report H.R. 8936 as amended to the House with a favorable recommendation.

All those in favor signify by saying aye.

All those opposed signify by saying no.

In the opinion of the chair the ayes have it and the motion is agreed to.

Ms. WILD. May I request a recorded vote?

Chairman MCCAUL. A roll call vote has been requested. Pursuant to the chair's previous announcement this vote will be postponed.

Without objection, the motion to reconsider is laid on the table. Staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H.R. 7151, the Export Control Enforcement and Enhancement Act. The bill was circulated in advance and the clerk shall designate the bill.

The CLERK. H.R. 7151, to amend the Export Control Reform Act of 2018, to provide for expedited consideration of proposals for additional toremovals from or other modifications with respect to entities on the Entity List, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America and Congress assembled. Section 1, short title. This act may be cited as the Export Control Enforcement and Enhancement Act. Section 2, expedited—

Chairman MCCAUL. Without objection, the first reading is dispensed with. The bill is considered read and open to amendment at any point.

[The Bill H.R. 7151 follows:]

118TH CONGRESS
2D SESSION

H. R. 7151

To amend the Export Control Reform Act of 2018 to provide for expedited consideration of proposals for additions to, removals from, or other modifications with respect to entities on the Entity List, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2024

Mrs. WAGNER (for herself and Mr. McCAUL) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To amend the Export Control Reform Act of 2018 to provide for expedited consideration of proposals for additions to, removals from, or other modifications with respect to entities on the Entity List, 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 “Export Control En-
5 forcement and Enhancement Act”.

1 SEC. 2. EXPEDITED CONSIDERATION OF PROPOSALS FOR
2 ADDITIONS TO, REMOVALS FROM, OR OTHER
3 MODIFICATIONS WITH RESPECT TO ENTITIES
4 ON THE ENTITY LIST.

5 Section 1754 of the Export Control Reform Act of
6 2018 (50 U.S.C. 4813) is amended by adding at the end
7 the following:

8 “(g) EXPEDITED CONSIDERATION OF PROPOSALS
9 FOR ADDITIONS TO, REMOVALS FROM, OR OTHER MODI-
10 FICATIONS WITH RESPECT TO ENTITIES ON THE ENTITY
11 LIST.—

12 “(1) IN GENERAL.—The Secretary of State, the
13 Secretary of Defense, the Secretary of Energy, or
14 the heads of other Federal agencies as appropriate
15 may submit to the Secretary proposals for additions
16 to, removals from, or other modifications with re-
17 spect to entities on the list required by subsection
18 (a).

19 “(2) CONSIDERATION BY COMMITTEE.—The
20 Secretary shall submit to the Committee each pro-
21 posal submitted under paragraph (1) and, subject to
22 paragraph (3), the Committee shall vote to approve
23 or disapprove the proposal by not later than the date
24 that is 30 days after the date on which the Com-
25 mittee receives the proposal from the Secretary.

1 “(3) ADDITIONAL INFORMATION.—The Chair of
2 the Committee, with the concurrence of the head of
3 the Federal agency that submitted the proposal
4 under paragraph (1), may suspend the time period
5 specified in paragraph (2) with respect to consider-
6 ation of the proposal if the Chair and the head of
7 the agency determine that additional information is
8 required in order make a determination with respect
9 to the proposal.

10 “(4) COMMITTEE DEFINED.—In this sub-
11 section, the term ‘Committee’ means—

12 “(A) the End-User Review Committee es-
13 tablished under section 744.16(d) of title 15,
14 Code of Federal Regulations; or

15 “(B) any successor committee.”.

16 **SEC. 3. LICENSING AND PRESUMPTION OF DENIAL RE-**
17 **QUIREMENTS RELATING TO THE ENTITY**
18 **LIST.**

19 (a) IN GENERAL.—The Secretary of Commerce
20 shall—

21 (1) require a license for the export, reexport,
22 release, or in-country transfer of any item (including
23 software and technology) included on the Commerce
24 Control List that is controlled for national security
25 reasons to or in a country subject to an embargo, in-

1 including an arms embargo, imposed by the United
2 States or to any foreign person included on the En-
3 tity List; and

4 (2) except as provided by subsection (b), apply
5 a presumption of denial for an export, reexport, re-
6 lease, or in-country transfer of an item described in
7 paragraph (1).

8 (b) EXCEPTION.—

9 (1) IN GENERAL.—The Secretary is not re-
10 quired to apply a presumption of denial under sub-
11 section (a)(2) for an export, reexport, release, or in-
12 country transfer of an item described in subsection
13 (a)(1) if the Secretary, in concurrence with all the
14 members of the Committee determines that the re-
15 cipient of the item has, by clear and convincing evi-
16 dence, demonstrated in detail that the item will not
17 be diverted or otherwise used for any purpose out-
18 side its intended end-use and end-user.

19 (2) CONGRESSIONAL NOTIFICATION.—The Sec-
20 retary shall submit the appropriate congressional
21 committees a notification not later than 15 days
22 after—

23 (A) the Secretary makes a determination
24 under paragraph (1) not to apply a presump-
25 tion of denial; or

1 (B) removing the national security as the
2 reason for a control on any item on the Com-
3 merce Control List.

4 (c) DEFINITIONS.—In this section:

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

8 (A) the Committee on Foreign Affairs of
9 the House of Representatives; and

10 (B) the Committee on Banking, Housing,
11 and Urban Affairs of the Senate.

12 (2) COMMERCE CONTROL LIST.—The term
13 “Commerce Control List” means list maintained by
14 the Bureau of Industry and Security of the Depart-
15 ment of Commerce and set forth in Supplement No.
16 1 to Part 774 of the Export Administration Regula-
17 tions.

18 (3) COMMITTEE.—The term “Committee”
19 means—

20 (A) the End-User Review Committee es-
21 tablished under section 744.16(d) of title 15,
22 Code of Federal Regulations; or

23 (B) any successor committee.

24 (4) ENTITY LIST.—The term “Entity List”
25 means the list maintained by the Bureau of Industry

1 and Security of the Department of Commerce and
2 set forth in Supplement No. 4 to part 744 of the
3 Export Administration Regulations, or successor
4 regulations.

5 (5) EXPORT ADMINISTRATION REGULATIONS.—
6 The term “Export Administration Regulations”
7 means the regulations set forth in subchapter C of
8 chapter VII of title 15, Code of Federal Regulations,
9 or successor regulations.

Æ

Chairman MCCAUL. Without objection, the Wagner Amendment in the nature of a substitute was circulated to members in advance, shall be considered as read, and will be treated as original text for purposes of the amendment.

Is there any discussion on the bill?

The chair recognizes himself. The Chinese Communist Party continues to overwhelm our traditional export enforcement capabilities with dozens of shell companies and subsidiaries subverting our controls.

For example, each year China steals upwards of \$600 billion worth of American technology through these efforts. This bill and its amendment assist with countering this issue by providing every member of the End User Review Committee with an equal opportunity to propose additions to the Entity List.

Currently among the representatives on the EURC are Commerce, State, Defense, and Energy, but Commerce is the only one that can bring these additions to a vote.

Expanding this policy will allow the other national security-minded members of the EURC a fair say in these decisions.

With that, I yield back.

Is there any further discussion? Mr. Bera is recognized.

Mr. BERA. Thank you, Mr. Chairman.

I support this bill and thank Congresswoman Wagner and Chairman McCaul for working to make this a bipartisan measure, and it's a good bill.

I yield back.

Chairman MCCAUL. The gentleman yields back.

Any further discussion?

[No response.]

There being no further discussion of the bill, the committee will move to consideration of amendments.

Do any members wish to offer an amendment?

[No response.]

There being no amendments, I move that the committee report H.R. 7151, as amended, to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table.

And staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H.R. 8566, the Mobilizing and Enhancing Georgia's Options for Building Accountability, Resilience, and Independence Act.

The bill was circulated in advance.

And the clerk shall designate the bill.

The CLERK. "H.R. 8566, To require reports and certain actions with respect to the Republic of Georgia."—

Chairman MCCAUL. Without objection, the first reading is dispensed with.

The bill is considered read and open to amendment at any point.

[The bill H.R. 8566 follows:]

118TH CONGRESS
2D SESSION

H. R. 8566

To require reports and certain actions with respect to the Republic of Georgia.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2024

Mr. WILSON of South Carolina (for himself, Mr. COHEN, Mr. HUDSON, and Mr. VEASEY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Intelligence (Permanent Select), Ways and Means, 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 require reports and certain actions with respect to the
Republic of Georgia.

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 “Mobilizing and En-
5 hancing Georgia’s Options for Building Accountability,
6 Resilience, and Independence Act” or “MEGOBARI Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Georgia's primary contribution to regional
2 peace and stability, United States interests, and its
3 own global reputation has been its democratic spirit
4 and trajectory. Georgia has been an important part-
5 ner to the United States and other democracies,
6 maintaining strong engagement with western nations
7 and working to uphold democratic rights and values
8 to bolster regional peace and stability.

9 (2) The Georgian people's consistent and over-
10 whelming foreign policy choice favors strong and
11 warm relations with the United States and other
12 western countries and integration with the North
13 Atlantic Treaty Organization and the European
14 Union.

15 (3) The official position of successive Georgian
16 Governments, since the restoration of its independ-
17 ence in 1991, has been one of pursuing membership
18 in Euro-Atlantic institutions.

19 (4) Georgian democratic development since re-
20 gaining its independence has been uneven but has in
21 recent years seen steady and evident decline, which
22 appears to be a deliberate policy decision made
23 under its current government.

24 (5) The Russian Federation's longstanding and
25 consistently predatory posture towards Georgian sov-

1 ereignty began immediately upon the restoration of
2 its independence and culminated in the 2008 Rus-
3 sian invasion of Georgia and its subsequent formal
4 occupation of approximately 20 percent of Georgian
5 territory, and has also been underscored though the
6 ethnic cleansing of hundreds of thousands of Geor-
7 gian citizens.

8 (6) The current Georgian Government has in-
9 creasingly and regrettably embraced a policy of ac-
10 commodation with the Russian Federation as an as-
11 pect of its increasingly illiberal turn, and has openly
12 attacked United States and other western democracy
13 promotion organizations as well as local and inter-
14 national civil society while embracing increased ties
15 with Russia in particular, as well as China and other
16 authoritarian governments, in defiance of its own
17 preexisting foreign and security policies as reflected
18 in its constitution and longstanding public senti-
19 ments.

20 (7) The United States should continue to sup-
21 port the Georgian people and their democratic and
22 Euro-Atlantic aspirations.

23 **SEC. 3. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) the progress made by the Georgian people
2 and civil society in forging an innovative and produc-
3 tive society, imbued with democratic spirit, should be
4 acknowledged;

5 (2) the consolidation of democracy in Georgia is
6 critical for regional stability and United States na-
7 tional interests;

8 (3) Georgia, as evidenced by numerous inde-
9 pendent assessments and measures, has seen signifi-
10 cant democratic backsliding in recent years;

11 (4) the current Georgian Government is in-
12 creasingly hostile towards democracy promotion or-
13 ganizations, independent civil society, and its chief
14 Euro-Atlantic partners while increasingly embracing
15 enhanced ties with the Russian Federation, the Peo-
16 ple's Republic of China, and other anti-Western au-
17 thoritarian regimes; and

18 (5) the United States interest in protecting and
19 securing democracy is borne by a close friendship
20 and support for the Georgian people's continued
21 democratic and Euro-Atlantic choice.

22 **SEC. 4. STATEMENT OF POLICY.**

23 It is the policy of the United States to support and
24 defend democracy, human rights, and the rule of law in

1 Georgia, which is the foundation of Georgia's privileged
2 relationship with the Euro-Atlantic west.

3 **SEC. 5. REPORTS.**

4 (a) **REPORT ON IMPROPER INFLUENCE AND SANC-**
5 **TIONS EVASION IN GEORGIA.**—Not later than 90 days
6 after the date of the enactment of this Act, the Secretary
7 of State, in coordination with the Secretary of the Treas-
8 ury, shall submit to Congress a report and brief the rel-
9 evant committees on—

10 (1) nodes of improper political influence,
11 kleptocracy, and elite corruption in Georgia, particu-
12 larly insofar that they serve or may support Russian
13 malign interests, knowingly or unknowingly; and

14 (2) the manner and extent to which Georgia,
15 with the complicity of key individuals within Geor-
16 gia, has been used as a means to bypass or evade,
17 in letter or spirit, United States or international
18 sanctions imposed on the Russian Federation in re-
19 sponse to its full-scale invasion of Ukraine.

20 (b) **REPORT ON RUSSIAN INTELLIGENCE ASSETS IN**
21 **GEORGIA.**—Not later than 90 days after the date of the
22 enactment of this Act, the Director of National Intel-
23 ligence, in coordination with the Secretary of State, the
24 Secretary of Defense, and the Director of Central Intel-
25 ligence, shall submit to Congress a report examining the

1 penetration of Russian intelligence elements and their as-
2 sets in Georgia, to include an annex examining Chinese
3 influence and the potential intersection of Russian-Chinese
4 cooperation in Georgia.

5 (c) REPORT ON IMPOSITION OF SANCTIONS WITH
6 RESPECT TO GEORGIAN INDIVIDUALS.—

7 (1) IMPOSITION OF SANCTIONS.—Not later than
8 60 days after the date of the enactment of this Act,
9 the Secretary of State, in consultation with the Sec-
10 retary of Defense, the Secretary of Commerce, the
11 Attorney General, the Secretary of Homeland Secu-
12 rity, and the Secretary of the Treasury, shall—

13 (A) identify key individuals who—

14 (i) are in the Government of Georgia,
15 working as its agents or on its behalf, or
16 otherwise in a position to strongly influ-
17 ence the actions of such Government; and

18 (ii) have material responsibility for
19 undermining or injuring democracy,
20 human rights, or security in Georgia; and

21 (B) to the extent practicable, impose with
22 respect to each such individual such sanctions
23 as may be justifiable and authorized by law,
24 such as sanctions pursuant to the Global
25 Magnitsky Human Rights Accountability Act

1 (22 U.S.C. 10101 et seq.), anti-kleptocracy and
2 human rights sanctions authorized by section
3 7031(c) of division K of the Consolidated Ap-
4 propriations Act, 2023, and other similar au-
5 thorities relating to sanctions with respect to
6 human rights violations, with special urgent
7 consideration of visa bans under section
8 7031(c) of division K of the Consolidated Ap-
9 propriations Act, 2023 to key individuals and
10 their families who—

11 (i) are materially or directly respon-
12 sible in Parliament for the advocacy, pas-
13 sage, and potential enactment of the recent
14 Russian-style foreign agent legislation; and

15 (ii) substantially responsible within
16 political or governmental leadership, busi-
17 ness circles, or law enforcement and secu-
18 rity services for advancing the same Rus-
19 sian-style foreign agent legislation or un-
20 dermining or suppressing lawful popular or
21 civil society opposition.

22 (2) REPORT ON SANCTIONS DETERMINA-
23 TIONS.—Not later than 90 days after the date of the
24 enactment of this Act, the Secretary of State shall
25 submit to Congress a report that includes each de-

1 termination pursuant to this subsection with respect
2 to the imposition of sanctions and accompanying
3 justifications.

4 (d) FORM.—Each report required by this section
5 shall be submitted in a form that includes an unclassified
6 executive summary. Each such summary shall be made
7 publicly available.

8 **SEC. 6. DEMOCRACY MONITORING TASK FORCE IN GEOR-**
9 **GIA.**

10 The Secretary of State, in coordination with the Ad-
11 ministrator of the United States Agency for International
12 Development, the heads of other Federal agencies and de-
13 partments, and international partners, shall establish a
14 democracy monitoring task force with, as practicable, a
15 significant presence within Georgia, to publicly assess,
16 monitor, and promote the pre-election democratic environ-
17 ment in Georgia.

18 **SEC. 7. ADDITIONAL ASSISTANCE WITH RESPECT TO GEOR-**
19 **GIA.**

20 (a) IN GENERAL.—Upon submission to Congress of
21 the certification described in subsection (b)—

22 (1) the United States Trade Representative, in
23 consultation with the Secretary of State and the
24 Secretary of Commerce, shall seek to enter into ne-
25 gotiations with the Government of Georgia to estab-

1 lish a robust preferential trade regime between the
2 United States and Georgia;

3 (2) the Secretary of State, in consultation with
4 the Secretary of Homeland Security and other heads
5 of other relevant Federal departments and agencies,
6 shall develop a policy package to further enhance
7 people-to-people contacts, academic exchanges, and
8 improved visa liberalizations between the United
9 States and Georgia.

10 (3) the President, acting through the United
11 States International Development Finance Corpora-
12 tion, the Millennium Challenge Corporation, the
13 United States Agency for International Develop-
14 ment, the Department of Commerce, the Depart-
15 ment of State, other relevant Federal departments
16 and agencies, and international partners, shall de-
17 velop an economic development and modernization
18 package for Georgia; and

19 (4) the President, in consultation with the Sec-
20 retary of Defense, shall prepare a package for Geor-
21 gia that includes the provision of security and de-
22 fense equipment ideally suited for territorial defense
23 against Russian aggression and concomitant train-
24 ing, maintenance, and operations support elements.

1 (b) CERTIFICATION DESCRIBED.—The certification
2 described in this subsection is a certification submitted to
3 Congress by the President or the Secretary of State that
4 Georgia has shown significant and sustained progress to-
5 wards reinvigorating its democracy, evidenced at minimum
6 by substantially fair and free elections and a balanced pre-
7 election environment.

Æ

Chairman MCCAUL. Without objection, the Wilson amendment in the nature of a substitute, circulated to members in advance, shall be considered as read and will be treated as original text for purposes of amendment.

[The amendment offered by Mr. Wilson follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8566
OFFERED BY M. _____

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Mobilizing and En-
3 hancing Georgia’s Options for Building Accountability,
4 Resilience, and Independence Act” or the “MEGOBARI
5 Act”.

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—Unless otherwise specified, the term “appro-
10 priate congressional committees” means—

11 (A) the Committee on Foreign Relations of
12 the Senate;

13 (B) the Committee on Appropriations of
14 the Senate;

15 (C) the Committee on Foreign Affairs of
16 the House of Representatives; and

17 (D) the Committee on Appropriations of
18 the House of Representatives.

1 (2) FOREIGN AGENTS BILL.—The term “for-
2 eign agents bill” means the “On Transparency of
3 Foreign Influence” bill, which was reintroduced in
4 the Parliament of Georgia in April 2024.

5 (3) NATO.—The term “NATO” means the
6 North Atlantic Treaty Organization.

7 **SEC. 3. FINDINGS.**

8 Congress finds the following:

9 (1) On April 9, 1991, Georgia declared inde-
10 pendence from the Soviet Union, and on March 24,
11 1992, the United States and Georgia established for-
12 mal diplomatic relations.

13 (2) Since 1993, the territorial integrity of Geor-
14 gia has been reaffirmed by the international commu-
15 nity and numerous United Nations Security Council
16 resolutions.

17 (3) At the 2008 Summit in Bucharest, NATO
18 recognized the aspirations of Georgia to join NATO
19 and committed that Georgia would become a mem-
20 ber of the Alliance.

21 (4) On August 7, 2008, the Russian Federation
22 invaded Georgia and thereafter occupied 20 percent
23 of its territory, all of which it continues to occupy.

24 (5) The Russian Federation’s occupation of sov-
25 ereign Georgian territory has led to the ethnic

1 cleansing of hundreds of thousands of Georgian citi-
2 zens.

3 (6) On January 9, 2009, the United States and
4 Georgia signed the United States-Georgia Charter
5 on Strategic Partnership, affirming the close rela-
6 tionship between the United States and Georgia
7 based on the shared principles of democracy, free
8 markets, defense and security cooperation, and cul-
9 tural exchanges.

10 (7) Georgia made significant contributions to
11 the wars in Iraq and Afghanistan and was the larg-
12 est troop contributor among NATO partners to the
13 NATO-led Resolute Support Mission in Afghanistan.

14 (8) The United States and Georgia have main-
15 tained a strong defense security partnership, includ-
16 ing the U.S.-Georgia Security Cooperation Frame-
17 work, signed in November 2019, and the Georgia
18 Defense and Deterrence Enhancement Initiative,
19 launched in October 2021.

20 (9) The United States supports the sovereignty
21 and territorial integrity of Georgia within its inter-
22 nationally recognized borders and condemns the con-
23 tinued occupation by Russia of the Georgian regions
24 of South Ossetia and Abkhazia.

1 (10) The United States has continuously sup-
2 ported the democratic wishes of the Georgian people,
3 who have long maintained their aspirations to join
4 the European Union and NATO.

5 (11) During and following her tenure as United
6 States Ambassador and Plenipotentiary to Georgia
7 between 2020 and 2023, Kelly Degnan was the sub-
8 ject of slander and verbal abuse from members of
9 the Government of Georgia.

10 (12) As recently as October 2023, reputable
11 polling indicates that 86 percent of the Georgian
12 public support Georgia becoming a member of the
13 European Union.

14 (13) Since Russia's full-scale invasion of
15 Ukraine in February 2022, Georgia—

16 (A) has not imposed its own sanctions on
17 Russia; and

18 (B) has increased economic ties, including
19 initiating many direct flights to and from Rus-
20 sia, and easing visa requirements for Russians
21 visiting Georgia, and emerged as a possible con-
22 duit of Russia's sanctions evasion endeavors.

23 (14) Since Russia's full-scale invasion of
24 Ukraine in February 2022, and the subsequent
25 rounds of international sanctions placed on Russia

1 as a result of such invasion, Georgia has seen its
2 trade with Russia grow by 34 percent between Janu-
3 ary and June 2023, and its imports from Russia in-
4 crease by 31 percent.

5 (15) Georgia's geographic position as both a
6 Black Sea littoral nation and its proximity to the
7 Caspian Sea could further strengthen Georgia's
8 economy by transporting natural gas through the
9 Trans-Caspian Gas Pipeline Project.

10 (16) In June 2022, when the Governments of
11 Ukraine and Moldova received candidate status for
12 membership in the European Union, the European
13 Council stated it would only be ready to grant Geor-
14 gia candidate status once the country has addressed
15 the 12 priorities outlined by the European Commis-
16 sion.

17 (17) On February 24, 2023, a foreign agents
18 bill was introduced in the Parliament of Georgia to
19 impose restrictions on civil society organizations,
20 nongovernmental organizations, and independent
21 media organizations and stigmatize them as "foreign
22 agents".

23 (18) On March 7, 2023, the Parliament of
24 Georgia accelerated the passage of that bill, which
25 led to—

1 (A) large-scale protests that Georgian au-
2 thorities confronted by deploying tear gas and
3 water cannons; and

4 (B) the withdrawal of the bill by the Par-
5 liament.

6 (19) In December 2023, the European Union
7 granted Georgia the status of candidate country,
8 with the understanding that Georgia would act con-
9 sistent with the recommendations of the European
10 Commission by continuing to advance the outlined
11 reform priorities and increasing its alignment with
12 the European Union’s foreign and security policy po-
13 sitions.

14 (20) On April 15, 2024, the foreign agents bill,
15 which was renamed “the Law on Transparency of
16 Foreign Influence”, was reintroduced in the Par-
17 liament of Georgia with minor changes that did not
18 reflect the express wishes of the Georgian people or
19 the recommendations of the international commu-
20 nity, which provoked—

21 (A) large-scale protests in Tbilisi and
22 around the country; and

23 (B) the ejection of opposition parliamen-
24 tarians from parliamentary hearings.

1 (21) On April 29, 2024, former Georgian Prime
2 Minister Bidzina Ivanishvili, who is currently the
3 Honorary Chairman of the ruling Georgian Dream
4 Party, gave a speech in which he—

5 (A) harshly attacked Georgia’s American
6 and European partners;

7 (B) alleged that the goal of foreign funding
8 of civil society and nongovernmental organiza-
9 tions in Georgia is to deprive Georgia of its
10 state sovereignty; and

11 (C) promised to punish opposition political
12 groups once the foreign agent bill is passed.

13 (22) In the face of massive, nation-wide pro-
14 tests against the foreign agents bill, Georgian au-
15 thorities have, in some cases, deployed dispropor-
16 tionate force against largely peaceful protestors, in-
17 cluding—

18 (A) reportedly attacking journalists cov-
19 ering the protests and members of the political
20 opposition; and

21 (B) threatening civil society leaders and
22 family members of protestors at their homes.

23 (23) On May 14, 2024, the Parliament of Geor-
24 gia passed the foreign agents bill against the wishes
25 of the Georgian people.

1 (24) On May 21, 2024, the Parliament of Geor-
2 gia ignored the recommendations of the Council of
3 Europe’s Venice Commission concerning the law.

4 (25) On May 18, 2024, the President of Geor-
5 gia Salome Zurbishvili vetoed the foreign agents
6 bill.

7 (26) On May 28, 2024, the Georgian par-
8 liament overrode President Zurbishvili’s veto in a
9 vote that was boycotted by most opposition law-
10 makers, thus making the bill law.

11 (27) The passage of the foreign agents bill re-
12 flects the current Georgian Government’s policy of
13 openly attacking the United States and Western de-
14 mocracies while embracing increased ties with Rus-
15 sia, China, and other authoritarian governments, de-
16 spite its own preexisting foreign and security policies
17 as reflected in its constitution and longstanding pub-
18 lic sentiments.

19 **SEC. 4. SENSE OF CONGRESS.**

20 It is the sense of Congress that—

21 (1) the progress made by the people of Georgia
22 in forging an innovative and productive society since
23 the country’s independence from the Soviet Union be
24 applauded;

1 (2) the consolidation of democracy in Georgia is
2 critical for regional stability and United States na-
3 tional interests;

4 (3) Georgia has seen significant democratic
5 backsliding in recent years, as evidenced by numer-
6 ous independent assessments and measures;

7 (4) the current Georgian Government is in-
8 creasingly hostile towards independent domestic civil
9 society and its chief Euro-Atlantic partners while in-
10 creasingly embracing enhanced ties with the Russian
11 Federation, the People's Republic of China, and
12 other anti-Western authoritarian regimes; and

13 (5) the United States has an interest in pro-
14 tecting and securing democracy in Georgia.

15 **SEC. 5. STATEMENT OF POLICY.**

16 It is the policy of the United States—

17 (1) to support the constitutionally stated aspi-
18 rations of Georgia to become a member of the Euro-
19 pean Union and NATO, which is made clear under
20 Article 78 of the Constitution of Georgia and is sup-
21 ported by the overwhelming majority of the citizens
22 of Georgia;

23 (2) to call on all political parties and elected
24 Members of the Parliament of Georgia to continue
25 working on addressing the reform plan outlined by

1 the European Commission to advance Georgia's re-
2 cently granted candidate status, which the people of
3 Georgia have freely elected to pursue;

4 (3) to call on the Government of Georgia to in-
5 stitute the required reforms, which are to be devel-
6 oped through an inclusive and transparent consulta-
7 tion process with opposition parties and civil society
8 organizations;

9 (4) to express serious concern that impediments
10 to strengthening the democratic institutions and
11 processes of Georgia, including the foreign agents
12 bill, will slow or halt Georgia's progress toward
13 achieving its Euro-Atlantic aspirations, be perceived
14 as stagnating the democratic trajectory of Georgia,
15 and result in negative domestic and international
16 consequences for the Government of Georgia;

17 (5) to impose swift consequences on individuals
18 who are directly responsible for leading or have di-
19 rectly and knowingly engaged in leading, actions or
20 policies that significantly undermine democratic
21 processes or institutions in Georgia;

22 (6) to emphasize the importance of contributing
23 to international efforts—

24 (A) to combat Russian aggression, includ-
25 ing through sanctions on trade with Russia and

1 the implementation and enforcement of world-
2 wide sanctions on Russia; and

3 (B) to reduce, rather than increase, trade
4 ties between Georgia and Russia;

5 (7) to call on all political parties, elected Mem-
6 bers of the Parliament of Georgia, and officers of
7 the Ministry of Internal Affairs of Georgia to respect
8 the freedoms of peaceful assembly, association, and
9 expression, including for the press, and the rule of
10 law, and encourage a vibrant and inclusive civil soci-
11 ety;

12 (8) to call on the Government of Georgia to re-
13 lease all persons detained or imprisoned on politi-
14 cally motivated grounds and drop any pending
15 charges against them;

16 (9) to call on the Government of Georgia to en-
17 sure that the national elections scheduled for Octo-
18 ber 2024 are free, fair, and reflective of the will of
19 the Georgian people; and

20 (10) to continue impressing upon the Govern-
21 ment of Georgia that the United States is committed
22 to sustaining and deepening bilateral relations and
23 supporting Georgia's Euro-Atlantic aspirations.

1 SEC. 6. REPORTS.**2 (a) REPORT ON SANCTIONS EVASION IN GEORGIA.—**

3 Not later than 90 days after the date of the enactment
4 of this Act, the Secretary of State, in coordination with
5 the Secretary of the Treasury and the Secretary of Commerce, shall submit to Congress a report and brief the relevant committees on the manner and extent to which
6 Georgia, with the complicity of key individuals within
7 Georgia, has been used as a means to bypass or evade,
8 in letter or spirit, United States or international sanctions
9 or export controls imposed on the Russian Federation in
10 response to its full-scale invasion of Ukraine.

13 (b) REPORT ON RUSSIAN INTELLIGENCE ASSETS IN

14 GEORGIA.—Not later than 90 days after the date of the
15 enactment of this Act, the Secretary of State, in coordination with the Director of National Intelligence, the Secretary of Defense, and the Director of Central Intelligence,
16 shall submit to Congress a classified report examining the
17 penetration of Russian intelligence elements and their assets in Georgia, to include an annex examining Chinese
18 influence and the potential intersection of Russian-Chinese
19 cooperation in Georgia.
20

23 SEC. 7. SANCTIONS.**24 (a) DEFINITIONS.—In this section:****25 (1) ADMISSION; ADMITTED; ALIEN.—The terms**

26 “admission”, “admitted”, and “alien” have the

1 meanings given such terms in section 101 of the Im-
2 migration and Nationality Act (8 U.S.C. 1101).

3 (2) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

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

8 (B) the Committee on Banking, Housing,
9 and Urban Affairs of the Senate;

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

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

14 (3) FOREIGN PERSON.—The term “foreign per-
15 son” means any individual or entity that is not a
16 United States person.

17 (4) IMMEDIATE FAMILY MEMBERS.—The term
18 “immediate family members” has the meaning given
19 the term “immediate relatives” in section
20 201(b)(2)(A)(i) of the Immigration and Nationality
21 Act (8 U.S.C. 1201(b)(2)(A)(i)).

22 (5) KNOWINGLY.—The term “knowingly”, with
23 respect to conduct, a circumstance, or a result,
24 means that a person has actual knowledge, or should

1 have known, of the conduct, the circumstance, or the
2 result.

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

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

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

12 (C) any person within the United States.

13 (b) INADMISSIBILITY OF OFFICIALS OF GOVERN-
14 MENT OF GEORGIA AND CERTAIN OTHER INDIVIDUALS
15 INVOLVED IN IMPEDING EURO-ATLANTIC INTEGRA-
16 TION.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the date of the enactment of this Act, the Secretary
19 of State shall identify and make a determination as
20 to whether any of the following foreign persons has
21 knowingly engaged in significant acts of corruption,
22 or acts of violence or intimidation in relation to the
23 impeding of Euro-Atlantic integration in Georgia:

24 (A) Any individual who, on or after Janu-
25 ary 1, 2014, has served as a member of the

1 Parliament of the Government of Georgia, as a
2 senior staff member of the Parliament of the
3 Government of Georgia, or as a current or
4 former senior official of a Georgian political
5 party.

6 (B) Any individual who is serving as an of-
7 ficial in a leadership position working on behalf
8 of the Government of Georgia, including law en-
9 forcement, intelligence, judicial, or local or mu-
10 nicipal government.

11 (C) An immediate family member of an of-
12 ficial described in subparagraph (A) or a person
13 described in subparagraph (B).

14 (2) VISA RESTRICTIONS.—For each positive de-
15 termination under paragraph (1), the President shall
16 impose the visa restrictions described in section
17 7031(e) of the Department of State, Foreign Oper-
18 ations, and Related Appropriations Act, 2024 (divi-
19 sion F of Public Law 118–47; 8 U.S.C. 1182 note).

20 (3) SEMIANNUAL REPORT.—Not later than 90
21 days after the date of the enactment of this Act, and
22 semiannually thereafter, the Secretary of State shall
23 submit a written report to the Committee on For-
24 eign Relations of the Senate and the Committee on

1 Foreign Affairs of the House of Representatives
2 that—

3 (A) lists any foreign person for whom the
4 Secretary of State has determined has know-
5 ingly engaged in an activity described in para-
6 graph (1); and

7 (B) a detailed justification for each such
8 positive determination.

9 (4) FORM.—The report required under para-
10 graph (3) shall be submitted in accordance with the
11 reporting requirements outlined in 7031(c) of the
12 Department of State, Foreign Operations, and Re-
13 lated Appropriations Act, 2024 (division F of Public
14 Law 118–47; 8 U.S.C. 1182 note).

15 (5) WAIVER.—The Secretary of State may
16 waive the determinations described in this subsection
17 with respect to a person if the Secretary, before the
18 date of such waiver, submits written certification to
19 the appropriate congressional committees that such
20 waiver is in the national security interests of the
21 United States.

22 (c) IMPOSITION OF SANCTIONS WITH RESPECT TO
23 UNDERMINING PEACE, SECURITY, STABILITY, SOV-
24 EREIGNTY, OR TERRITORIAL INTEGRITY OF GEORGIA.—

1 (1) IN GENERAL.—The restrictions described in
2 paragraph (2) may be applied to any foreign person
3 the President determines, knowingly, on or after the
4 date of the enactment of this Act—

5 (A) is responsible for, or directly engages
6 in, actions or policies, including knowingly or-
7 dering, controlling, or otherwise directing sig-
8 nificant acts that are intended to undermine the
9 peace, security, stability, sovereignty, or terri-
10 torial integrity of Georgia; or

11 (B) is an immediate family member of a
12 person subject to sanctions for conduct de-
13 scribed in subparagraph (A) who engages in
14 such conduct or personally and knowingly bene-
15 fited from such conduct.

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

18 (A) BLOCKING OF PROPERTY.—The Presi-
19 dent shall exercise all authorities granted under
20 the International Emergency Economic Powers
21 Act (50 U.S.C. 1701 et seq.) to the extent nec-
22 essary to block and prohibit all transactions in
23 property and interests in property of a foreign
24 person subject to paragraph (1) if such prop-
25 erty and interests in property are in the United

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1 States, come within the United States, or are or
2 come within the possession or control of a
3 United States person.

4 (B) INELIGIBILITY FOR VISAS, ADMISSION,
5 OR PAROLE.—

6 (i) VISAS, ADMISSION, OR PAROLE.—
7 An alien described in paragraph (1) shall
8 be—

9 (I) inadmissible to the United
10 States;

11 (II) ineligible to receive a visa or
12 other documentation to enter the
13 United States; and

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

19 (ii) CURRENT VISAS REVOKED.—

20 (I) IN GENERAL.—The visa or
21 other entry documentation of any
22 alien described in paragraph (1) is
23 subject to revocation regardless of the
24 issue date of the visa or other entry
25 documentation.

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1 (II) IMMEDIATE EFFECT.—A rev-
2 ocation under subclause (I) shall, in
3 accordance with section 221(i) of the
4 Immigration and Nationality Act (8
5 U.S.C. 1201(i))—

6 (aa) take effect immediately;
7 and
8 (bb) cancel any other valid
9 visa or entry documentation that
10 is in the possession of the alien.

11 (3) WAIVER.—The President may waive the ap-
12 plication of sanctions under this subsection with re-
13 spect to a foreign person for renewable periods not
14 to exceed 180 days if, before the date on which such
15 waiver is to take effect, the President submits to the
16 appropriate committees of Congress a written deter-
17 mination and justification that the waiver is in the
18 national interests of the United States.

19 (4) IMPLEMENTATION; PENALTIES.—

20 (A) IMPLEMENTATION.—The President
21 may exercise all authorities provided under sec-
22 tions 203 and 205 of the International Emer-
23 gency Economic Powers Act (50 U.S.C. 1702
24 and 1704) to carry out this subsection.

1 (B) PENALTIES.—A person that violates,
2 attempts to violate, conspires to violate, or
3 causes a violation of paragraph (2)(A) or any
4 regulation, license, or order issued under that
5 subsection shall be subject to the penalties set
6 forth in subsections (b) and (c) of section 206
7 of the International Economic Powers Act (50
8 U.S.C. 1705) to the same extent as a person
9 that commits an unlawful act described in sub-
10 section (a) of that section.

11 (C) RULE OF CONSTRUCTION.—Nothing in
12 this Act, or in any amendment made by this
13 Act, may be construed to limit the authority of
14 the President to designate or sanction persons
15 pursuant to an applicable Executive order or
16 otherwise pursuant to the International Emer-
17 gency Economic Powers Act (50 U.S.C. 1701 et
18 seq.).

19 (5) RULEMAKING.—

20 (A) IN GENERAL.—Not later than 120
21 days after the date of the enactment of this
22 Act, the President shall prescribe such regula-
23 tions as are necessary for the implementation of
24 this subsection.

1 (B) NOTIFICATION TO CONGRESS.—Not
 2 later than 10 days before prescribing regula-
 3 tions pursuant to subparagraph (A), the Presi-
 4 dent shall notify the appropriate committees of
 5 Congress of the proposed regulations and the
 6 provisions of this section that the regulations
 7 are implementing.

8 (6) TERMINATION OF SANCTIONS.—Any sanc-
 9 tions imposed on a foreign person pursuant to this
 10 subsection shall terminate on the date on which the
 11 President certifies to the appropriate committees of
 12 Congress that the conditions requiring such sanc-
 13 tions no longer apply.

14 (7) SUNSET.—This section, as well as the sanc-
 15 tions or restrictions imposed under this section, shall
 16 cease to be effective on the date that is 7 years after
 17 the date of the enactment of this Act.

18 (d) SANCTIONS WITH RESPECT TO BROADER COR-
 19 RUPTION IN GEORGIA.—

20 (1) REPORT.—

21 (A) IN GENERAL.—Not later than 180
 22 days after the date of the enactment of this
 23 Act, and annually thereafter, the President is
 24 authorized to submit to the appropriate com-
 25 mittees of Congress a report that includes—

1 (i) a list of all foreign persons about
2 whom the Secretary of State has made a
3 positive determination pursuant to sub-
4 section (b)(1); and

5 (ii) a separate assessment whether
6 there may be other foreign persons that
7 may warrant consideration for purpose of
8 potential application of Global Magnitsky
9 and other relevant sanctions authorities de-
10 scribed in paragraph (2).

11 (B) FORM OF REPORT.—The report re-
12 quired under subparagraph (A) shall be pro-
13 vided in unclassified form, but a classified
14 annex may be provided separately containing
15 additional contextual information pertaining to
16 the justification for the issuance of any waiver,
17 as described in paragraph (2).

18 (2) WAIVER.—The President may waive the ap-
19 plication of sanctions under this subsection with re-
20 spect to a foreign person for renewable periods not
21 to exceed 180 days if, before the date on which such
22 waiver is to take effect, the President submits to the
23 appropriate committees of Congress a written deter-
24 mination and justification that the waiver is in the
25 national interests of the United States.

1 (3) SANCTIONS DESCRIBED.—The sanctions de-
2 scribed in this paragraph are sanctions that may be
3 potentially applicable with respect to a person for
4 acts of significant corruption, involvement in human
5 rights abuses, or harmful foreign activities in Geor-
6 gia including under—

7 (A) Executive Order 14024 (50 U.S.C.
8 1701 note; relating to blocking property of cer-
9 tain persons with respect to specified harmful
10 foreign activities of the Government of the Rus-
11 sian Federation);

12 (B) Executive Order 13818 (50 U.S.C.
13 1701 note; relating to blocking the property of
14 persons involved in serious human rights abuse
15 or corruption); or

16 (C) the Global Magnitsky Human Rights
17 Accountability Act of 2016 (22 U.S.C. 10101 et
18 seq.).

19 (4) CONGRESSIONAL OVERSIGHT.—After receiv-
20 ing a request from the chairman and ranking mem-
21 ber of the Committee on Foreign Relations of the
22 Senate and the Committee on Foreign Affairs of the
23 House of Representatives with respect to whether a
24 foreign person meets meet the criteria for the im-
25 posed sanctions under paragraph (3), the committee

1 sition of sanctions described in paragraph (2), the
2 President may consider—

3 (A) whether the criteria of the authorities
4 may be potentially relevant; and

5 (B) advise in an appropriate manner on
6 considerations relevant to the matter.

7 (e) EXCEPTIONS.—

8 (1) DEFINITIONS.—In this subsection:

9 (A) AGRICULTURAL COMMODITY.—The
10 term “agricultural commodity” has the meaning
11 given such term in section 102 of the Agricul-
12 tural Trade Act of 1978 (7 U.S.C. 5602).

13 (B) GOOD.—The term “good” means any
14 article, natural or man-made substance, mate-
15 rial, supply, or manufactured product, including
16 inspection and test equipment and excluding
17 technical data.

18 (C) MEDICAL DEVICE.—The term “medical
19 device” has the meaning given the term “de-
20 vice” in section 201 of the Federal Food, Drug,
21 and Cosmetic Act (21 U.S.C. 321).

22 (D) MEDICINE.—The term “medicine” has
23 the meaning given the term “drug” in section
24 201 of the Federal Food, Drug, and Cosmetic
25 Act (21 U.S.C. 321).

1 (2) EXCEPTIONS.—

2 (A) EXCEPTION RELATING TO INTEL-
3 LIGENCE ACTIVITIES.—Sanctions under this
4 section shall not apply to—

5 (i) any activity subject to the report-
6 ing requirements under title V of the Na-
7 tional Security Act of 1947 (50 U.S.C.
8 3091 et seq.); or

9 (ii) any authorized intelligence activi-
10 ties of the United States.

11 (B) EXCEPTION TO COMPLY WITH INTER-
12 NATIONAL OBLIGATIONS AND LAW ENFORCE-
13 MENT ACTIVITIES.—Sanctions under this sec-
14 tion shall not apply with respect to an alien if
15 admitting or paroling such alien into the United
16 States is necessary—

17 (i) to permit the United States to
18 comply with the Agreement regarding the
19 Headquarters of the United Nations,
20 signed at Lake Success June 26, 1947,
21 and entered into force November 21, 1947,
22 between the United Nations and the
23 United States, or other applicable inter-
24 national obligations of the United States;
25 or

1 (ii) to carry out or assist authorized
 2 law enforcement activity in the United
 3 States.

4 (C) EXCEPTION RELATING TO IMPORTA-
 5 TION OF GOODS.—The requirement to block
 6 and prohibit all transactions in all property and
 7 interests in property under this section shall not
 8 include the authority or a requirement to im-
 9 pose sanctions on the importation of goods.

10 (D) HUMANITARIAN ASSISTANCE.—Sanc-
 11 tions under this section shall not apply to—

12 (i) the conduct or facilitation of a
 13 transaction for the provision of agricultural
 14 commodities, food, medicine, medical de-
 15 vices, or humanitarian assistance, or for
 16 humanitarian purposes; or

17 (ii) transactions that are necessary
 18 for, or related to, the activities described in
 19 clause (i).

20 **SEC. 8. DEMOCRACY MONITORING TASK FORCE IN GEOR-**
 21 **GIA.**

22 (a) IN GENERAL.—The Secretary of State, in coordi-
 23 nation with the Administrator of the United States Agen-
 24 cy for International Development, the heads of other Fed-
 25 eral agencies and departments, and international partners,

1 should establish a democracy monitoring task force with,
2 as practicable, a significant presence within Georgia, to
3 assess, monitor, and promote democracy, good governance,
4 and anti-corruption efforts in Georgia.

5 (b) ACTIVITIES SPECIFIED.—The task force estab-
6 lished pursuant to subsection (a) should—

7 (1) monitor the election environment in Georgia
8 prior to and during Georgia’s parliamentary elec-
9 tions in October 2024;

10 (2) establish and promote robust election moni-
11 toring mechanisms for such elections;

12 (3) publicly report any detected electoral irreg-
13 ularities for such elections;

14 (4) promote reforms and other initiatives nec-
15 essary to advance Georgia’s Euro-Atlantic integra-
16 tion;

17 (5) investigate and publicly identify, as appro-
18 priate, networks of corruption and malign foreign in-
19 fluence within Georgia; and

20 (6) conduct any other such activities as the Sec-
21 retary of State deems necessary to assess, monitor,
22 and promote democracy, good governance, and anti-
23 corruption efforts in Georgia.

24 (c) REPORT REQUIRED.—If the task force specified
25 pursuant to subsection (a) is established, the Secretary of

1 State, in coordination with relevant Federal agencies and
2 departments, shall provide a written report to the appro-
3 priate congressional committees not later than 90 days
4 after the establishment of such task force, and not later
5 than every 180 days thereafter, on the activities of such
6 task force, including—

7 (1) a summary of diplomatic efforts undertaken
8 to assess, monitor, and promote democracy, good
9 governance, and anti-corruption efforts in Georgia;

10 (2) any progress achieved in advancing Geor-
11 gia's Euro-Atlantic integration; and

12 (3) a list of all Georgian and other international
13 organizations with which the task force partnered in
14 furtherance of the activities specified under sub-
15 section (b).

16 (d) FORM OF REPORT.—The report required under
17 subsection (c) shall be provided in unclassified form but
18 may include a classified annex.

19 **SEC. 9. ADDITIONAL ASSISTANCE WITH RESPECT TO GEOR-**
20 **GIA.**

21 (a) IN GENERAL.—Upon submission to Congress of
22 the certification described in subsection (c)—

23 (1) the Secretary of State, in consultation with
24 other heads of other relevant Federal departments
25 and agencies, shall seek to further enhance people-

1 to-people contacts and academic exchanges between
2 the United States and Georgia;

3 (2) the Secretary of State shall coordinate with
4 the heads of the United States International Devel-
5 opment Finance Corporation, the Millennium Chal-
6 lenge Corporation, the United States Agency for
7 International Development, the Department of Com-
8 merce, other relevant Federal departments and
9 agencies, and international partners, as appropriate,
10 to explore and support, as appropriate, projects in
11 Georgia that can catalyze economic growth, such as
12 investments in critical infrastructure; and

13 (3) the President, in consultation with the Sec-
14 retary of Defense, shall seek to expand military co-
15 operation with Georgia, including by providing fur-
16 ther security and defense equipment ideally suited
17 for territorial defense against Russian aggression
18 and related training, maintenance, and operations
19 support elements.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that, after the submission of the certification de-
22 scribed in subsection (c)—

23 (1) the President should engage in negotiations
24 with Georgia to establish a preferential trade regime
25 between the United States and Georgia, and

1 (2) Georgia should be considered for inclusion
2 in the Visa Waiver Program once Georgia meets all
3 applicable requirements for inclusion in such Pro-
4 gram.

5 (3) the President should take other steps to
6 strengthen the bilateral relationship between the
7 United States and Georgia, including actions to bol-
8 ster Georgia's ability to deter threats from Russia
9 and other malign actors.

10 (c) CERTIFICATION DESCRIBED.—The certification
11 described in this subsection is a certification submitted to
12 Congress by the Secretary of State that Georgia has
13 shown significant and sustained progress towards reinvig-
14 orating its democracy and advancing its Euro-Atlantic in-
15 tegration.

Amend the title so as to read: “A bill to require re-
ports and certain actions with respect to Georgia.”.



Chairman McCAUL. Is there any discussion on the bill?

Mr. Wilson is recognized.

Mr. WILSON. And I offered my amendment in the nature of a substitute which includes important provisions from legislation offered by our friends, Senators Jeanne Shaheen and Jim Risch. I am grateful for their expertise and leadership in support of the free and democratic nation of Georgia.

I appreciate the opportunity for us to work together in a bipartisan and bicameral way to meet this critical moment. Republicans and Democrats, House Members and Senators stand together for the people of the Nation of Georgia.

The Georgian people have heroically taken action in defense of their democracy at great risk. It is my honor to work with my colleagues to help safeguard a bright future for the people of the Nation of Georgia.

Chairman McCAUL. The gentleman yields back.

Is there any further discussion on the bill?

Mr. WILSON. Mr. Chairman?

Chairman McCAUL. Yes, Mr. Wilson?

Mrs. Wagner?

Mrs. WAGNER. Thank you, Mr. Chairman.

I'll yield to Mr. Wilson, if you weren't finished, sir.

Mr. WILSON. Yes. No, go ahead.

Mrs. WAGNER. OK. Thank you.

I want to say I'm in full support of Mr. Wilson's piece of legislation.

And, Mr. Chairman, with your indulgence, I was over questioning Chairman Powell in Financial Services and dashing as fast as I could to get here.

Chairman McCAUL. We tried to slow it down as much as we could.

Mrs. WAGNER. Thank you.

Chairman McCAUL. So, sorry about that.

Mrs. WAGNER. And with your indulgence, I want to thank you and Chairman Meeks and would like to speak briefly on my legislation, the Export Control Enforcement and Enhancement Act in markup today.

The People's Republic of China is bent on supplanting the United States not only as a global engine of innovation, discovery, and advancement, but also as the world's dominant military power. To do so, it seeks to turn our strengths against us using a mixture of coercion, predation, and outright intellectual property theft to gain an edge.

The U.S. export control regime is a key defense against China's subversion of American ingenuity. Equally important, export controls are a powerful tool against adversaries like Iran and Russia, which rely on access to foreign technology to support their violent and destabilizing agendas.

Vigilantly updating and enforcing our export controls is more important today than ever. China, Iran, and Russia have formed a new "axis of evil" to attack our national security interests and help each other circumvent U.S. export controls. They have created a massive procurement network designed to maintain the flow of con-

trolled Western technologies to dictatorships like Russia, Iran, and North Korea. And China is at the center of this web of evasion.

Sensitive American technologies are being used to advance China's hypersonic weapons program. They are found in the spy balloon that China sent over the continental United States last year to collect data on our most sensitive military installations, and they are turning up in Iranian drones and Russian military equipment.

In short, wherever our national security interests are at greatest risk, whether in People's Liberation Army laboratories and military facilities of Iran and its proxies or the battlefields of Ukraine, our adversaries are exploiting vulnerabilities in our export control regime and using American products to gain a strategic edge.

The current export control regime is simply too slow and cumbersome to prevent Chinese and other companies from accessing sensitive technologies that can be used to give our adversaries a military edge. My legislation would give State, Defense, and Energy greater ability to propose changes to the Entity List, a roster of foreign companies and research institutions and individuals who pose a serious national security threat and who are prohibited from purchasing sensitive U.S. products. The Departments of State, Defense, and Energy have deep expertise in the current threat landscape, and we should be using that expertise to make sure the Entity List is comprehensive and accurate.

And this bill makes sure that their recommendations are acted on, rather than languishing in red tape, by setting a 30-day clock to address proposed changes. These reforms will make our export control regime agile and airtight, and they will give the United States the tools to fight back when our adversaries try to cheat the system. I want to urge each of my colleagues to support this measure.

And I would also like to add my strong support to Mr. Wilson's H.R. 8566, to require reports and certain actions with respect to the Republic of Georgia.

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

Chairman McCAUL. The gentlelady yields back.

And I appreciate your bill as well. It is well-thought-out and will make our export control process much stronger. And it did pass in your absence, but, you know—

[Laughter.]

Any further discussion?

Mr. Bera is recognized.

Mr. BERA. Yes, thank you, Mr. Chairman.

I strongly support the ANS to H.R. 8566, a bipartisan bill designed to make sure the United States remains committed to Georgia's Euro-Atlantic aspirations, and commend Mr. Wilson, as well as you, Chairman.

And I yield back.

Chairman McCAUL. The gentleman yields.

Any further discussion?

Mr. Davidson?

Mr. DAVIDSON. I thank the chairman.

And I think the format, that we actually have a chance to debate amendments like this, I wish we had a better way to do it, but I'm

strongly opposed to this. It would ruin the 75th anniversary of NATO and people are talking about what the future should be.

And I understand a lot of our colleagues want NATO to expand, and every piece of the continent of Europe and as much of Asia as they could also include into NATO, they would like it to do. And they don't just want NATO; they want European Union accession.

If you look at the conflict underway in Ukraine today, yes, Ukraine is a sovereign country and, yes, they were unjustly invaded by Putin, but the crux of the fight is about is Ukraine going to be part of NATO or not.

And there's some concern about the European Union. Frankly, things started devolving in Ukraine in 2013, when Poroshenko decided that he would rather cut a trade deal with Moscow than they would with the European Union. That led to a regime change and lots of other policy changes in the country of Ukraine.

And I think it's great that NATO and Europe and the United States of America have people from all over the world that want to be part of our countries, of our systems of governance, and frankly, want us to fight their wars for them or to fund them. They would love to draw us into conflicts. As the Europeans have found, as members of NATO, we've got an open checkbook. And in order to sustain this empire, we're willing to pay for the security of most of the world.

We seem to find scarcity when we get to the continent of Africa. We seem to find scarcity when we look in our own Western Hemisphere, whether it's our border, where we can't even fund border security in our own country, or if we want to establish what was historically the Monroe Doctrine and have a particular emphasis on security here in the Western Hemisphere. But when it comes to Europe's security, we've got an open checkbook.

It's very disappointing that we're not having a more thoughtful approach than just trying to drop, airdrop these kinds of things in. And you can see the room; not everyone, not everyone here.

So, I want to highlight that, look, in February 1951, General Dwight Eisenhower, someone no one accused of being an isolationist, he was also the first Supreme Commander of NATO. He had the five-star general that led to victory in Europe and, frankly, World War II, holistically. He became President of the United States.

In 1951, he says, "If in 10 years all American troops stationed in Europe for national defense purposes have not been returned to the United States, then this whole project"—speaking of NATO—"has failed."

We won the cold war. We had great success in the cold war. And rather than celebrating that success, we decided that we're going to crush the advantage. We wanted to expand NATO. And, look, when the cold war was going on, we did. We had the 12 founding members 75 years ago in 1949.

And perhaps in a recognition of realism, not idealism—Greece and Türkiye don't get along. No secret. Their cultures, their histories, their religions, all kinds of things. They've had conflict in the most aggressive ways possible. But they decided to come together against a common enemy, the Soviet Union. They would work together. That was realism.

Think how much the mission has changed. I mean, we kept the mission focused all the way up until we won the cold war. But, then, in 1999, despite assurances in 1990 that not one inch eastward would NATO expand, that was James Baker, but also Helmut Kohl, who became Chancellor of Germany—not just West Germany, but the Unified Germany. He said NATO shouldn't continue to expand, but it did.

In 1999, we had the Czech Republic, Hungary, and Poland. Then, in 2004, Bulgaria, which certainly isn't a reformed economy and isn't really the same kind of economy you would think of as European Union, but got to include them. Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia. In 2009, we added Albania and Croatia. In 2017, we added Montenegro—I challenge anyone to pick out on a map in a moment's notice, particularly people who aren't on the Foreign Affairs Committee. North Macedonia in 2020, and in 2023, when Finland and Sweden decided, yes, count us in. Because, effectively, we've built the European defense force, and America's footing the bill.

I couldn't be more opposed to this bad idea.

Chairman McCAUL. If the gentleman yields, let me just say I appreciate the gentleman's thoughtful debate and spirit of debate, and these are not just perfunctory exercises. We need to have thoughtful discussions. And certainly, as NATO is here for the Summit, this is a really worthwhile discussion.

And also, I agree with you on the Monroe Doctrine. I really think we're losing in our backyard to a great extent, and I think this committee, I'd be happy to work with the gentleman on that as well.

Is there any further discussion on the bill?

Mr. Wilson?

Mr. WILSON. Thank you, Mr. Chairman.

And thank you, Chairman Michael McCaul and Ranking Member Greg Meeks, and thank you, Congressman Ami Bera. And I'm grateful to be here with Congresswoman Susan Wild, and even Dean Phillips—that we have bipartisan support for this legislation.

I'm grateful for the inclusion of H.R. 8566, the bipartisan MEGOBARI Act, in support of the tremendous people of the Nation of Georgia.

And I appreciate the comments by Ambassador/Congresswoman Ann Wagner. She's going between multiple meetings, but she was able to keep her thought process to make it very clear that we support the people of the Nation of Georgia.

The Georgian people have made it clear they want to live in a free and democratic Georgia. War Criminal Putin has illegally occupied Georgian sovereign territory since 2008. That is, since their accession of Abkhazia. And this was done by War Criminal Putin. It was not inspired by any other alliance. I visited the Georgian town of Gori and I saw firsthand the illegal Putin forces.

I have also been very impressed in visiting the capital of Tbilisi. What wonderful people they are. And then, I have four sons who have served overseas, and they served with Georgian troops. And we found that they were very courageous and very capable.

In response to the determination of the Georgian people, the Georgian Dream enacted a Russian-style duplicitous law that al-

laws for arbitrary arrests and detainment and criminalization of free speech. Sadly, the Putin foreign agent legislation as instituted was actually initiated first to oppress the people of Russia.

War Criminal Putin promotes this betrayal, as he seeks to restore the failed Soviet empire to benefit the oligarchs. Putin is trying to reestablish the failed Soviet empire. And American people, most people recognize that.

And we see it where, first, he maintained troops in Moldova. Then, he invaded Georgia, and then, he invaded Ukraine, while threatening Armenia, Estonia, and all former Soviet republics.

Americans remember World War I and World War II; foreign wars became world wars—as we need to stand firm for peace through strength, as has been established by Ronald Reagan.

And we know that MEGOBARI, this particular bill, means “friend” in Georgian, and the MEGOBARI Act is offered in the spirit of friendship that the United States has long held toward the Nation of Georgia.

I was inspired to actually visit joint exercises of troops from the National Guard of the State of Georgia and the Nation of Georgia in the State partnership program.

The Act provides for sanctions against those who undermine Georgian sovereignty, while highlighting a positive vision for U.S.-Georgian relations and an offer to restore a Georgian transatlantic path. And the bill also includes provisions to help ensure that the upcoming Georgian elections will be free and fair.

I’m grateful to work closely with our fellow friends of Georgia of the Helsinki Commission, particularly Senator Jeanne Shaheen and Ranking Member Jim Risch. Support for the people of Georgia is bipartisan and bicameral.

It is critical that this bill becomes law before the October elections in Georgia, where the future of Georgia will be decided, and we shouldn’t let it be determined by War Criminal Putin.

Now, more than ever, it is critical to send a strong message to our friendship and support and ensure that every Georgian understands that we stand with them in support of their sovereignty. War Criminal Putin should not be allowed to restore the failed Soviet empire for oligarchs, as he seeks to do with the war in Ukraine, his attacks on Moldova, and his attempts to undermine democracy in Georgia, Armenia, Estonia, and Poland.

I yield back.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

[No response.]

There being no further discussion of the bill, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

[No response.]

There being no further amendments, I move that the committee report H.R. 8566, as amended, to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the motion is agreed to.

Mr. BERA. Mr. Chairman, I ask for a recorded vote.

Chairman MCCAUL. A roll call vote has been requested.

Pursuant to the chair's previous announcement, this vote will be postponed.

Pursuant to notice, I now call up H.Res. 837, reaffirming the ties between the United States and the Philippines.

The resolution was circulated in advance.

And the clerk shall designate the resolution.

The CLERK. "H.Res. 837, Reaffirming the ties between the United States and the Philippines.

Whereas, the United States"——

Chairman MCCAUL. Without objection, the first reading is dispensed with.

The resolution is considered read and open to amendment at any point.

[The resolution H.Res. 837 follows:]

118TH CONGRESS
1ST SESSION

H. RES. 837

Reaffirming the ties between the United States and the Philippines.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2023

Mr. MOYLAN (for himself and Mr. SCOTT of Virginia) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Reaffirming the ties between the United States and the
Philippines.

Whereas the United States established diplomatic relations with the Philippines on July 4, 1946, and the two countries have since enjoyed expanded and positive relations;

Whereas there are over 4,000,000 United States citizens of Philippine ancestry in the United States;

Whereas the United States and the Philippines have a strong and mutually beneficial trade relationship, with more than \$18,900,000,000 in goods and services traded during 2020;

Whereas the People's Republic of China continues to use its Coast Guard and its Merchant Marine to violate the Philippines sovereignty, including in the Scarborough Shoal,

Whereas Chinese Communist Party propaganda now assert claims based on a so-called “ten-dash line”, after a United Nations Convention on the Law of the Sea arbitral tribunal ruled that China’s nine-dashed line had “no legal basis”;

Whereas in 1994, the People’s Republic of China unlawfully seized Mischief Reef and have since constructed 20 artificial islands that extends the operational capabilities of the People’s Liberation Army with the aim of expanding its presence and reinforcing their illegitimate claims to the South China Sea;

Whereas the People’s Republic of China is asserting its sweeping claims over the South China Sea by disrupting the regular resupply of the BRP Sierra Madre, a Philippine Navy transport ship, based in the Second Thomas Shoal, by shooting water cannons at Philippine Coast Guard vessels and using military-grade lasers to blind its crew;

Whereas, on April 3, 2023, the Biden administration announced plans today to expand the Enhanced Defense Cooperation Arrangement to include four new sites to strengthen interoperability and allow the United States and the Philippines to better address shared challenges in the Indo-Pacific region;

Whereas, on August 5, 2023, the United States Department of State reaffirmed that “an armed attack on Philippine public vessels, aircraft, and armed forces—including those of its Coast Guard in the South China Sea—would invoke U.S. mutual defense commitments under Article IV of the 1951 U.S. Philippines Mutual Defense Treaty”; and

Whereas, on October 22, 2023, the Chinese Coast Guard rammed a Philippines Coast Guard cutter escorting supplies to the Second Thomas Shoal within the Philippines exclusive economic zone: Now, therefore, be it

- 1 *Resolved*, That the House of Representatives—
- 2 (1) reaffirms the United States unwavering
- 3 commitment to invoke its Mutual Defense Treaty
- 4 with the Philippines if an armed attack against the
- 5 Philippines assets, including those of the Philippine
- 6 Coast Guard, is committed in the South China Sea;
- 7 (2) calls on the United States and Philippines
- 8 to begin joint patrols in the South China Sea;
- 9 (3) firmly objects to the People’s Republic of
- 10 China’s false sovereignty claims to the South China
- 11 Sea; and
- 12 (4) welcomes swift implementation of the En-
- 13 hanced Defense Cooperation Agreement to ensure
- 14 we adhere to our commitments to the Philippine
- 15 people, and to foster a free and open Indo-Pacific
- 16 for all.

Æ

Chairman MCCAUL. Is there any discussion on the resolution?

Mr. Moylan is recognized.

Mr. MOYLAN. Thank you, Mr. Chairman and Ranking Member, Ranking Minority Leader.

And as Co-Chair of the U.S.-Philippines Friendship Caucus, I urge my membership here, our committee, to vote to pass Resolution 837, expressing our support for our friends in the Philippines.

Now, this resolution reaffirms the 1951 U.S.-Philippines Mutual Defense Treaty that provides a strong foundation for our robust security partnership and Pacific security at large.

With the tensions in the South China Sea rising every day, reiterating the United States' unwavering commitment to the Philippines, should an armed attack be launched against the Filipino assets, is important. As Philippines President Marcos has repeated frequently, U.S. commitment to this treaty and support for Filipino security is fundamental to keeping the Indo-Pacific free and stable.

In the Indo-Pacific, the People's Republic of China continues to expand its presence and threat campaign. On July 3d, the Chinese Coast Guard anchored two 541-foot vessels just 80 miles away from Palawan, a Filipino island. This intimidation method and other examples of escalating neighbor presence represents a complete disregard for international law and the sovereignty of the Philippines. Now more than ever, Filipinos within the United States and abroad are in dire need of our support.

For Guam, this issue is personal. In the areas of culture, commerce, and family, Guam is intertwined with the Philippines. In the gravest of scenarios, a PRC attack on any country within the first island chain, like the Philippines, will likely yield an attack on Guam.

As a representative and as a citizen of somewhere within China's maritime reach, I hope you, my colleagues, all support and recommit to our ally and vote in favor of this resolution.

Chairman MCCAUL. The gentleman yields back.

Is there any further discussion?

Mr. MOYLAN. Mr. Chairman, I'm sorry. May I extend just for a little bit, please?

Chairman MCCAUL. Yes.

Mr. MOYLAN. Thank you, Mr. Chair.

This is kind of in line—not really on my resolution—but in line with the freedom in the Indo-Pacific area. Because today we're celebrating the 80th celebration of our Guam liberation date. And I would just like to invite you and my members and my colleagues here to come on down and have a little celebration at Nancy Pelosi's conference room in the Cannon Building in celebration of our freedom, for the United States, what it has done for Guam and the liberation of Guam—80 years.

Thank you, Mr. Chair. I yield back.

Chairman MCCAUL. I would be delighted to attend if we're finished with this markup.

And I just want to congratulate the gentleman on his first piece of legislation, and it's a very worthy one in support of the Philippines. And Guam is certainly a beautiful island. I've been there before.

Any further discussion?

Mr. Bera is recognized.

Mr. BERA. Thank you, Mr. Chairman.

I support this timely measure by Delegate Moylan and Representative Bobby Scott because the U.S.-Philippines alliance is critical to the U.S. interests and a free and open Indo-Pacific region.

The Philippines holds a special place in the heart of the United States as an ally for over seven decades. There's no more urgent moment to reinforce the bonds between our nations. Tensions are escalating in the South China Sea with the PRC intensifying its interference with Philippine supply and fishing vessels, including dangerous maneuvers and the shooting of lasers and water cannons.

Beijing's flagrant disregard for international rules, even those it has long benefited from, is evident in its unlawful maritime claims across the West Philippine Sea and the broader South China Sea. These actions directly threaten the sovereignty of the Philippines as a nation and the prosperity of its people.

Just last month, we saw the PRC continue to escalate their provocative and irresponsible actions when a Chinese Coast Guard vessel with servicemen wielding machetes and other weapons collided with a Philippine supply boat and seized their firearms, injuring one Filipino soldier.

In the face of these escalatory actions, the U.S. commitment to the Philippines through our mutual defense treaty is unwavering. Such provocations only escalate an already volatile situation. And I call on my colleagues to join me in condemning the PRC's dangerous actions that threaten Philippines vessels in the South China Sea.

It is also critical that we continue to expand defense cooperation, conducting more joint patrols with the Philippines in the South China Sea and coordinating with our partners and allies in the region to ensure freedom of navigation and overflight.

That's why I applaud the Biden administration for hosting the first-ever U.S.-Japan-Philippines Trilateral Summit in April of this year to bolster trilateral cooperation toward our shared commitment to a free and open Indo-Pacific. As President Biden reaffirmed, our alliance with the Philippines remains ironclad.

I urge my colleagues to support this bill. And again, it's a good bill.

Chairman McCAUL. The gentleman yields back.

Any further discussion?

[No response.]

There being no further discussion of the resolution—oh, Ms. Wild is recognized.

Ms. WILD. No, I have an amendment at the desk.

Chairman McCAUL. OK. The committee will move to consideration of amendments.

Does any member wish to offer an amendment?

Ms. Wild?

Ms. WILD. I have an amendment at the desk, Mr. Chairman.

Chairman McCAUL. The clerk shall report—distribute the amendment.

The clerk shall report the amendment.

The CLERK. "Amendment to H.Res. 837 offered by Ms. Wild of Pennsylvania.

Page 3, line 11, strike 'and'"—

Chairman MCCAUL. Without objection, further reading of the amendment is dispensed with.

[The Amendment offered by Ms. Wild follows:]

AMENDMENT TO H. RES. 837
OFFERED BY MS. WILD OF PENNSYLVANIA

Page 3, line 11, strike “and”.

Page 3, line 16, strike the period at the end and insert “; and”.

Page 3, after line 16, insert the following:

1 (5) emphasizes that respecting the shared val-
2 ues of democratic institutions, human rights, and
3 the rule of law, especially with regard to the rights
4 of trade unionists, journalists, human rights defend-
5 ers, critics of the Government, faith and religious
6 leaders, and civil society activists, will strengthen the
7 alliance between the United States and the Phil-
8 ippines.



Chairman McCAUL. The gentlelady is recognized for 5 minutes.

Ms. WILD. Thank you, Mr. Chairman.

I rise in support of my amendment to House Resolution 837.

And I hope Mr. Moylan's invitation is open to the whole committee. If so, I accept.

I thank the majority for working with my office on the amendment language and coming to an agreement.

While I recognize this resolution's efforts to reaffirm the United States' commitment to meeting our treaty obligations and countering the aggressive actions of the PRC in the region, I think it is equally critical to recognize the need for the Philippine government to uphold democratic institutions, human rights, and the rule of law.

Since I began serving in Congress, I have worked to fundamentally change our policy toward the Philippines. As the sponsor of the Philippine Human Rights Act, I have met with labor organizers facing the constant threat of arbitrary detention and horrific campaigns of incitement and threats known as "red tagging," and even the prospect of extrajudicial killing at the hands of State security forces or paramilitary organizations operating with impunity—all because they are working to mobilize their fellow workers to exercise their fundamental right to organize and collectively bargain.

The threats facing the labor movement extend to journalists, human rights defenders, critics of the government, faith and religious leaders, and civil society activists. Under the cover of the so-called "War on Drugs," initiated by former President Duterte, and continued by the current Marcos administration, the Philippine government has overseen a relentless campaign to intimidate the labor movement, stifle political opposition, and suppress dissent.

We cannot remain silent. I submit this amendment in the wake of the tens of thousands of extrajudicial killings committed since the beginning of the Duterte presidency—in the name of all the courageous labor organizers, journalists, dissidents, members of clergy, and others who put their lives on the line in defense of their fellow citizens, and in the memory of all those labor organizers, dissidents, and others whose killings have gone without any degree of justice or accountability.

We should not and do not need to choose between addressing threats to our collective security and standing up for fundamental principles. In fact, we cannot have a genuinely effective, long-term strategy for the defense of one that excludes the other.

I urge my colleagues: stand with the people of the Philippines. Stand up for fundamental rights and dignity, and join me in adopting this amendment and continuing the work of shaping a policy toward the Philippines that puts human rights and human dignity first.

Thank you, Mr. Chairman. I yield back.

Chairman McCAUL. The gentlelady yields.

Any other members see recognition?

Mr. Moylan?

Mr. MOYLAN. Thank you, Mr. Chairman.

Regarding the Wild amendment, with PRC harassment operations on the rise, Ms. Wild's amendment offers a meaningful addition to this resolution—to commit to the defense of our Indo-Pacific

partners as a commitment to the proliferation of fundamental democratic principles. I'd like to support Ms. Wild's amendment, as it reinforces the idea that a secure Pacific is one that respects the rule of law and human rights.

Thank you, Mr. Chairman.

Chairman McCAUL. The gentleman yields.

Any other members seek recognition?

Mr. Bera?

Mr. BERA. Thank you, Mr. Chairman.

I support this amendment.

In their joint statement last year, President Biden and President Marcos expressed a need for our nations to ensure respect for human rights and the rule of law. I believe that our alliance will be stronger if our democracies are stronger and based on the bond of shared values.

So, I support this amendment and yield back.

Chairman McCAUL. The gentleman yields.

Any further discussion?

[No response.]

There being no further discussion, the question now occurs on the amendment offered by Representative Wild, No. 42.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the amendment is agreed to.

Are there any further amendments?

Mr. BERA. Mr. Chairman, I have Amendment 37 at the desk.

Chairman McCAUL. The clerk shall distribute the amendment.

And the clerk shall report the amendment.

The CLERK. "Amendment to H.Res. 837 offered by Mr. Bera of California.

In the ninth clause of the preamble, strike 'and' at the end.

In the tenth clause of the preamble"——

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

[The Amendment offered by Mr. Bera follows:]

AMENDMENT TO H. RES. 837**OFFERED BY MR. BERA OF CALIFORNIA**

In the ninth clause of the preamble, strike “and” at the end.

In the tenth clause of the preamble, strike “: Now, therefore, be it” and insert a semicolon.

After the tenth clause of the preamble, insert the following:

Whereas, on April 11, 2024, the leaders of Japan, the Philippines, and the United States held a trilateral summit in Washington, DC, to expand trilateral cooperation and bolster a free and open Indo-Pacific and an international order based on international law; and

Whereas, on June 17, 2024, PRC vessels tried to deny the Philippines from lawfully delivering humanitarian supplies to service members stationed at the BRP Sierra Madre through the dangerous use of water cannons, ramming, blocking maneuvers, and towing which damaged Philippine vessels and injured Philippine service members: Now, therefore, be it

Page 3, line 8, strike “begin joint patrols in the South China Sea” and insert “conduct more joint patrols in the South China Sea, including with other like-minded

partners, to underscore the importance of freedom of navigation and overflight”.

Page 3, line 11, strike “and” at the end.

Page 3, line 12, redesignate paragraph (4) as paragraph (5).

Page 3, line 12, insert the following:

- 1 (4) strongly condemns and calls on the People’s
- 2 Republic of China to cease its aggressive and dan-
- 3 gerous actions against Philippine vessels in the
- 4 South China Sea; and



Chairman MCCAUL. The gentleman is recognized for 5 minutes.

Mr. BERA. Thank you, Mr. Chairman. I'll keep it short.

This is a great bill that Representatives Moylan and Scott have offered. My amendment just updates the underlying resolution on events that have occurred since its introduction and adds a clause calling on the People's Republic of China to cease its aggressive and dangerous actions against Philippine vessels in the South China Sea.

With that, I yield back.

Chairman MCCAUL. The gentleman yields.

Any other members seek recognition?

Mr. Moylan?

Mr. MOYLAN. Thank you, Mr. Chairman.

I would like to thank Mr. Bera for offering his amendment to the resolution, and I wholeheartedly support his amendment, as it addresses a critical issue. The PRC's vessels have increased their operations near the Philippine shores and continue to put servicemembers and civilians at risk with their aggressive maritime tactics.

The additional inclusion of the U.S., Philippine, and Japanese trilateral cooperation also highlights an important area of the Indo-Pacific unity that should be present in this resolution.

Thank you, Mr. Chairman, and I yield back.

Chairman MCCAUL. The gentleman yields.

Any other member seek recognition?

[No response.]

There being no further discussion, the question now occurs on the amendment offered by Representative Bera, No. 37.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the amendment is agreed to.

Are there any further amendments?

Mr. Davidson is recognized.

Mr. DAVIDSON. Thank you, Mr. Chairman.

I have an amendment at the desk, No. 161.

Chairman MCCAUL. The clerk shall distribute the amendment.

And the clerk shall report the amendment.

The CLERK. "Amendment to H.Res. 837 offered by Mr. Davidson of Ohio.

Page 3, line 11, strike 'and' at the end.

Page 3, line 16, strike"—

Chairman MCCAUL. Without objection, further reading of the amendment is dispensed with.

[The Amendment offered by Mr. Davidson follows:]

AMENDMENT TO H. RES. 837
OFFERED BY MR. DAVIDSON OF OHIO

Page 3, line 3, insert “, in accordance with constitutional processes,” after “the Phillippines”.

Page 3, line 11, strike “and” at the end.

Page 3, line 16, strike the period at the end and insert “; and”.

After page 3, line 16, insert the following:

- 1 (5) reaffirms that if the President determines it
- 2 is necessary to engage United States forces in hos-
- 3 tilities under the Mutual Defense Treaty with the
- 4 Philippines, such action does not supersede the con-
- 5 stitutional requirement that Congress declare war or
- 6 authorize the use of military force prior to the
- 7 United States engaging in hostilities.



Chairman McCAUL. The gentleman is recognized for 5 minutes.

Mr. DAVIDSON. Thank you, Chairman.

And I want to thank you, Mr. Moylan. This is a great resolution. I think it's very thoughtful and incredibly timely—right on the tip of the spear in terms of where we should be focused right now.

I just have this offered in the spirit of alignment with, frankly, our Constitution. And, look, as principled as it is to say that no foreign agreement should trump the requirements of the U.S. Constitution, it's also pragmatic.

You know, if you look at NATO, people will commonly cite Article 5, which is kind of the mutual defense clause where we come to the aid; if one country is attacked, we consider it an attack on all of us. But they tend to neglect Article 11, which says, consistent with the constitutional processes of each member country. And that's just realism. That's the reality of what would happen in our own country, or at least what should through the courts and our laws.

And I think we found a bipartisan consensus, and I hope, Mr. Moylan, you can support it as well. It's intended to strengthen it and make it fully executable, should the need arise.

And with that, I would encourage everyone to support the amendment and the overall bill, as amended.

Chairman McCAUL. The gentleman yields.

Any other members seek recognition?

[No response.]

Let me say I support this amendment as well.

And there being no further discussion, the question now occurs on the amendment offered by Representative Davidson, No. 161.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the amendment is agreed to.

Are there any further amendments?

[No response.]

There being no further amendments, I move that the committee report H.Res. 837, as amended, to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table.

Staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H.Res. 554, affirming the nature and importance of the support of the United States for the religious and ethnic minority survivors of genocide in Iraq.

The resolution was circulated in advance.

And the clerk shall designate the resolution.

The CLERK. "H.Res. 554, Affirming the nature and importance of the support of the United States for the religious and ethnic minority survivors of genocide in Iraq."

Chairman McCAUL. Without objection, the first reading is dispensed with.

The resolution is considered read and open to amendment at any point.
[The resolution H.Res. 554 follows:]

118TH CONGRESS
1ST SESSION

H. RES. 554

Affirming the nature and importance of the support of the United States
for the religious and ethnic minority survivors of genocide in Iraq.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2023

Ms. SLOTKIN (for herself, Mr. MOOLENAAR, Mrs. McCLAIN, Mr. BERGMAN,
Ms. MACE, Mr. KILDEE, Ms. STEVENS, and Mr. ALLRED) submitted the
following resolution; which was referred to the Committee on Foreign Af-
fairs

RESOLUTION

Affirming the nature and importance of the support of the
United States for the religious and ethnic minority sur-
vivors of genocide in Iraq.

Whereas national, ethnic, religious and linguistic minorities
and indigenous peoples including Yezidis, Turkmen,
Shabak, Sabaeen-Mandaeans, Kaka'i, and indigenous
Christians (including Chaldean, Syriac, Assyrian, Arme-
nian, and Melkite communities), among others, have been
an integral part of the cultural fabric and history of Iraq
and the broader Middle East for millennia;

Whereas these same religious and ethnic minorities commu-
nities have made invaluable contributions to the pros-
perity and well-being of Iraq, and to societies across the

Middle East and the world, including in the United States;

Whereas the Islamic State of Iraq and Syria (“ISIS”) committed innumerable atrocities against these ethnic and religious minorities in Iraq, including murder, subjugation, forced conversion, kidnapping, human trafficking, forced emigration or expulsion, ethnic cleansing, torture, sexual enslavement, rape, and destruction of ancient artifacts and sites among other crimes;

Whereas the Secretary of State declared on March 17, 2016, and on August 15, 2017, that ISIS is responsible for genocide, crimes against humanity, and other atrocities against religious and ethnic minority groups in Iraq and Syria, including Shia Muslims, Christians, and Yezidis, among other religious and ethnic groups;

Whereas the Iraq and Syria Genocide Relief and Accountability Act of 2018 (Public Law 115–300) affirms that it is the policy of the United States to ensure that assistance for humanitarian, stabilization, and recovery needs of individuals who are or were nationals and residents of Iraq or Syria, and of communities in and from those countries, is directed toward those individuals and communities with the greatest need, including those individuals from communities of religious and ethnic minorities, and communities of religious and ethnic minorities, that the Secretary of State declared were targeted for genocide, crimes against humanity, or war crimes, and have been identified as being at risk of persecution, forced migration, genocide, crimes against humanity, or war crimes;

Whereas members of these religious and ethnic minority communities in Iraq continue to face daily insecurity, discrimination, and hardship;

Whereas internally displaced members of these religious and ethnic minority communities continue to face significant challenges to returning to their ancestral homelands, including in Mosul, Baaj, Sinjar, the Nineveh Plain, and other Yezidi places, due to security concerns, economic hardship, and shifting demographics;

Whereas the restoration and economic revitalization of these regions, as well as the repatriation of the Indigenous communities to their ancestral homes in a manner that provides an opportunity for diverse ethnic and religious communities to flourish, advances Iraq's stability and the security interests of the international community; and

Whereas local self-determination and security protection for the communities of these regions, including Mosul, Baaj, Sinjar, and the Nineveh Plain, within the framework of the Federal Republic of Iraq would restore and preserve the fundamental human rights, including property rights, of the Indigenous peoples of these regions: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) protects and upholds that the fundamental
3 human right and dignity of the religious and ethnic
4 minority communities of Iraq should be a policy pri-
5 ority of the United States and the international com-
6 munity;

7 (2) supports the restoration of security, sta-
8 bility, and economic opportunity of, as well as the

1 safe, dignified, and voluntary return of the displaced
2 Indigenous peoples to the territories of Mosul, Baaj,
3 Sinjar, and the Nineveh Plain, and other ancestral
4 homelands of minority religious and ethnic commu-
5 nities, and should be a policy priority of United
6 States and the international community;

7 (3) supports the restoration of homes, schools,
8 churches and other religious sites, and community
9 buildings of religious and ethnic minority commu-
10 nities in these regions should receive a specific and
11 enduring budget allocation by the Iraqi Government,
12 as well as continued support from international aid
13 donors;

14 (4) supports the effective representation in con-
15 sultation with members of the Indigenous popu-
16 lation, including internally displaced members of re-
17 ligious and ethnic minority communities is essential
18 to restoring and upholding the rights of these com-
19 munities, in line with article 125 of the Constitution
20 of Iraq, which states that the Constitution “shall
21 guarantee the administrative, political, cultural, and
22 educational rights of the various nationalities, such
23 as Turkmen, Chaldeans, Assyrians, and all other
24 constituents, and this shall be regulated by law”;
25 and

1 (5) supports greater regional integration for mi-
2 nority groups in Iraq and encourages the Secretary
3 of State to promote opportunities for affected minor-
4 ity groups to achieve greater administrative auton-
5 omy within the federal structure of the Republic of
6 Iraq.

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Chairman MCCAUL. Without objection, the James amendment in the nature of a substitute, circulated to members in advance, shall be considered as read and will be treated as original text for purposes of amendment.

[The amendment offered by Mr. James follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 554
OFFERED BY MR. JAMES OF MICHIGAN

Strike the preamble and insert the following:

Whereas national, ethnic, religious, and linguistic minorities and indigenous peoples, including Yezidis, Turkmen, Shabak, Sabaeen-Mandaeans, Kaka'i, and indigenous Christians (including Chaldean, Syriac, Assyrian, Armenian, and Melkite communities), among others, have been an integral part of the cultural fabric and history of Iraq and the broader Middle East;

Whereas these same religious and ethnic minorities have made and continue to make invaluable contributions to the prosperity and well-being of societies across the Middle East and the world, including in the United States;

Whereas, according to the 2017 Report on International Religious Freedom, the Islamic State of Iraq and Syria ("ISIS") is responsible for carrying out a "campaign of violence against members of all faiths, in particular non-Sunnis";

Whereas ethnic and religious minorities were subjected to innumerable atrocities by ISIS, including forced religious conversion, kidnapping, slavery, human trafficking, unlawful forced displacement, ethnic cleansing, torture, sexual violence, and sex trafficking, among other crimes;

Whereas the Secretary of State declared on March 17, 2016, and on August 15, 2017, that ISIS is responsible for

genocide, crimes against humanity, and other atrocities against religious and ethnic minority groups in Iraq and Syria, including Shia Muslims, Christians, and Yezidis, among other religious and ethnic groups;

Whereas the Iraq and Syria Genocide Relief and Accountability Act of 2018 (Public Law 115–300) affirms that it is the policy of the United States to ensure that assistance for religious and ethnic minorities is directed towards those most in need, including those that the Secretary of State declared were targeted for genocide, crimes against humanity, or war crimes, and have been identified as being at risk of persecution, forced migration, genocide, crimes against humanity, or war crimes;

Whereas members of these religious and ethnic minority communities continue to face daily insecurity, discrimination, and hardship;

Whereas religious and ethnic minorities continue to face significant challenges to returning to their ancestral homelands, including in Mosul, Baaj, Sinjar, the Nineveh Plain, and other Yezidi places, due to security concerns, economic hardship, and shifting demographics; and

Whereas the restoration and stabilization of these regions will provide an opportunity for diverse ethnic and religious communities to flourish: Now, therefore, be it

Strike the resolving clause and insert the following:

- 1 *Resolved*, That the House of Representatives—
- 2 (1) commits to protecting and upholding inter-
- 3 nationally recognized human rights of members of
- 4 the religious and ethnic minority communities;

1 (2) supports the restoration of security, sta-
2 bility, and economic opportunity of, as well as the
3 safe, dignified, and voluntary return of, internally
4 displaced persons, including those originally from
5 the territories of Mosul, Baaj, Sinjar, and the
6 Nineveh Plain;

7 (3) supports the restoration of religious and
8 cultural heritage sites in Iraq, including, churches,
9 and other religious sites, and community buildings
10 of religious and ethnic minority communities in
11 these regions; and

12 (4) supports equal and inclusive representation
13 for religious and ethnic minority groups in Iraq in
14 line with article 125 of the Constitution of Iraq and
15 encourages the Secretary of State to promote oppor-
16 tunities for affected minority groups to further that
17 objective.



Chairman MCCAUL. Is there any discussion of the resolution?

Mr. James is recognized.

Mr. JAMES. Thank you, Mr. Chairman.

I want to recognize, of course, how this got here. Congresswoman Slotkin wrote this resolution and I got it to a vote, as a sub-committee chair on HFAC.

This is a sterling example of bipartisan action on what Michiganders agree is a nonpartisan issue, standing by the Chaldean people at home and abroad. This resolution expresses the support of the U.S. House of Representatives for the restoration of the rights and dignities given to religious and ethnic minority communities in Iraq. That includes the restoration of religious and cultural sites, such as churches and community buildings.

Our hope is that this message coming from this markup today reaches the highest levels within the Iraqi government in Baghdad, in knowing that the United States stands by the Chaldean community. The Iraqi constitution enshrines equal and inclusive representation for religious and ethnic minority groups in Iraq. Untrustworthy actors, many aligned with Iran, are using these rights to undermine the Christian minority community today.

In Michigan's 10th congressional District, religious liberties are not only deeply personal to our vibrant Chaldean community, but also to many of our fellow Catholic and Christian brothers and sisters that see this right as an essential cornerstone of a free and prosperous society.

This resolution is a long time coming. And I really, really appreciate you, Mr. Chairman and Ranking Member Meeks, for helping me bring this forward. It means a great deal to the Chaldean Iraqi Christians throughout the State of Michigan and across the country, and, in particular, in Iraq, who are fighting for and advocating for these rights each and every single day.

Mr. Chairman, I applaud your leadership.

Thank you. I yield.

Chairman MCCAUL. The gentleman yields.

Let me say I strongly support this resolution and I appreciate the gentleman bringing it forward.

Is there any further discussion on the resolution?

Mr. Bera is recognized.

Mr. BERA. Thank you, Mr. Chairman.

I am proud to support this resolution from Representative Slotkin, which rightfully and critically brings attention to the contributions of and suffering endured by religious and ethnic minority groups in Iraq.

And with that, you know, I yield back.

Chairman MCCAUL. The gentleman yields back.

Is there any further discussion on the resolution.

[No response.]

There being no further discussion on the resolution, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

[No response.]

There being no amendments, I now move that the committee report H.Res. 554, as amended, to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table.

Staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H.Res. 1328, recognizing the actions of the Rapid Support Forces and allied militias in the Darfur region of Sudan against non-Arab ethnic communities as acts of genocide.

The resolution was circulated in advance.

And the clerk shall designate the resolution.

The CLERK. "H.Res. 1328, Recognizing the actions of the Rapid Support Forces and allied militias in the Darfur region of the Sudan against non-Arab ethnic"——

Chairman McCAUL. Without objection, the first reading is dispensed with.

The resolution is considered read and open to amendment at any point.

[The resolution H.Res. 1328 follows:]

118TH CONGRESS
2D SESSION

H. RES. 1328

Recognizing the actions of the Rapid Support Forces and allied militias in the Darfur region of Sudan against non-Arab ethnic communities as acts of genocide.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2024

Mr. JAMES (for himself and Mr. ALLRED) submitted the following resolution;
which was referred to the Committee on Foreign Affairs

RESOLUTION

Recognizing the actions of the Rapid Support Forces and allied militias in the Darfur region of Sudan against non-Arab ethnic communities as acts of genocide.

Whereas Article II of the Convention on the Prevention and Punishment of the Crime of Genocide (in this preamble referred to as the “Genocide Convention”), adopted at Paris on December 9, 1948, defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to

prevent births within the group; (e) Forcibly transferring children of the group to another group”;

Whereas the genocide that began in 2003 in Darfur perpetrated by the Government of Sudan and its proxy Janjaweed militia, explicitly targeting the Fur, Zaghawa, and Masalit ethnic communities through mass killings, forced displacement, the razing of villages and cropland, widespread rape, aerial bombings of civilians, and the blocking of humanitarian assistance, killed at least 200,000 civilians and displaced 2,000,000 people;

Whereas, on July 22, 2004, Congress declared, with the passage of House Concurrent Resolution 467 (108th Congress) and Senate Concurrent Resolution 133 (108th Congress), that atrocities occurring in Darfur were genocide, and the administration of President George W. Bush declared genocide in Darfur on September 9, 2004;

Whereas, in 2013, the Government of Sudan, under the administration of the National Intelligence and Security Service (NISS) and the command of the Sudanese Armed Forces (SAF), formed the Rapid Support Forces (RSF), a formal paramilitary force composed primarily of Janjaweed militia;

Whereas Mohamed Hamdan Dagalo (commonly known as “Hemedti”), a Janjaweed militia leader during the genocide in Darfur that began in 2003, served as head of the RSF and became the deputy head of the Transitional Military Council, which took power from the President of Sudan Omar al-Bashir in 2019, and the deputy chairman of the successor Sovereign Council;

Whereas the elevation of individuals who served in leadership of the parties responsible for such genocide, including

Hemedti and General Abdel Fattah al-Burhan of the SAF, into leadership roles in the transition government in 2019 only heightened the risk of atrocities recurring across Sudan, including genocide in Darfur;

Whereas fighting between the SAF and the RSF broke out in Khartoum on April 15, 2023, and quickly spread to Darfur, where the RSF has taken control of four of five regional capitals in Darfur: Nyala, Geneina, Zalingei, and El Daein;

Whereas, on August 16, 2023, CNN issued an investigative report on the June 15, 2023, atrocity in El Geneina, the capital of West Darfur, describing the atrocity as “one of the most violent incidents in the genocide-scarred Sudanese region’s history”, explaining how “the powerful paramilitary Rapid Support Forces and its allied militias hunted down non-Arab people in various parts of the city . . . reviving a genocidal playbook”, and in which survivors reported that identifying as Masalit “was a death sentence”;

Whereas, on November 3, 2023, the Office of the United Nations High Commissioner for Human Rights stated, “We are deeply alarmed by reports that women and girls are being abducted and held in inhuman, degrading slave-like conditions in areas controlled by the Rapid Support Forces (RSF) in Darfur”;

Whereas, on November 14, 2023, the United Nations Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu, expressed extreme concern with the “serious allegations of mass killings” in Ardamata, which “may constitute acts of genocide”, citing reports that the violence killed more than 800 people and displaced 8,000 Sudanese individuals to Chad;

Whereas, on December 6, 2023, Secretary of State Antony Blinken determined that, since the fighting between the SAF and the RSF began on April 15, 2023, Sudan has experienced war crimes, crimes against humanity, and ethnic cleansing in “haunting echoes of the genocide that began almost 20 years ago in Darfur”, including Masalit civilians being “hunted down and left for dead in the streets, their homes set on fire, and told that there is no place in Sudan for them”;

Whereas a December 15, 2023, Reuters special investigative report detailed the targeted killing of Masalit men and boys by the RSF, about which an emergency protection officer for the United Nations High Commissioner for Refugees explained that “the objective of the killings seems to be the elimination of future fighters as well as the line of ancestry of a specific ethnic group”, referring to the Masalit people;

Whereas the RSF has killed Masalit political and traditional leaders in El Geneina, West Darfur, including Khamis Abdullah Abbakar, the Governor of West Darfur, and Farsha Mohamed Arbab, a prominent leader of the Masalit Sultanate;

Whereas, on May 9, 2024, Human Rights Watch reported that attacks by the RSF and allied militias in El Geneina, the capital city of Sudan’s West Darfur state, killed thousands of people and left hundreds of thousands as refugees, from April to November 2023;

Whereas there is significant evidence of widespread, systematic actions against the non-Arab ethnic communities of Darfur, including the Masalit people, committed by the RSF and allied militias that meet one or more of the cri-

teria under Article II of the Genocide Convention, including—

(1) killing members of the non-Arab ethnic communities in Darfur in mass killings of civilians, including summary executions in the streets and shootings of civilians fleeing across the Wadi Kaja river and to the Chad border, targeted killings of men and boys, targeted killings of Masalit leaders, and burials in mass graves;

(2) causing serious bodily or mental harm to members of such communities, including through extrajudicial detention, torture and beatings, extortion, sexual and gender-based violence, mass rape, sexual slavery, and forced displacement; and

(3) deliberately inflicting on such communities conditions of life calculated to bring about their physical destruction in whole or in part, including the annihilation of villages, targeted attacks on marketplaces and schools, widespread destruction of civilian infrastructure and telecommunication, the looting of homes and hospitals, assaults on camps for displaced persons, the destruction of humanitarian facilities, the killing of aid workers, and restrictions on humanitarian aid and access; and

Whereas credible descriptions of the RSF's objective of elimination of the line of ancestry of the non-Arab tribes of Darfur, survivors' statements reporting that identifying as Masalit is a death sentence, and reports that the RSF made clear that there is no place in Sudan for the Masalit, against the backdrop of the prior genocide in Darfur, evince a specific intent on the part of the RSF to destroy the Masalit and other non-Arab ethnic groups in Darfur in whole or in substantial part: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns atrocities, including those that
3 amount to genocide, being committed by the Rapid
4 Support Forces (RSF) and allied militias against
5 the Masalit people and other non-Arab ethnic groups
6 in Darfur, and the roles of the RSF and Sudanese
7 Armed Forces (SAF) in perpetrating atrocities, hu-
8 manitarian catastrophe, and the destruction of
9 Sudan;

10 (2) calls for an immediate end to the war and
11 all violence and atrocities in Sudan;

12 (3) urges the Government of the United
13 States—

14 (A) to take immediate steps with the inter-
15 national community, including through multilat-
16 eral fora, to protect civilians, including by es-
17 tablishing safe zones and humanitarian cor-
18 ridors, enforcing the United Nations Security
19 Council arms embargo on Darfur, and
20 brokering a comprehensive cease-fire between
21 the warring parties in Sudan;

22 (B) to support the consistent and trans-
23 parent documentation of atrocities and geno-
24 cidal acts in Sudan by instituting a mechanism
25 that will, to the greatest extent possible, pub-

1 licly release such documentation on a consistent
2 and regular basis;

3 (C) to immediately identify mechanisms
4 through which to fund local, community-based
5 organizations that are currently providing non-
6 lethal assistance to the Sudanese people in con-
7 flict-affected areas that traditional imple-
8 menting partners cannot reach, including for
9 the delivery of food, medical aid, and shelter to
10 individuals impacted by the war in Sudan; and

11 (D) to review and update the atrocities de-
12 termination for Sudan every 180 days for 3
13 years from enactment;

14 (4) supports tribunals and international crimi-
15 nal investigations to hold the RSF and allied militias
16 accountable for war crimes, crimes against human-
17 ity, and genocide; and

18 (5) calls on the Atrocity Prevention Task Force
19 to conduct a comprehensive review of its efforts to
20 prevent, analyze, and respond to atrocities in Sudan,
21 in alignment with the 2022 United States Strategy
22 to Anticipate, Prevent, and Respond to Atrocities.

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Chairman MCCAUL. Is there any discussion on the resolution?

Mr. James is recognized.

Mr. JAMES. Thank you, Mr. Chairman.

As chairman of the Africa Subcommittee, I have spoken before the full committee time and time again to bring attention to the crises ongoing on the African continent. Today, Sudan is the largest humanitarian crisis in the world. With close to 9 million people internally displaced, 25 million people are experiencing acute food insecurity, with over 700,000 people on the verge of famine, including regions of Darfur.

While the official death toll is approximately 15,000 since the civil war began in April 2023, most estimate that the actual figure is closer to 150,000 people dead. Refugees are scattered around the region and contributing to immigration crises all over the world, as civilians flee escalating violence by the warring parties, the Rapid Support Forces, RSF, and the Sudanese Armed Forces, SAF.

As the war continues to unfold, an abundance of evidence points to genocide being committed by the RSF against the Masalit, and likely against other non-Arab ethnic communities, black communities as well. In West Darfur, the RSF has systematically targeted the Masalit ethnic group. From April to June 2023, up to 15,000 people were killed in a series of coordinated attacks. Survivors reported being targeted explicitly because they were Masalit.

According to a report compiled by the Raoul Wallenberg Center for Human Rights, the RSF have attacked, burned, and destroyed homes, entire villages, IDP camps, and shelters that primarily hosted Masalit people. Shortly after he publicly decried the ongoing genocide, calling for international intervention to protect the remaining population, the Governor of West Darfur was executed by the RSF.

My resolution will formally declare the atrocities committed by the Rapid Support Forces and allied militia as acts of genocide. For too long, the world has stood by complicit as we watch history repeat itself, as external actors, including the UAE, Russia, and Iran, fuel this fight without repercussion.

In 2003, the government of Sudan and its proxies, Janjaweed militia, explicitly targeted the non-Arab, black Fur Zaghawa and Masalit ethnic communities through mass killings, forced displacement, razing the villages and cropland, widespread rape, aerial bombings of civilians, and blocking of humanitarian assistance. Today, RSF, formed out of elements of Janjaweed militia, are using the exact same playbook.

In 2004, it was Congress who took the lead to bring attention to these atrocities with the passage of House Concurrent Resolution 467 and Senate Concurrent Resolution 133 in the 108th Congress, declaring the atrocities occurring in Darfur as a genocide.

Then, President George W. Bush's administration followed by declaring genocide in Darfur in September 2004. Despite hundreds of thousands of U.S. forces on the ground in Iraq and Afghanistan, the Bush administration did not ignore the plight of the Sudanese people.

President Biden, what's your excuse? Today, Ukraine gets billions and Gaza gets a pier, but because the Sudanese are neither white, nor have a vital diaspora, which represents a key voting

block for the President, the Sudanese people—the black Sudanese people get crickets.

Do black lives matter, Mr. President? Or do you only care about their votes in election years? Act now and work with Congress to hold every actor in this genocide accountable for their atrocities against black Africans.

For now, Congress will take the lead again. First, the Senate introduced a bipartisan resolution, and today, we're considering H.Res. 1328, the bipartisan House version. I've spoken to the State Department and our intelligence resources. The evidence is clear, the RSF's actions unequivocally amount to genocide and must be declared as such.

I also call on the SAF, the RSF, and their backers to immediately cease violence and bring to end this devastating war, or you will be held accountable. The Sudanese people cannot afford a delay, as lives hang in the balance today.

Thank you, Mr. Chairman.

Chairman MCCAUL. The gentleman yields.

Let me say, I thank you for bringing this resolution. I strongly support.

It has been over a year since fighting first broke out in Khartoum and through Sudan. The war in Sudan has created a heart-breaking humanitarian crisis. Humanitarian workers have been killed, and more than 7 million people have been displaced, including 3 million children.

There are reports of widespread rape and sexual violence, as well as war crimes, and crimes against humanity, and ethnic cleansing.

Much, if not all, has been at the hands of the Rapid Support Forces, also known as the Janjaweed, and its allied militias targeting the non-Arab Sudanese.

This past April, at the 1-year anniversary of the conflict, Ranking Member Meeks and I, along with Senate Foreign Relations Committee Chairman Cardin and Ranking Member Risch, sent a letter to the Administration requesting that they examine the RSF actions and if they are guilty of gross violations of internationally recognized human rights. Since we sent that letter, the violence has only increased.

We want the world to know that the U.S. Congress stands together in our outrage of the genocidal actions by both the Janjaweed as well as their enablers. And we must also send the clear message that the Congress condemns the Sudanese Armed Forces who are guilty of acts of war and other atrocities. The United States must use all of its diplomatic might to pressure both sides to cease this war, and hand over power to the people of Sudan.

As millions face violence, famine, and ethnic targeting in Darfur region in Sudan, it is time this body speaks with a unified voice that genocide and ethnic cleansing will not be tolerated.

And with that, I yield. And I recognize Mr. Bera.

Mr. BERA. Thank you. Thank you, Mr. Chairman.

I support this resolution because we must call greater attention to Sudan, which is experiencing ongoing violence and atrocities as the world's largest humanitarian crisis.

Let me emphasize that again: the worlds largest humanitarian crisis.

It is appalling that so many millions of people are suffering in Sudan without a greater outcry from around the world. So, I applaud this bipartisan resolution and wholeheartedly support it.

I yield back.

Mr. JAMES [presiding]. The gentleman yields back.

Is there any further discussion?

There being no further discussion of the resolution, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

There being no further amendments, I move that the committee report H.Res. 1328, as amendment to House—amended to the House, with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

None being heard, in the opinion of the chair, the ayes have it and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table. And staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up House Joint Resolution 164 providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Commerce relating to Revision of Firearms License Requirements.

[The Joint Resolution H.J.Res. 164 follows:]

118TH CONGRESS
2D SESSION

H. J. RES. 164

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Commerce relating to “Revision of Firearms License Requirements”.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2024

Mr. GREEN of Tennessee (for himself, Mr. McCaul, Ms. Stefani, Mr. Hudson, Mr. Guest, Mr. Williams of Texas, Mr. Graves of Missouri, Mr. Bost, Mr. Ogles, Mrs. Harshbarger, Mr. Kustoff, Mr. DesJarlais, Mr. Burchett, Mr. Fleischmann, Mr. Good of Virginia, Mr. Biggs, Mr. Roy, Mr. Cloud, Mr. Clyde, Mr. Brecheen, Mr. Cline, Mr. Gosar, Mr. Griffith, Mr. Harris, Mr. Higgins of Louisiana, Mrs. Miller of Illinois, Mr. Moore of Alabama, Mr. Nehls, Mr. Tiffany, Mr. Davidson, Mr. Bishop of North Carolina, Mr. Burlison, Mr. Donalds, Mr. Fulcher, Mr. Mooney, Mr. Murphy, Mr. Norman, Mr. Reschenthaler, Mr. Moore of Utah, Mr. Posey, Mr. Grothman, Mr. Crenshaw, Mrs. Wagner, Mr. Fry, Mr. Yakym, Mr. Tony Gonzales of Texas, Mr. Bean of Florida, Mr. Sessions, Mr. Timmons, Ms. Tenney, Mr. Weber of Texas, Mr. Smith of Nebraska, Mr. Mann, Mrs. Miller of West Virginia, Mr. Moolenaar, Mr. HERN, Mr. Edwards, Mrs. Hinson, Mr. Walberg, Mr. Steube, Mr. Mills, Mr. Fallon, Mr. Massie, Mr. Ezell, Mr. Langworthy, Mr. Rutherford, Mr. Bergman, Mr. Scott Franklin of Florida, Mr. Kelly of Mississippi, Mr. Self, Mr. Barr, Mr. Carl, Mr. Baird, Ms. Lee of Florida, Mr. Feenstra, and Mr. Babin) submitted the following joint resolution; which was referred to the Committee on Foreign Affairs

JOINT RESOLUTION

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by

the Department of Commerce relating to “Revision of Firearms License Requirements”.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That Congress disapproves the rule submitted by the De-
4 partment of Commerce relating to “Revision of Firearms
5 License Requirements” (89 Fed. Reg. 34680), and such
6 rule shall have no force or effect.

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Mr. JAMES. The joint resolution was circulated in advance.

The clerk shall designate the joint resolution.

The CLERK. H.J.Res. 164, Providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Commerce relating to the Revision—

Mr. JAMES. Without objection, the first reading is dispensed with. And the joint resolution is considered read and open to amendment at any point.

Is there any discussion of the joint resolution?

The gentleman from California is now recognized.

Mr. BERA. Thank you, Mr. Chairman.

I strongly oppose H.J.Res. 164.

And with that, I yield back.

Mr. JAMES. The gentleman yields back.

Is there any further discussion?

Mr. GREEN. Yes.

Mr. JAMES. Mr. Green is acknowledged for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman, and Ranking Member

And I would like to submit into the record this letter from the Firearm Industry Association from their President Lawrence Keane.

So ordered?

Mr. JAMES. Without objection.

[The information referred to was not submitted]

Mr. GREEN. On October 27th, 2023, without any warning, clarification, or justification, the Department of Commerce's Bureau of Industry and Security unilaterally paused the issuance of renewal—and renewal of numerous export licenses for firearms, ammunition, and related materials. BIS officials assured this pause would only last 90 days.

That was a lie.

American businesses were left completely in the dark for over 200 days, unable to fulfill contracts and forced to lay off employees.

I grilled Under Secretary Alan Estevez about this irresponsible pause when he came before this committee, and all he did was deflect and, again, give false testimony. BIS's cavalier decision to put these business owners at risk of losing everything they have worked to build is disgraceful.

Following the pause, BIS issued an interim final rule that is having a devastating effect for American firearms and ammunition manufacturers and exporters. Among other problematic provisions, this IFR makes gun export licenses only valid for 1 year instead of four.

As a result of this rule, backlogs for licenses will skyrocket, forcing BIS to review 16,600 applications a year, more than double its current case load. These 16,600 applications will now be reviewed on a case-by-case basis, leaving firearms exporters at the mercy of anti-gun bureaucrats.

And let's not forget BIS's decision to revoke the licenses of businesses because they export to one of the now banned 36 countries. This punitive and predatory actions against these law-abiding businesses shows just how the Biden administration is willing to go to enact its anti-gun agenda.

This new rule even targets hunters and competitive marksmen traveling overseas by restricting what firearms they can take and where they can travel. While BIS claims that these changes will not significantly impact the industry, a comprehensive economic analysis performed by the National Shooting Sports Foundation estimates that this IFR will cost the industry \$500 million per year, a devastating effect.

BIS claims that this IFR is necessary to stop international gun crimes, but has no evidence to back this claim up. In fact, a 2022 Government Accounting Office report concludes the opposite.

According to the GAO, existing data on international gun crimes was insufficient to warrant any permanent changes. In fact, the GAO repeatedly notes that the firearms used in international gun crimes are overwhelmingly sourced through illegal markets working across porous borders and through theft.

As the Biden Bureau of Alcohol, Tobacco, and Firearms, and Explosives has admitted, less than 1 percent of firearms lawfully exported from the U.S. were associated with an international gun crime. In other words, Biden is barking up the wrong tree.

It is clear that as long as there is a booming black market for guns, restricting the legal sale of firearms won't stop international gun crimes, but it will keep law-abiding citizens being able to protect themselves against criminals. It will also cede control of this market to bad actors, including countries like Russia and China. And it will put Americans who are employed in this industry out of work.

At every step of this process BIS has left American exporters out to dry. As Adam Naylor, President of Outdoorsman Precision Manufacturing in Celina, Tennessee, said, Our business was forced to close last month, with over a million dollars in open orders that were either put on hold or completely canceled, as our OEM customer sales declined during the BIS pause.

He went on to say that this pause, and now IFR, has resulted in eight jobs lost in his distressed, tiny community, 600,000 in hard cash investments, one million of unsecured loans unable to be repaid, and 1.5 million of capital equipment surrendered to the banks. This is just one story out of thousands.

The congressional mandate for the Department of Commerce is simple: foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing and fishery industry of the United States. In other words, the department must facilitate commerce not hinder it.

Not only is this IFR unnecessary, it is devastating to the industry, and will only make international gun crimes worse.

With over 90 co-sponsors, my congressional Review Act resolution of disapproval would overturn this disastrous IFR and put American firearms exporters first. I strongly urge my colleagues on the committee to vote in favor of this resolution.

And I yield my time.

Mr. JAMES. The gentleman yields back.

Is there any further discussion?

Mr. Amo?

Mr. Amo has been acknowledged for 5 minutes.

Mr. AMO. Thank you, Mr. Chairman.

In our committee we often talk about exporting American values and defending American interests abroad. And, yet, today we are considering a joint resolution that does just the exact opposite. It undermines our foreign policy interests and threatens our national security.

Should it become law, the U.S. would once again export our most uniquely American problem: school shootings. This is not an exaggeration by any means. I am not being an alarmist. In fact, it has already happened.

In October 2022, a gun, legally exported out of the United States, was used in a mass shooting at a preschool, a preschool in Thailand. Thirty-six people lost their lives, including more than 20 children.

How does this not infuriate every member of this committee?

Federal law enforcement concluded that during the previous Administration nearly 11 percent of guns recovered at international crime scenes were lawfully exported from the United States. Again, lawfully.

Thankfully, the Department of Commerce took steps to correct this by thwarting the diversion and misuse of exported guns. But today our Republican colleagues are trying to undo this lifesaving progress. You are saying yes to once again spreading the cancer of American gun violence all across the world.

Make no mistake, this joint resolution would fuel crime, regional instability, and political violence abroad. It would throw gasoline on the fires of violence and turmoil that force millions to flee their homes and seek a better life in the United States.

To my Republican colleagues, you cant honestly claim that this rule infringes on the Second Amendment. This rule doesnt even concern gun possession in the United States. It is about exporting guns abroad.

Exporting guns without sufficient checks and guardrails will only make us, us, our allies around the world, all of those in the global community less safe.

So, I urge my colleagues to join me in opposing this dangerous legislation. We must act.

I yield back.

Mr. JAMES. The gentleman yields back.

Mr. Davidson is acknowledged for 5 minutes.

Mr. DAVIDSON. I thank the chairman.

Wow. I cant believe what I just heard from my colleague on the other side of the aisle. I applaud Mr. Greens resolution. I think it should be common sense.

The status quo was that we export our weapons. And the problem is that the Administration has decided, well, if I cant do gun control in America because the Constitution is in the way, let me do gun control everywhere else I can.

What a shame.

Mr. Green highlighted the problems this is causing for hard-working Americans all over the economy, people that have put their capital to risk in our economy, and you talk about what is distinctly American? The right to life is critical, and because of that the right to protect your life is there. And we do it with firearms in our country.

And people around the world want to be able to do it.

When did the Biden Administration implement this rule? Right after 10/7 when Hamas attacked Israel and the surge for demand for firearms, they didnt just attack, it was a massacre: people asleep in their homes, young people at a concert, where in America some people would be armed; right to keep and bear arms.

And they have these protections in other places in the world, and they want the firearms to be able to protect themselves. They ought to be able to buy them if theyre consistent with the law, with the laws of their country. And we make them here in abundance here in America and we make them very good. They are well-crafted, high quality weapons. They work when you need them to. They save lives in the right hands.

And that is the business of the countries that let them be imported. Our country ought to not get in the way of the export. Everyone ought to get behind this amendment. I hope it is bipartisan.

What a shame what this Biden administration is doing to the people off Israel and others around the world that just want to be safe.

I yield the balance of my time to Mr. Green.

Mr. GREEN. I thank the gentleman.

And I just want to say, you know, Bidens administration, its ATF is the one that says this is not a legal export problem, it is the smuggling of guns that is causing this illegally. And, in fact, the biggest source of the diversion of firearms to the black market are government and military stockpiles. This according to the ATF under Biden.

The guns are going to get there. The bad guys are going to find another way. Our State Department really regulates these exports very heavily. Why not have that, instead of Russia and China supplying these guys? Why empower people who are nefarious with more revenue from the sale of guns that we could sell, created from the United States? It is a great example of flawed Democrat thinking.

They are fine with an open border that puts billions of dollars into the hands of drug cartels smuggling humans through the area. Apparently they are OK letting other manufacturers export nefariously. I say we put them out of business.

Green New Deal, all this stuff about, oh, well, we cant. We are going to shut down the U.S. oil and gas industry. Oh, wait a minute, we, we actually are 47 percent cleaner than all the other places across the planet. Why dont we ramp ours up and put them out of business if we really cared about the climate?

This is just ridiculously flawed thinking. We have got to pass this bill. And that will create a safer world.

I yield.

Mr. JAMES. The gentleman yields.

Is there any further discussion?

There being no further discussion of the joint resolution, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

There being no amendments, I move that the committee report H.J.Res. 164 to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the motion is agreed to.

Mr. AMO. I request a recorded vote.

Mr. JAMES. A roll call vote has been requested.

Pursuant to the chairs previous announcement, this vote will be postponed.

Pursuant to notice, I now call up H.R. 1425, the No WHO Pandemic Preparedness Treaty Without Senate Approval Act.

[The Bill H.R. 1425 follows:]

118TH CONGRESS
1ST SESSION

H. R. 1425

To require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2023

Mr. TIFFANY (for himself, Mr. BIGGS, Mrs. BOEBERT, Mr. FITZGERALD, Mr. GOODEN of Texas, Mr. GOSAR, Mrs. HARSHBARGER, Mrs. HOUCIN, Mrs. MILLER of Illinois, Mr. NEHLS, Mr. ROY, Mr. SELF, Mr. SESSIONS, Mr. STEIL, and Ms. TENNEY) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification.

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 “No WHO Pandemic
5 Preparedness Treaty Without Senate Approval Act”.

6 SEC. 2. FINDINGS.

7 Congress makes the following findings:

1 (1) On May 18, 2020, President Donald Trump
2 sent a letter to World Health Organization (referred
3 to in this Act as “WHO”) Director-General Tedros
4 Adhanom Ghebreyesus (referred to in this Act as the
5 “Director-General”), announcing that—

6 (A) United States contributions to WHO
7 would be halted due its mismanagement of the
8 COVID–19 outbreak and its lack of independ-
9 ence from the People’s Republic of China; and

10 (B) the United States would withdraw
11 from WHO if it did not commit to substantive
12 improvements within 30 days.

13 (2) President Trump’s May 18 letter cited nu-
14 merous instances of WHO mismanagement of the
15 COVID–19 pandemic, including—

16 (A) unjustified delays informing member
17 states about a potentially serious disease out-
18 break in Wuhan, China; and

19 (B) repeated grossly inaccurate or mis-
20 leading claims about the transmissibility of the
21 virus and about the Government of China’s
22 handling of the outbreak.

23 (3) On June 30, 2020, Secretary of State Mike
24 Pompeo formally notified the United Nations of the
25 United States decision to withdraw from WHO,

1 which would have taken effect on July 6, 2021,
2 under the terms of a joint resolution adopted by
3 Congress on June 14, 1948 (Public Law 80–643; 62
4 Stat. 441).

5 (4) A Pew Research Center survey conducted in
6 April and May 2020 indicated that 51 percent of
7 Americans felt that WHO had done a poor or fair
8 job in managing the COVID–19 pandemic.

9 (5) On January 20, 2021, President Joseph
10 Biden sent United Nations Director-General António
11 Guterres a letter retracting the United States notice
12 of withdrawal from WHO.

13 (6) On December 1, 2021, at the second special
14 session of the World Health Assembly (referred to in
15 this Act as the “WHA”) decided—

16 (A) to establish an intergovernmental ne-
17 gotiating body (referred to in this section as the
18 “INB”) to draft and negotiate a WHO conven-
19 tion (referred to in this section as the “Conven-
20 tion”), agreement, or other international instru-
21 ment on pandemic prevention, preparedness,
22 and response, with a view to adoption under Ar-
23 ticle 19 or any other provision of the WHO
24 Constitution; and

1 (B) that the INB shall submit a progress
2 report to the Seventy-sixth WHA and a working
3 draft of the convention for consideration by the
4 Seventy-seventh WHA, which is scheduled to
5 take place beginning on March 18, 2024.

6 (7) On February 24, March 14 and 15, and
7 June 6 through 8 and 15 through 17, 2022, the
8 INB held its inaugural meeting at which the Direc-
9 tor-General proposed the following 5 themes to guide
10 the INB's work in drafting the Convention:

11 (A) Building national, regional, and global
12 capacities based on a whole-of-government and
13 whole-of-society approach.

14 (B) Establishing global access and benefit
15 sharing for all pathogens, and determining a
16 global policy for the equitable production and
17 distribution of countermeasures.

18 (C) Establishing robust systems and tools
19 for pandemic preparedness and response.

20 (D) Establishing a long-term plan for sus-
21 tainable financing to ensure support for global
22 health threat management and response sys-
23 tems.

24 (E) Empowering WHO to fulfill its man-
25 date as the directing and coordinating authority

1 on international health work, including for pan-
2 demic preparedness and response.

3 (8) On July 18 through 22, 2022, the INB held
4 its second meeting at which it agreed that the Con-
5 vention would be adopted under Article 19 of the
6 WHO Constitution and legally binding on the par-
7 ties.

8 (9) On December 5 through 7, 2022, the INB
9 held its third meeting at which it accepted a concep-
10 tual zero draft of the Convention and agreed to pre-
11 pare a zero draft for consideration at the INB's next
12 meeting.

13 (10) In early January 2023, an initial draft of
14 the Convention was sent to WHO member states in
15 advance of its formal introduction at the fourth
16 meeting of the INB, which is scheduled for February
17 27 through March 3, 2023. The draft includes broad
18 and binding provisions, including rules governing
19 parties' access to pathogen genomic sequences and
20 how the products or benefits of such access are to
21 be distributed.

22 (11) Section 723.3 of title 11 of the Depart-
23 ment of State's Foreign Affairs Manual states that
24 when "determining whether any international agree-
25 ment should be brought into force as a treaty or as

1 an international agreement other than a treaty, the
2 utmost care is to be exercised to avoid any invasion
3 or compromise of the constitutional powers of the
4 President, the Senate, and the Congress as a whole”
5 and includes the following criteria to be considered
6 when determining whether an international agree-
7 ment should take the form of a treaty or an execu-
8 tive agreement:

9 (A) “The extent to which the agreement
10 involves commitments or risks affecting the na-
11 tion as a whole”.

12 (B) “Whether the agreement is intended to
13 affect state laws”.

14 (C) “Whether the agreement can be given
15 effect without the enactment of subsequent leg-
16 islation by the Congress”.

17 (D) “Past U.S. practice as to similar
18 agreements”.

19 (E) “The preference of the Congress as to
20 a particular type of agreement”.

21 (F) “The degree of formality desired for
22 an agreement”.

23 (G) “The proposed duration of the agree-
24 ment, the need for prompt conclusion of an

1 agreement, and the desirability of concluding a
2 routine or short-term agreement”.

3 (H) “The general international practice as
4 to similar agreements”.

5 **SEC. 3. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) a significant segment of the American pub-
8 lic is deeply skeptical of the World Health Organiza-
9 tion, its leadership, and its independence from the
10 pernicious political influence of certain member
11 states, including the People’s Republic of China;

12 (2) Congress strongly prefers that any agree-
13 ment related to pandemic prevention, preparedness,
14 and response adopted by the World Health Assembly
15 pursuant to the work of the INB be considered a
16 treaty requiring the advice and consent of the Sen-
17 ate, with two-thirds of Senators concurring;

18 (3) the scope of the agreement which the INB
19 has been tasked with drafting, as outlined by the Di-
20 rector-General, is so broad that any application of
21 the factors referred to in section 2(11) will weigh
22 strongly in favor of it being considered a treaty; and

23 (4) given the level of public distrust, any rel-
24 evant new agreement by the World Health Assembly
25 which cannot garner the two-thirds vote needed for

1 Senate ratification should not be agreed to or imple-
2 mented by the United States.

3 **SEC. 4. ANY WORLD HEALTH AGENCY CONVENTION OR**
4 **AGREEMENT OR OTHER INTERNATIONAL IN-**
5 **STRUMENT RESULTING FROM THE INTER-**
6 **NATIONAL NEGOTIATING BODY'S FINAL RE-**
7 **PORT DEEMED TO BE A TREATY SUBJECT TO**
8 **ADVICE AND CONSENT OF THE SENATE.**

9 Notwithstanding any other provision of law, any con-
10 vention, agreement, or other international instrument on
11 pandemic prevention, preparedness, and response reached
12 by the World Health Assembly pursuant to the rec-
13 ommendations, report, or work of the International Nego-
14 tiating Body established by the second special session of
15 the World Health Assembly is deemed to be a treaty that
16 is subject to the requirements of article II, section 2,
17 clause 2 of the Constitution of the United States, which
18 requires the advice and consent of the Senate, with two-
19 thirds of Senators concurring.

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Mr. JAMES. The bill was circulated in advance.

The clerk shall designate the bill.

The CLERK. H.R. 1425, to require any convention agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification.

Mr. JAMES. Without objection, the first reading is dispensed with. And the bill is considered read and open to amendment at any point.

Is there any discussion on the bill?

The gentleman from Tennessee is recognize—Ohio. I try not to say that four-letter word in public. Is recognized for 5 minutes.

Mr. DAVIDSON.

Mr. DAVIDSON. I thank the gentleman from Michigan. And, of course, we have friendly rivalries on the football field, but we love our neighbors who share Lake Erie so closely, and so much else, you know, every other day, except when Ohio State is supposed to beat Michigan. Supposed to beat.

Look, this is an important bill. Mr. Tiffany isn't on the committee of jurisdiction. I am carrying this bill for Tom Tiffany of Wisconsin. It is a thoughtful bill. It does what we are supposed to do in this branch.

I get that a lot of this functions almost like a parliamentary system. But we don't have a parliament where everything is supposed to be based on party. So, because the Administration wants something, the party in power lines up behind them. Even if, even if there are other problems there, which we all know there are.

Article 1 of the Constitution gives us jurisdiction on treaties. And, you know, when one Administration enters into an agreement that intends to bind that Administration, that is one thing. But when you enter into an agreement that is supposed to bind future policy and future Administrations there is a process for that, it is called a treaty.

And that is what this bill does. It says that if you intend this to be something that is actually binding on the United States of America, it would require that any convention, or agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly that it be subject to Senate ratification. That is what our Constitution says. That is the oath we swore to defend.

I urge all of our colleagues to support this common sense piece of legislation authored by Mr. Tiffany and co-sponsored by many of our colleagues.

And I yield back.

Mr. JAMES. The gentleman yields.

Mr. Sherman is recognized for 5 minutes.

Mr. SHERMAN. I rise in opposition to this bill and will address some remarks that majority staff has put together and that I endorse.

This bill would undermine an historic opportunity to reach a pandemic accord agreement among the 124 World Health Organization member states, which I should add should be 195, including Taiwan.

While Senate ratification followed by a Presidential signature is the formal process by which treaties are ratified under the U.S. Constitution, a U.S. president has the authority of acceding to an international or multilateral agreement through executive action alone, without the advice or consent of the Senate. If in fact, I might want to point out that the vast majority of U.S. international agreements are approved by an executive action rather than formal Senate approval.

This measure is a naked attempt to hamper our multilateral diplomatic efforts to reach a pandemic accord and agreement that builds on the lessons that we learned from the COVID-19 pandemic, a process that has already faced an avalanche of mis and disinformation.

In May, the entire Republican Senate Caucus voiced their opposition to U.S. negotiations to reach a pandemic accord agreement, citing unfounded claims that the agreement would harm U.S. sovereignty. To be clear, the draft pandemic agreement advances global health security without impacting U.S. national sovereignty.

The draft agreement explicitly states that it does not give the WHO any power to dictate any specific policy to member nations, and that member states may implement policies according to their sovereign laws.

Mr. Meeks has told me that he was proud to lead a letter to the U.S. Mission in Geneva with a number of our colleagues expressing strong support for the World Health Organization Intergovernmental Negotiating Bodies, that is the INBs efforts to reach a pandemic accord. We are standing on the precipice of history to learn from the botched global response to COVID-19. And we need to do better.

I should point out that much of the worlds response to COVID-19 was as well thought through as you could expect, given that this was a completely new pathogen. And it is hard for a society to know how to respond to something that is so threatening and so unprecedented.

As Mr. Meeks has said, to ensure the world is better prepared to respond to future health emergencies we must institute a strong global framework that secures our national sovereignty and strengthens national health security.

The draft pandemic accord agreement currently being negotiated helps coordinate a global response to public health threats, strengthens the global health workforce, improves distribution of medical countermeasures, and provides funding for WHO members to improve response capacity.

The draft agreement also will enhance transparency and information sharing among WHO members, which is critical to better understanding of emerging pathogens that have pandemic potential.

The next pandemic is not a matter of if, but when. We must get the pandemic accord done, as it could prove essential for saving American lives.

For these reasons I oppose the measure.

And I yield back.

Mr. JAMES. The gentleman yields back.

Is there any further discussion?

Mr. Davidson is acknowledged.

Mr. DAVIDSON. I thank the chairman.

Our colleagues don't agree uniformly. I hope most of them agree. Mr. Sherman clearly doesn't.

But this pandemic, his charge is that the pandemic agreement doesn't infringe U.S. sovereignty. But the drafted legislation of the pandemic agreement calls for common but differentiated responsibilities as it pertains to prevention, preparedness, and response.

Ambassador Pamela Hamamoto released a statement regarding this issue stating, We do not support common but differentiated responsibilities and capabilities. This concept is not appropriate in the context of pandemic PPR.

This language directly counters United States sovereignty and should be reviewed and debated before the Senate before it is agreed to by the United States of America.

We have seen problems where we have language like this that really does matter in the Paris Climate Accord, as an example, where one Administration wants to force it on us and the other is, like, no, we are not going to sign up for that. We are not going to pay extra for everyone else to comply with things. We, we want to weigh in.

That is why it is really important for this body to come together and say, what do we actually agree to? We don't agree to this. We clearly don't. And the Biden administration doesn't care.

In fact, on our other issues we are trying to Trump proof NATO now, Trump proof the policies in Ukraine. Those kinds of things need to go through the treaty process.

The charge is that the pandemic agreement with the World Health Organization is a good thing and it would help global, the world, and vulnerable countries. Reality is the pandemic agreement utilizes the term developing countries, which is what the Peoples Republic of China is considered to be by the United Nations and the World Health Organization.

Are you kidding me? The second largest economy in the world with maybe the second most lethal military in the world, the labs where the Wuhan virus are suspected to have been created. This agreement would give preferential status to China over the United States. This agreement and the United Nations must be clear and more concise as to what exactly constitutes a developing country. And it clearly can't include China.

And the charge is that the pandemic agreement is critical to our national security. But the reality is this agreement would give preferential status to China due to its status as a developing country. Recognize, it says, you know, recognizing that the protection of intellectual property rights is important for the development of new medical products, and recalling that intellectual property rights do not and should not prevent members states from taking measures to protect public health, and further recognizing the terms about the effects of intellectual property rights on pieces—look, we are going to cede property rights.

And in doing so we would be handing over Americas intellectual property, what we are bound to protect, to countries that our Congress have collectively decided are threats to our national security.

This provision alone poses a grave threat to national security and would have a chilling effect on U.S. innovation and, frankly, participation with the agreement. The pandemic agreement is supposed to not increase costs to taxpayers. But the reality is, in this agreement developed countries like the United States would be obligated to foot the bill in the event of a pandemic.

Articles 4, 5, 6, 7, and 19 all have language reiterating this fact. It is not the responsibility of United States taxpayers to pay for any agreement that does not represent their interests. It would have to go through a constitutional process, which is exactly what this agreement should go through, ratification by the Senate.

This is why it is vital that we allow the agreement to be considered in the Senate and to provide them with representation as the Constitution says.

Additionally, the United States has already provided \$250 million to the World Banks Pandemic Fund in 2023 alone, and \$200 million provided in 2022. The Administration has signaled further spending in the hundreds of million dollars in the coming years. We shall see. I am not sure we can trust the Administration with those dollars. That is why we have a separate appropriations process.

Additionally, you know, the World Health Organization broke the trust of the American people with how they handled COVID-19. So, let's have a proper review of it in the U.S. Senate, with a treaty process, with debate, as provided by our Constitution.

And I yield back.

Mr. JAMES. The gentleman yields back.

Is there any further discussion?

There being no further discussion on this bill, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

There being no amendments, I move that the committee report H.R. 1425 to the House with a favorable recommendation.

All those in favor, signify by saying aye.

Mr. SHERMAN. Mr. Chair, I ask for the yeas and nays.

Chairman McCAUL. The yeas and nays have been requested. A roll call vote has been requested.

Pursuant to the chair's previous announcement, this vote will be postponed.

Pursuant to notice, I now call up H.R. 7025, the United States Commission on International Religious Freedom.

[The Bill H.R. 7025 follows:]

118TH CONGRESS
2D SESSION

H. R. 7025

To extend and authorize annual appropriations for the United States Commission on International Religious Freedom through fiscal year 2026.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2024

Mr. SMITH of New Jersey (for himself, Ms. ESHOO, Mr. BILIRAKIS, and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To extend and authorize annual appropriations for the United States Commission on International Religious Freedom through fiscal year 2026.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Commis-
5 sion on International Religious Freedom Reauthorization
6 Act of 2024”.

1 SEC. 2. UNITED STATES COMMISSION ON INTERNATIONAL
2 RELIGIOUS FREEDOM.

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
4 207(a) of the International Religious Freedom Act of
5 1998 (22 U.S.C. 6435(a)) is amended by striking “2023
6 and 2024” and inserting “2025 and 2026”.

7 (b) EXTENSION OF AUTHORIZATION.—Section 209 of
8 the International Religious Freedom Act of 1998 (22
9 U.S.C. 6436) is amended by striking “September 30,
10 2024” and inserting “September 30, 2026”.

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Mr. JAMES. The bill was circulated in advance.

The clerk shall designate the bill.

The CLERK. H.R. 7025, to extend and authorize annual appropriations for the United States Commission on International Religious Freedom through Fiscal Year 2026.

Be it enacted by the Senate and House of Representatives of the United States of America and the Congress—

Mr. JAMES. Without objection, the first reading is dispensed with. And the bill is considered read and open to amendment at any point.

Is there any discussion on the bill?

Ah, yes, Mr. Smith.

Mr. SMITH. Thank you.

Mr. JAMES. Need to catch your breath another couple seconds?

Mr. SMITH. I am OK. Thank you.

Mr. JAMES. All right. I will stand down.

Mr. Smith, the gentleman from New Jersey, is acknowledged for 5 minutes.

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

And I want to thank Chairman McCaul, and certainly you, and the ranking member for arranging to have H.R. 7025 considered today.

It is a bill that reauthorizes the United States Commission on International Religious Freedom, or the acronym is USCIRF, for an additional 2 years, through September 30th, 2026. Congress, for the record, has regularly authorized the USCIRF through clean 2-year reauthorizations.

The bill contains the previous—continues that practice.

Just a little brief background.

USCIRF was first enacted in 1998 as part of the International Religious Freedom Act. It was Frank Wolf's landmark legislation that created our whole-of-government effort to combat religious persecution and to promote religious freedom. I chaired all the hearings right here or in 2000.

It was controversial at the time, but it is absolutely not controversial anymore. That is both the Commission as well as the Religious Freedom Office which is embedded in the U.S. Department of State.

The beauty of USCIRF is that it is a good check and balance with the State Department. It provides us, the U.S. Congress, House and Senate, and by extension the American people, amazing analysis of what is going on in country after country. We make recommendations for what we call countries of particular concern, those who have very poor practice and policies with regards to religious freedom.

And very often they do carry the day because they document everything, they hold their own hearings, and they put out this tremendous resource guide every year. And, of course, they do supplementation to it based on need.

Over 100 NGO's, I am just reminded, have endorsed this who are involved in the push for religious freedom all over the world.

And the way the commissioners get their jobs, the leadership of the House and Senate, and the President get to pick the commissioners. So, there is a broad array of opinions. And we really do get

that diversity of opinion, really makes them even sharper, and more credible when they assert against whatever the Administration is, that something is not being done as adequately or as effectively as it could be.

The members of the commission have included members of every faith, Christians, Jews, Muslims, Hindus. They have all been part of this. And the bottom line is they pursue religious freedom and religious tolerance.

So, Anna Eshoo is our prime co-sponsor. Anna and I have worked on religious freedom issues, Mr. Chairman, for years, on the Middle East, everywhere. And I am very proud to have her as the chief Democratic sponsor.

Mr. JAMES. Thank you, Mr. Chairman, for your passionate advocacy. I support this bill.

And is there any further discussion?

Mr. SHERMAN. I rise in support.

Mr. JAMES. Mr. Sherman rises in support.

Would you like to speak for 5 minutes, sir?

Mr. SHERMAN. I would in indeed.

Mr. JAMES. Go for it. The gentleman is recognized.

Mr. SHERMAN. I support this measure reauthorizing the United States Commission in International Religious Freedom, or USCIRF. I thank Mr. Smith and Ms. Eshoo for their leadership in supporting religious freedom around the world.

The reauthorization of USCIRF comes amidst various conflicts around the world in which millions of people are suffering from egregious human rights violations, including the denial, repression, and persecution of individuals based on religious views.

There has been a concerning trend of religious sites being targeted during armed conflicts, including in the recent civil war in Burma/Myanmar, and the renewed Russian invasion of Ukraine, and the Sudanese civil war. We have also seen across the United States and globally a disturbing rise in anti-Semitism and anti-Muslim hatred.

I am concerned that there are 96 countries with blasphemy laws, criminalizing expressions insulting or offending a religious feeling, or figure, or symbol. And I would point out that—and I focused on this in Pakistan and in other countries—some of these blasphemy laws provide for the death penalty and very little evidence that anyone has even done anything at all.

And, in fact, you often find circumstances where you have a majority religion—and in most of these 96 countries that is the Muslim religion—where the blasphemy law is used by someone of the majority group, just points to somebody in the minority group, says that they said something contrary to the majority groups religious views, and urges their incarceration or execution.

Blasphemy laws are a real threat to human rights, wherever they are, particularly in Pakistan, particularly in Bangladesh, but in other places. And when I say the majority of the countries, certainly a majority of the populations that live under these blasphemy laws are majority Muslim countries.

USCIRFs work shining a light on restrictions on religious freedom and religious persecution around the globe has informed Members of Congress and policymakers, and helped improve American

foreign policy. USCIF is—USCIRF, rather, is also playing a critical role in documenting the Peoples Republic of Chinas crimes against Uyghurs and other Muslim minorities in its western province where Chinese authorities continue to place hundreds of thousands, some would say over a million Uyghurs in concentration camps where there are reports of torture, sexual violence, forced abortion, and forced sterilization.

I want to particularly commend the United States Commission on International Religious Freedom for its work to date. But especially commend my Democratic leader Hakeem Jeffries for appointing my friend Dr. Asif Mahmood to the Commission. And Dr. Mahmoods work has been outstanding even just in the few months that he has served on the Commission.

And I would point out that Dr. Mahmood has received more votes in an election in the United States than any other Muslim running for public office. He brings an awful lot to this Commission. And I praise Hakeem Jeffries for appointing him.

The right to practice religion, or practice no religion, is a fundamental human right that Congress has already safeguarded for the American people. The principal of religious freedom should be extended to all people, not only people who come from a particular set of religious beliefs.

I support the passage of this bill. And I yield back.

Mr. JAMES. Thank you, Mr. Sherman.

There being no further discussion of the bill, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

There being no amendments, I move that the committee report H.R. 7025 to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table and staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H.R. 7914, Accountability for Terrorist Perpetrators of October 7th Act.

[The Bill H.R. 7914 follows:]

118TH CONGRESS
2D SESSION

H. R. 7914

To require the imposition of sanctions on the Popular Resistance Committees and other associated entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2024

Mr. SHERMAN (for himself, Mr. KUSTOFF, Mr. McCAUL, and Mr. SCHNEIDER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the imposition of sanctions on the Popular Resistance Committees and other associated entities, 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 “Accountability for Ter-
5 rorist Perpetrators of October 7th Act”.

1 SEC. 2. IMPOSITION OF TERRORISM SANCTIONS WITH RE-
2 SPECT TO THE POPULAR RESISTANCE COM-
3 MITTEES.

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

5 (1) Since its founding in 2000 during the sec-
6 ond intifada, the Popular Resistance Committees
7 (referred to as the “PRC”) has regularly carried out
8 terror attacks against Israelis, Americans, and Pal-
9 estinians.

10 (2) The PRC’s ranks include former operatives
11 from Hamas, Palestinian Islamic Jihad, and the
12 Popular Front for the Liberation of Palestine, all of
13 which are designated by the United States as foreign
14 terrorist organizations.

15 (3) The PRC carried out an attack in 2003 on
16 a United States diplomatic convoy that injured a
17 diplomat and killed 3 security guards from the
18 United States. The PRC has also carried out the
19 2004 murder of a pregnant Israeli woman and her
20 4 daughters, aged 11, 9, 7 and 2, and the executions
21 of Palestinians, including the former Palestinian Au-
22 thority Gaza security chief.

23 (4) The PRC has been the third-largest terror
24 group in the Gaza strip, after Hamas and Pales-
25 tinian Islamic Jihad, since as early as 2011.

1 (5) On October 7, 2023, Hamas, Palestinian Is-
2 lamic Jihad, and the Popular Resistance Committees
3 terrorists launched a massive, unprovoked war on
4 Israel by air, land, and sea, including firing thou-
5 sands of rockets, resulting in the deaths of 1,200 in-
6 nocent Israelis, Americans, and others, the abduc-
7 tion of 250 hostages, and widespread torture and
8 sexual violence.

9 (6) On October 7, 2023, the PRC issued a
10 statement claiming responsibility for participating in
11 the terrorist attack against Israel alongside Hamas
12 and their affiliates, including the kidnap of IDF sol-
13 diers, and posted photos of items taken from soldiers
14 killed and captured by the group as evidence.

15 (7) On October 8, 2023, the PRC issued a
16 statement claiming responsibility for dispatching ka-
17 mikaze drones during the attack on Israel.

18 (b) IN GENERAL.—On and after the date that is 90
19 days after the date of enactment of this Act, the President
20 shall impose the measures described in subsection (d) with
21 respect to—

22 (1) the Popular Resistance Committees;

23 (2) any foreign person that is an official, agent,
24 or affiliate of a foreign person described in para-
25 graph (1);

1 (3) any foreign person that is owned or con-
2 trolled by a foreign person described in paragraph
3 (1) or (2); and

4 (4) any current or future armed organization
5 the President determines is operating under the um-
6 brella of the Popular Resistance Committees or any
7 other person described in this subsection.

8 (c) SANCTIONS DESCRIBED.—The sanctions de-
9 scribed in this subsection are the following:

10 (1) IN GENERAL.—The sanctions described in
11 this subsection are the following:

12 (A) BLOCKING OF PROPERTY.—The Presi-
13 dent shall exercise all of the powers granted to
14 the President under the International Emer-
15 gency Economic Powers Act (50 U.S.C. 1701 et
16 seq.) to the extent necessary to block and pro-
17 hibit all transactions in property and interests
18 in property of the person if such property and
19 interests in property are in the United States,
20 come within the United States, or are or come
21 within the possession or control of a United
22 States person.

23 (B) ALIENS INADMISSABLE FOR VISAS, AD-
24 MISSION, OR PAROLE.—

1 (i) VISAS, ADMISSION, OR PAROLE.—

2 An alien who the Secretary of State or the
3 Secretary of Homeland Security (or a des-
4 ignee of one of such Secretaries) knows, or
5 has reason to believe, is described in sub-
6 section (b) is—

7 (I) inadmissible to the United
8 States;

9 (II) ineligible to receive a visa or
10 other documentation to enter the
11 United States; and

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

17 (ii) CURRENT VISAS REVOKED.—

18 (I) IN GENERAL.—The issuing
19 consular officer, the Secretary of
20 State, or the Secretary of Homeland
21 Security (or a designee of one of such
22 Secretaries) shall, in accordance with
23 section 221(i) of the Immigration and
24 Nationality Act (8 U.S.C. 1201(i)),
25 revoke any visa or other entry docu-

1 mentation issued to an alien described
2 in clause (i) regardless of when the
3 visa or other entry documentation is
4 issued.

5 (II) EFFECT OF REVOCATION.—

6 A revocation under subclause (I) shall
7 take effect immediately and shall
8 automatically cancel any other valid
9 visa or entry documentation that is in
10 the alien's possession.

11 (2) EXCEPTIONS.—

12 (A) UNITED NATIONS HEADQUARTERS
13 AGREEMENT.—The sanctions described in para-
14 graph (1)(B) shall not apply with respect to an
15 alien if admitting or paroling the alien into the
16 United States is necessary to permit the United
17 States to comply with the Agreement regarding
18 the Headquarters of the United Nations, signed
19 at Lake Success June 26, 1947, and entered
20 into force November 21, 1947, between the
21 United Nations and the United States, or other
22 applicable international obligations.

23 (B) EXCEPTION FOR INTELLIGENCE, LAW
24 ENFORCEMENT, AND NATIONAL SECURITY AC-
25 TIVITIES.—Sanctions under paragraph (1) shall

1 not apply to any authorized intelligence, law en-
2 forcement, or national security activities of the
3 United States.

4 (d) PENALTIES.—The penalties provided for in sub-
5 sections (b) and (c) of section 206 of the International
6 Emergency Economic Powers Act (50 U.S.C. 1705) shall
7 apply to a person that violates, attempts to violate, con-
8 spires to violate, or causes a violation of this section, regu-
9 lations promulgated to carry out this section, or the sanc-
10 tions imposed pursuant to this section to the same extent
11 that such penalties apply to a person that commits an un-
12 lawful act described in section 206(a) of that Act.

13 (e) IMPLEMENTATION AUTHORITY.—The President
14 may exercise all authorities provided to the President
15 under sections 203 and 205 of the International Emer-
16 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
17 for purposes of carrying out this section.

18 (f) WAIVER.—The President may, for one or more
19 periods of not more than 180 days each, waive the applica-
20 tion of sanctions or restrictions imposed with respect to
21 a foreign person under this section if the President cer-
22 tifies to the appropriate congressional committees, not
23 later than 15 days before such waiver takes effect, that
24 the waiver is vital to the national security interests of the
25 United States.

1 (g) TERMINATION.—Sanctions under this section
2 may be terminated with respect to any foreign person if
3 the President certifies to the appropriate congressional
4 committees that—

5 (1) such foreign person is no longer engaging in
6 acts of terrorism, as such term is defined for pur-
7 poses of Executive Order No. 13224 (relating to
8 blocking property and prohibiting transactions with
9 persons who commit, threaten to commit, or support
10 terrorism); or

11 (2) with respect to a foreign person that is an
12 entity, such entity has disbanded.

13 **SEC. 3. REPORT ON THE DESIGNATION OF THE LION’S DEN**
14 **AND THE POPULAR RESISTANCE COMMIT-**
15 **TEES AS SPECIALLY DESIGNATED GLOBAL**
16 **TERRORISTS.**

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

18 (1) Since its founding in 2022, Lion’s Den has
19 carried out a number of terror attacks including
20 over 61 shooting attacks against Israeli soldiers and
21 civilians;

22 (2) The group’s ranks include former operatives
23 from Hamas, Palestinian Islamic Jihad, and the
24 Popular Front for the Liberation of Palestine, all of

1 which are designated foreign terrorist organizations
2 (FTO).

3 (3) Lion's Den receives funds from designated
4 FTOs Hamas and Palestinian Islamic Jihad.

5 (b) INITIAL REPORT.—

6 (1) REPORT REQUIRED.—Not later than 90
7 days after the date of the enactment of this Act, the
8 Secretary of State shall submit to the appropriate
9 committees of Congress—

10 (A) a detailed report on whether—

11 (i) the Lion's Den meets the criteria
12 for designation as a Specially Designated
13 Global Terrorist pursuant to Executive
14 Order No. 13224 (relating to blocking
15 property and prohibiting transactions with
16 persons who commit, threaten to commit,
17 or support terrorism) and the criteria for
18 designation as a foreign terrorist organiza-
19 tion as set forth in section 219 of the Im-
20 migration and Nationality Act (8 U.S.C.
21 1189); and

22 (ii) the Popular Resistance Commit-
23 tees meet as a Specially Designated Global
24 Terrorist pursuant to Executive Order No.
25 13224; and

1 (B) if the Secretary reaches a negative de-
2 termination with respect to any of the entities
3 listed in subparagraph (A), a detailed justifica-
4 tion as to which criteria have not been met.

5 (2) FORM.—The report required by paragraph
6 (1) shall be submitted in unclassified form, but may
7 include a classified annex.

8 (c) ONGOING DETERMINATIONS REQUIRED.—Not
9 later than 1 year after the date of the enactment of this
10 Act, and every 2 years thereafter, the Secretary of State
11 shall submit to the appropriate committees of Congress
12 a report that—

13 (1) identifies each new entity operating under
14 the umbrella of the Popular Resistance Committees
15 or any successor of the Popular Resistance Commit-
16 tees;

17 (2) includes a determination whether each such
18 entity meets the criteria—

19 (A) for designation as a Specially Des-
20 ignated Global Terrorist pursuant to Executive
21 Order No. 13224 (relating to blocking property
22 and prohibiting transactions with persons who
23 commit, threaten to commit, or support ter-
24 rorism);

1 (B) for designation as a foreign terrorist
2 organization as set forth in section 219 of the
3 Immigration and Nationality Act (8 U.S.C.
4 1189); or

5 (C) for the imposition of sanctions under
6 section 2 of this Act; and

7 (3) if the Secretary reaches a negative deter-
8 mination pursuant to any subparagraph of para-
9 graph (2) with respect to any of the entities identi-
10 fied pursuant to paragraph (1), a detailed justifica-
11 tion as to which criteria for such designation or im-
12 position have not been met.

13 **SEC. 4. APPROPRIATE COMMITTEES OF CONGRESS DE-**
14 **FINED.**

15 In this Act, the term “appropriate committees of
16 Congress” means—

17 (1) the Committee on Foreign Relations and
18 the Committee on the Judiciary of the Senate; and

19 (2) the Committee on Foreign Affairs and the
20 Committee on the Judiciary of the House of Rep-
21 resentatives.

Æ

Mr. JAMES. The bill was circulated in advance.

The clerk shall designate the bill.

The CLERK. H.R. 7914, to require the imposition of sanctions on the Popular Resistance Committees and other associated entities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1. Short Title.

Mr. JAMES. Without objection, the first reading is dispensed with. And the bill is considered read and open to amendment at any point.

Is there any discussion on the bill?

Mr. SHERMAN.

Mr. SHERMAN. Mr. Chairman, I will have an amendment to offer. But I believe I should do preliminary discussion and then offer that amendment.

Mr. JAMES. The gentleman is recognized.

Mr. SHERMAN. I want to thank Chairman McCaul, Ranking Member Meeks for making this bill, the Accountability for Terrorist Perpetrators of October 7th Act in order and bringing it up for discussion.

I want to thank Congressman Kustoff, as well as Chairman McCaul, and Congressman Brad Schneider, for joining me in introducing this legislation, and my House Foreign Affairs Committee colleagues Lawler, Moskowitz, Costa, Salazar, and Cherfilus-McCormick for co-sponsoring this bill.

On October 7th, Hamas carried out the, the most brutal massacre of the Jewish people that had occurred at any time since the Holocaust. But they did not act alone. They were joined by allied militias. One is known pretty well, and that is the Palestinian Islamic Jihad, which the United States has long sanctioned.

But Hamas was also joined by the so-called Popular Resistance Committees. Despite carrying out attacks that killed American and Israeli civilian as long ago as 2023, the Popular Resistance Committees have never been sanctioned by the United States.

Today we move to correct that error.

The Popular Resistance Committees boasted about their role in the October 7th massacre of 1,200 Israelis, Americans, and others. They made these boasts on social media, issuing a statement claiming joint responsibility, and grotesquely showing off items stolen from the victims.

The PRC, the Popular Resistance Committees, later released a propaganda video showing a severely injured civilian Ohad Yahalomi, who the group took hostage on October 7th. It is well past time that the Popular Resistance Committees, whose members include former operatives from Hamas and Palestinian Islamic Jihad, to join the ranks of U.S.s listed designated terrorist groups.

Since their formation during the second Intifada roughly two decades ago, the Popular Resistance Committees have carried out numerous terrorist attacks across Israel and the Palestinian territories.

In 2003, the Popular Resistance Committees bombed a United States diplomatic convoy traveling to meet the Palestinian Fulbright candidates, injuring a U.S. diplomat and murdering three

American security guards. Those who were killed are John Eric Branchizio of Texas; John Martin Linde of Missouri and ultimately moved to San Antonio, Texas; and Mark T. Parsons of New York.

In 2004, the Popular Resistance Committee terrorists murdered a pregnant Israeli woman and her four daughters, an 11-year-old, 7-year-old, and 2-year-old. And that is to say an 11-year-old, 9-year-old, 7-year-old, and 2-year-old daughters.

Terror attacks carried out by the Popular Resistance Committees have been noted in principal, multiple State Department country reports on terrorism.

My bill will finally subject the Popular Resistance Committees and their members to financial asset-blocking sanctions and visa blocking sanctions, something that should have been done long ago. And will also make it illegal for Americans to provide any aid to the Popular Resistance Committees.

And I note that if Popular Resistance Committees coordinate with Hamas, as they did on October 7th, to kill people, they also likely coordinate with Hamas to move money and avoid sanctions. So, it is necessary for Hamas sanctions to be effective that we also sanction the Popular Resistance Committees. This is common sense legislation that should have been adopted long ago. That is why it has quickly gained 25 bipartisan co-sponsors, including 16 Democrats.

Under this bill it will be up to the State Department whether to designate the Popular Resistance Committees as either Specially Designated Global Terrorists or foreign, or a foreign terrorist organization. Either of those designations will accomplish the purpose of this bill.

I urge all to vote in favor of this.

And I will have an amendment to make a very slight technical change.

Mrs. KIM OF CALIFORNIA [presiding]. Thank you.

The gentleman yields back.

Is there any further discussion?

There being no further discussion of the bill, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

Mr. SHERMAN. I have a managers amendment at the desk, No. 117.

[The Amendment of Mr. Sherman follows:]

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AMENDMENT TO H.R. 7914
OFFERED BY MR. SHERMAN OF CALIFORNIA

Page 3, line 20, strike “measures described in subsection (d)” and insert “sanctions described in subsection (c)”.



Mrs. KIM OF CALIFORNIA. Mr. Sherman is recognized.

The clerk shall distribute the amendment.

Mr. SHERMAN. As we are distributing the amendments, I will point out that this amendment simply makes a clarifying and conforming change, probably of the same type that could have been made under the regular orders of this committee which allows for such conforming changes. But rather than leave it to staff, this makes that conforming change.

Mrs. KIM OF CALIFORNIA. All right.

The clerk shall report the amendment.

The CLERK. Amendment to H.R. 7914 offered by Mr. Sherman of California.

Page 3, line 20, strike measures described in subsection (d) and insert sanctions described in subsection (c).

Mrs. KIM OF CALIFORNIA. Do any other members seek recognition?

All right. There being no further discussion, the question now occurs on the amendment offered by Representative Sherman, No. 117.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the amendment is agreed to.

Are there any further amendments?

There being no further amendments, I move that the committee report H.R. 7914, as amended, to the House, with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify saying no.

In the opinion of the chair, the ayes have it, and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table. And staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H.R. 8934, Sanction Sea Pirates Act of 2024.

[The Bill H.R. 8934 follows:]

118TH CONGRESS
2D SESSION

H. R. 8934

To require the imposition of sanctions with respect to foreign persons engaged in piracy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 5, 2024

Mr. JACKSON of Illinois introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the imposition of sanctions with respect to foreign persons engaged in piracy, 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 “Sanction Sea Pirates
5 Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In 2011, there were 212 attempted attacks
9 against vessels off of the Somali coast, more than

1 1,000 crew were held hostage, and 35 seafarers were
2 killed.

3 (2) Over the past decade through the beginning
4 of 2023, rates of piracy in the Western Indian
5 Ocean subsided.

6 (3) Houthi attacks against commercial vessels
7 in the Red Sea and Gulf of Aden since the Hamas
8 terrorist attack against Israel on October 7th have
9 impacted global shipping markets.

10 (4) There has been a surge in Somali pirate at-
11 tacks, beginning in the fall of 2023 and lasting into
12 2024, that has coincided with and taken advantage
13 of Houthi aggression.

14 (5) On March 12, 2024, Somali pirates hi-
15 jacked a Bangladeshi-flagged ship and took its crew
16 hostage.

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) the United States Government should seek
20 to stop piracy all around the world, including off the
21 Somali Coast and in the Gulf of Aden;

22 (2) high seas pirates, and the criminal networks
23 and enterprises with whom they are affiliated,
24 should be sanctioned upon identification; and

1 (3) the United States should seek to work with
2 allies and partners around the globe to combat pi-
3 racy around the globe and to curb the surge in pi-
4 racy off of the coast of Somalia and in the Gulf of
5 Aden.

6 **SEC. 4. SANCTIONS.**

7 (a) **IN GENERAL.**—The President shall impose sanc-
8 tions described in subsection (b) with respect to any for-
9 eign person the President determines knowingly engages
10 in piracy.

11 (b) **SANCTIONS DESCRIBED.**—The sanctions de-
12 scribed in this subsection are the following:

13 (1) **ASSET BLOCKING.**—Notwithstanding the re-
14 quirements of section 202 of the International
15 Emergency Economic Powers Act (50 U.S.C. 1701),
16 the President may exercise of all powers granted to
17 the President by that Act to the extent necessary to
18 block and prohibit all transactions in all property
19 and interests in property of the foreign person if
20 such property and interests in property are in the
21 United States, come within the United States, or are
22 or come within the possession or control of a United
23 States person.

24 (2) **VISAS, ADMISSION, OR PAROLE.**—

1 (A) IN GENERAL.—An alien who the Sec-
2 retary of State or the Secretary of Homeland
3 Security (or a designee of one of such Secre-
4 taries) knows, or has reason to believe, is de-
5 scribed in subsection (a) is—

- 6 (i) inadmissible to the United States;
7 (ii) ineligible for a visa or other docu-
8 mentation to enter the United States; and
9 (iii) otherwise ineligible to be admitted
10 or paroled into the United States or to re-
11 ceive any other benefit under the Immigra-
12 tion and Nationality Act (8 U.S.C. 1101 et
13 seq.).

14 (B) CURRENT VISAS REVOKED.—

- 15 (i) IN GENERAL.—The issuing con-
16 sular officer, the Secretary of State, or the
17 Secretary of Homeland Security (or a des-
18 ignee of one of such Secretaries) shall, in
19 accordance with section 221(i) of the Im-
20 migration and Nationality Act (8 U.S.C.
21 1201(i)), revoke any visa or other entry
22 documentation issued to an alien described
23 in subparagraph (A) regardless of when
24 the visa or other entry documentation is
25 issued.

1 (ii) EFFECT OF REVOCATION.—A rev-
2 ocation under clause (i)—

3 (I) shall take effect immediately;
4 and

5 (II) shall automatically cancel
6 any other valid visa or entry docu-
7 mentation that is in the alien's pos-
8 session.

9 (c) EXCEPTIONS.—

10 (1) EXCEPTION TO COMPLY WITH INTER-
11 NATIONAL OBLIGATIONS.—Sanctions under sub-
12 section (b)(2) shall not apply with respect to the ad-
13 mission of an alien if admitting or paroling the alien
14 into the United States is necessary to permit the
15 United States to comply with the Agreement regard-
16 ing the Headquarters of the United Nations, signed
17 at Lake Success June 26, 1947, and entered into
18 force November 21, 1947, between the United Na-
19 tions and the United States, or other applicable
20 international obligations.

21 (2) EXCEPTION RELATING TO THE PROVISION
22 OF HUMANITARIAN ASSISTANCE.—Sanctions under
23 this section may not be imposed with respect to
24 transactions or the facilitation of transactions for—

1 (A) the sale of agricultural commodities,
2 food, medicine, or medical devices;

3 (B) the provision of humanitarian assist-
4 ance;

5 (C) financial transactions relating to hu-
6 manitarian assistance; or

7 (D) transporting goods or services that are
8 necessary to carry out operations relating to
9 humanitarian assistance.

10 (3) EXCEPTION FOR INTELLIGENCE, LAW EN-
11 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
12 TIES.—Sanctions under this section shall not apply
13 to any authorized intelligence, law enforcement, or
14 national security activities of the United States.

15 (d) CLASSIFIED INFORMATION.—In any judicial re-
16 view of a determination made under this section, if the
17 determination was based on classified information (as de-
18 fined in section 1(a) of the Classified Information Proce-
19 dures Act) such information may be submitted to the re-
20 viewing court ex parte and in camera. This subsection may
21 not be construed to confer or imply any right to judicial
22 review.

23 (e) IMPLEMENTATION; PENALTIES.—

24 (1) IMPLEMENTATION.—The President may ex-
25 ercise all authorities provided to the President under

1 sections 203 and 205 of the International Emer-
2 gency Economic Powers Act (50 U.S.C. 1702 and
3 1704) to carry out this section.

4 (2) PENALTIES.—The penalties provided for in
5 subsections (b) and (c) of section 206 of the Inter-
6 national Emergency Economic Powers Act (50
7 U.S.C. 1705) shall apply to a person that violates,
8 attempts to violate, conspires to violate, or causes a
9 violation of regulations promulgated to carry out
10 this section to the same extent that such penalties
11 apply to a person that commits an unlawful act de-
12 scribed in section 206(a) of that Act.

13 (f) WAIVER.—The President may waive the applica-
14 tion of sanctions imposed with respect to a foreign person
15 under this section if the President certifies to the Com-
16 mittee on Foreign Affairs of the House of Representatives
17 and the Committee on Foreign Relations of the Senate
18 not later than 15 days before such waiver is to take effect
19 that the waiver is crucial to the national security interests
20 of the United States.

21 (g) DEFINITIONS.—In this section:

22 (1) FOREIGN PERSON.—The term “foreign per-
23 son” means an individual or entity that is not a
24 United States person.

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

3 (A) a United States citizen;

4 (B) a permanent resident alien of the
5 United States; or

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

10 (3) PIRACY.—The term “piracy” means any act
11 in violation of one or more provisions of chapter 81
12 of title 18, United States Code.

Æ

Mrs. KIM OF CALIFORNIA. The bill was circulated in advance. The clerk shall designate the bill.

The CLERK. H.R. 8934, to require the imposition of sanctions with respect to foreign persons engaged in piracy, and for other purposes.

Be it enacted by the Senate and House of—

Mrs. KIM OF CALIFORNIA. Without objection, the first reading is dispensed with. And the bill is considered read and open to amendment at any point.

Is there any discussion on the bill?

Mr. SHERMAN. Yes. I would like to discuss it.

Mrs. KIM OF CALIFORNIA. The gentleman is recognized for 5 minutes.

Mr. SHERMAN. I am pleased to co-sponsor this bill.

Over the last year there has been a deeply concerning rise in sea piracy.

And let me confirm, we are dealing with H.R. 8934?

Mrs. KIM OF CALIFORNIA. Yes.

Mr. SHERMAN. That is good.

Concerning a rise in Sea Piracy in the Gulf of Aden, the Red Sea, and the Indian Ocean. The problem has been dual-pronged, including Houthi attacks and a very concerning increase in Somali piracy.

I especially want to focus on the attacks by the Houthi because so many misguided Americans, some of them on campuses, are chanting slogans in favor of the Houthi. I point out that what the Houthi have done is increase the costs of bringing food to some of the poorest people in the world. And this will result in many thousands of deaths that will not be registered because if you are living on two meals a day you are more likely to die than if you are living on three meals a day, but you die from some disease.

And the Houthi will not get their fair share of the blame. And their supporters in America will not get their share of the blame.

Not to mention the fact that now all ocean traffic has to go around the continent of Africa with not only very substantial delays and costs, costs to especially those in Europe who then will probably not be able to fund their foreign aid pro—foreign aid. But those ships going around Africa are creating far more greenhouse gases than if they were able to go through the Suez Canal.

During the early 2010's, piracy off the Somali coast was an enormous problem. Innocent mariners were killed each year. Hundreds of sailors were taken hostage annually. Illicit funds supercharged the instability of Somalia.

And economic estimates suggest that piracy costs rose to \$18 billion on the global economy. And that is just what we saw the Somali pirates in the 2010's. It is far greater now with what the Houthi are doing along with the Somali pirates.

Though we are not yet near those levels of sailors being held hostage, that is chiefly because ships are being routed around Africa, with those costs, greenhouse gases, and increase in food prices in Indian Ocean countries that is leading to untold deaths of the very poorest in the world.

If you hijack commercial ships, you should be sanctioned. You should not be able to come to the United States. You should not

be able to have a U.S. bank account holding dollars. And any enterprise in the United States or affiliated with America should not be able to transact business with you. This is common sense deterrence that is exactly what this bill brings to the table.

The legislation also includes appropriate humanitarian exceptions and waivers for extraordinary circumstances. And it encourages the United States to continue to work with partners and allies around the world to control these waters, catch the criminals.

Sea piracy is a global problem that imposes costs on American consumers and consumers particularly in Europe, with Europe's dependence to a greater extent than the United States on the Red Sea and the Suez Canal. Americans traversing these—it also imposes costs on Americans and dangers on Americans who are seafarers in the Indian Ocean and off the Somali coast and in the Red Sea.

This bill is important. I am very happy to be a co-sponsor.

And I yield back.

Chairman McCAUL [presiding]. The gentleman yields.

Is there any further discussion?

Mr. Jackson is recognized.

Mr. JACKSON OF ILLINOIS. Thank you very much, Chairman.

I am proud to also be a co-sponsor.

Countries across the globe, regardless of location, depend on the security of the world's oceans. Freedom of navigation confirmed by the U.N. Convention on the Law of the Sea is recognized as a fundamental principle of international law. Piracy attacks are largely confined to four major regions: the Gulf of Aden near Somalia and the southern entrance to the Red Sea; the Gulf of Guinea near Nigeria and the Niger River Delta; the Malacca Strait between Indonesia and Malaysia; and off the Indian subcontinent between India and Sri Lanka.

Maritime safety and security are vital because they represent the principal pillars upon which the global economy and the welfare of our global village greatly depend on. The transit of about 90 percent of world trade is facilitated through our seas, supporting the livelihood of billions.

Piracy at sea is very costly in many ways. The disruption in shipping has led to long delays because it avoids, has to avoid the risk of ships being attacked and assaulted. Re-routing results in extended days at sea for weeks.

Taking the risk by going through the regular routes means higher insurance premiums. These higher shipping costs are passed on to consumers through higher prices on our goods. Just this morning the Associated Press reported that Yemen's Houthi rebels targeted a U.S., United States flagged container ship in the Gulf of Aden on Tuesday, just yesterday.

According to the Joint Maritime Information Center, the number of Houthi attacks on merchant vessels in June increased to levels not seen since December. Moreover, according to the National Maritime Organization, piracy costs the global economy in excess of 18 billion per year, and threatens the growth and security of international commerce.

Piracy and sea robbery are seen as a growth opportunity for global criminal organizations. They endanger civilians, disrupt econo-

mies, encourage corruption, and could trigger an environmental disaster if attacks occur in congested sea lanes traversed by oil tankers.

Moreover, cruise ships, ferries, and cargo freighters present opportunities for terrorists to inflict human casualties and economic harm.

We must eliminate piracy by holding individuals and all organized crimes groups, including the Houthis, to account. This includes sanctioning any individual or groups associated with or benefiting in any way from piracy. These individuals or groups should have their assets blocked, denied entry into the U.S. by revoking their visas.

To advance development, promote prosperity and security, we and our allies must fight immediate threats to maritime security. Working together, we must keep our seas safe and free from criminal Houthi gangs and other like-minded criminals across the globe.

I urge you to support this bill.

And I yield back, Mr. Chairman.

Chairman McCAUL. The gentleman yields.

Is there any further discussion?

There being no further discussion of the bill, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

There being no amendments, I move that the committee report H.R. 8934 to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it, and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table. Staff is authorized to make any technical and conforming changes.

We go on to our last measure.

Pursuant to notice, I now call up H.R. 3042, the Millennium Challenge Corporation Candidate Country Reform Act.

[The Bill H.R. 3042 follows:]

118TH CONGRESS
1ST SESSION

H. R. 3042

To modify the requirements for candidate countries under the Millennium Challenge Act of 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2023

Mr. CASTRO of Texas (for himself, Mrs. KIM of California, and Mr. MEEKS) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To modify the requirements for candidate countries under the Millennium Challenge Act of 2003, 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 “Millennium Challenge
5 Corporation Candidate Country Reform Act”.

6 **SEC. 2. MODIFICATIONS OF REQUIREMENTS TO BECOME A**
7 **CANDIDATE COUNTRY.**

8 Section 606 of the Millennium Challenge Act of 2003
9 (22 U.S.C. 7705) is amended to read as follows:

1 “SEC. 606. CANDIDATE COUNTRIES.

2 “(a) IN GENERAL.—A country shall be a candidate
3 country for purposes of eligibility to receive assistance
4 under section 605 if—

5 “(1) the per capita income of the country in a
6 fiscal year is equal to or less than the World Bank
7 threshold for initiating the International Bank for
8 Reconstruction and Development graduation process
9 for the fiscal year; and

10 “(2) subject to subsection (b), the country is
11 not ineligible to receive United States economic as-
12 sistance under part I of the Foreign Assistance Act
13 of 1961 (22 U.S.C. 2151 et seq.) by reason of the
14 application of any provision of the Foreign Assist-
15 ance Act of 1961 or any other provision of law.

16 “(b) RULE OF CONSTRUCTION.—For the purposes of
17 determining whether a country is eligible, pursuant to sub-
18 section (a)(2), to receive assistance under section 605, the
19 exercise by the President, the Secretary of State, or any
20 other officer or employee of the United States Government
21 of any waiver or suspension of any provision of law re-
22 ferred to in subsection (a)(2), and notification to the ap-
23 propriate congressional committees in accordance with
24 such provision of law, shall be construed as satisfying the
25 requirements under subsection (a).

1 “(c) DETERMINATION BY THE BOARD.—The Board
2 shall determine whether a country is a candidate country
3 for purposes of this section.”.

4 **SEC. 3. CONFORMING AMENDMENTS.**

5 (a) AMENDMENT TO REPORT IDENTIFYING CAN-
6 DIDATE COUNTRIES.—Section 608(a)(1) of the Millen-
7 nium Challenge Act of 2003 (22 U.S.C. 7707(a)(1)) is
8 amended by striking “section 606(a)(1)(B)” and inserting
9 “section 606(a)(2)”.

10 (b) AMENDMENT TO MILLENNIUM CHALLENGE COM-
11 PACT AUTHORITY.—Section 609(b)(2) of such Act (22
12 U.S.C. 7708(b)(2)) is amended—

13 (1) by amending the paragraph heading to read
14 as follows: “COUNTRY CONTRIBUTIONS”; and

15 (2) by striking “with respect to a lower middle
16 income country described in section 606(b),”.

17 (c) AMENDMENT TO AUTHORIZATION TO PROVIDE
18 ASSISTANCE FOR CANDIDATE COUNTRIES.—Section
19 616(b)(1) of such Act (22 U.S.C. 7715(b)(1)) is amended
20 by striking “subsection (a) or (b) of section 606” and in-
21 serting “section 606(a)”.

22 **SEC. 4. MODIFICATION TO FACTORS IN DETERMINING ELI-**
23 **GIBILITY.**

24 Section 607(c)(2) of the Millennium Challenge Act of
25 2003 (22 U.S.C. 7706(c)(2)) is amended in the matter

- 1 preceding subparagraph (A) by striking “consider” and
- 2 inserting “prioritize need and impact by considering”.

Æ

Chairman MCCAUL. The bill was circulated in advance.

The clerk shall designate the bill.

The CLERK. H.R. 3042, to modify the requirements for candidate countries under the Millennium Challenge Act of 2003

Chairman MCCAUL. Without objection, the first reading is dispensed with. The bill is considered read and open to amendment at any point.

Is there any discussion on the bill?

Mr. CASTRO is recognized.

Mr. CASTRO. Thank you, chairman, for considering this important bipartisan legislation which I authored with our colleague on this committee, Representative Young Kim, to reform the Millennium Challenge Corporations pool of candidate countries.

When Congress established the MCC almost 20 years ago it was envisioned as a selective agency that would work collaboratively with the best-governed developing countries. Perhaps the most visible part of MCCs vigorous selection process is its scorecard which evaluates more than 20 different policy indicators of good governance.

But Congress also set an income-based threshold for nations where MCC could work. It was intended to make sure MCC focused on developing countries and on helping the people who need it the most. I strongly support that focus. And nothing in this bill is intended to alter that core part of MCCs mission and mandate.

But the way we define that threshold, based on who falls within two categories in the World Banks estimates of per capita gross national income has led to several issues this legislation seeks to address.

In the decades since the original standard was defined, the number of potential countries eligible for MCCs compacts has shrunk by almost a third. These compacts, which need to be ratified both by both the United States and the partner country, can take years to negotiate, ratify, and implement. Under the income thresholds current structure, countries can suddenly become ineligible for assistance in the middle of a multi-year negotiation.

Global disruptions like a pandemic, or major conflict, can also lead to changes in a countrys eligibility. Under this bill, the MCC would use an alternative measure from the World Bank: the International Bank for Reconstruction and Developments graduation threshold. This measure, which is calculated differently than the World Banks income categories, is more robust and considers access to capital markets and the adequacy of national institutions.

Mr. Chairman, I thank you and the ranking member for your support for this legislation, and also appreciate the work of the committee staff, both in the majority and the minority, for their work as well.

This bills Senate counterpart was introduced by the ranking member of the Senate Foreign Relations Committee, Senator Jim Risch, and was reported out of that committee unanimously a year ago.

The MCC has also identified this legislation as a priority. Given its bipartisan support in the House and Senate for this, for this legislation, and its importance, I urge my colleagues to support its swift passage at this markup.

Chairman MCCAUL. The gentleman yields back.

Any further discussion?

There being no further discussion of the bill, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

Mr. CASTRO. I have an amendment at the desk.

[The Amendment of Mr. Castro follows:]

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**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3042
OFFERED BY MR. CASTRO 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 “Millennium Challenge
3 Corporation Candidate Country Reform Act”.

4 **SEC. 2. MODIFICATIONS OF REQUIREMENTS TO BECOME A**
5 **CANDIDATE COUNTRY.**

6 Section 606 of the Millennium Challenge Act of 2003
7 (22 U.S.C. 7705) is amended to read as follows:

8 **“SEC. 606. CANDIDATE COUNTRIES.**

9 “(a) IN GENERAL.—A country shall be a candidate
10 country for purposes of eligibility to receive assistance
11 under section 605 if—

12 “(1) the per capita income of the country in a
13 fiscal year is equal to or less than the World Bank
14 threshold for initiating the International Bank for
15 Reconstruction and Development graduation process
16 for the fiscal year; and

17 “(2) subject to subsection (b), the country is
18 not ineligible to receive United States economic as-

1 sistance under part I of the Foreign Assistance Act
2 of 1961 (22 U.S.C. 2151 et seq.) by reason of the
3 application of any provision of the Foreign Assist-
4 ance Act of 1961 or any other provision of law.

5 “(b) RULE OF CONSTRUCTION.—For the purposes of
6 determining whether a country is eligible, pursuant to sub-
7 section (a)(2), to receive assistance under section 605, the
8 exercise by the President, the Secretary of State, or any
9 other officer or employee of the United States Government
10 of any waiver or suspension of any provision of law re-
11 ferred to in subsection (a)(2), and notification to the ap-
12 propriate congressional committees in accordance with
13 such provision of law, shall be construed as satisfying the
14 requirements under subsection (a).

15 “(c) DETERMINATION BY THE BOARD.—The Board
16 shall determine whether a country is a candidate country
17 for purposes of this section.”.

18 SEC. 3. CONFORMING AMENDMENTS.

19 (a) AMENDMENT TO REPORT IDENTIFYING CAN-
20 DIDATE COUNTRIES.—Section 608(a)(1) of the Millen-
21 nium Challenge Act of 2003 (22 U.S.C. 7707(a)(1)) is
22 amended by striking “section 606(a)(1)(B)” and inserting
23 “section 606(a)(2)”.

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1 (b) AMENDMENT TO MILLENNIUM CHALLENGE COM-
2 PACT AUTHORITY.—Section 609(b)(2) of such Act (22
3 U.S.C. 7708(b)(2)) is amended—

4 (1) by amending the paragraph heading to read
5 as follows: “COUNTRY CONTRIBUTIONS”; and

6 (2) by striking “with respect to a lower middle
7 income country described in section 606(b),”.

8 (c) AMENDMENT TO AUTHORIZATION TO PROVIDE
9 ASSISTANCE FOR CANDIDATE COUNTRIES.—Section
10 616(b)(1) of such Act (22 U.S.C. 7715(b)(1)) is amended
11 by striking “subsection (a) or (b) of section 606” and in-
12 serting “section 606(a)”.

13 SEC. 4. MODIFICATION TO FACTORS IN DETERMINING ELI-
14 GIBILITY.

15 Section 607(c)(2) of the Millennium Challenge Act of
16 2003 (22 U.S.C. 7706(c)(2)) is amended in the matter
17 preceding subparagraph (A) by striking “consider” and
18 inserting “prioritize need and impact by considering”.

19 SEC. 5. REPORT ON EFFORTS TO UNDERMINE PROGRAMS
20 OF THE MILLENNIUM CHALLENGE CORPORA-
21 TION.

22 Not later than 180 days after the date of the enact-
23 ment of this Act, the Chief Executive Officer of the Millen-
24 nium Challenge Corporation shall submit to the Com-
25 mittee on Foreign Affairs of the House of Representatives

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1 and the Committee on Foreign Relations of the Senate
2 a report that details any efforts targeted towards under-
3 mining Corporation programs, particularly efforts con-
4 ducted by the People's Republic of China. Such report
5 shall be submitted in unclassified form but may include
6 a classified annex.

7 SEC. 6. ALIGNMENT OF ANNUAL REPORT.

8 Section 613 of the Millennium Challenge Act of 2003
9 (22 U.S.C. 7712) is amended by striking subsection (a)
10 and inserting the following:

11 “(a) REPORT.—Not later than the third Friday in
12 December of each year, the Chief Executive Officer shall
13 submit to Congress a report on the assistance provided
14 under section 605 during the prior fiscal year.”.

◇

Chairman MCCAUL. Mr. Castro is recognized.

The clerk shall distribute the Castro amendment in the nature of a substitute, No. 132.

The clerk shall report the amendment.

The CLERK. Amendment in the nature of a substitute to H.R. 3042 offered by Mr. Castro of Texas.

Strike all after the enacting clause and insert the following:

Section 1, Short Title.

This Act may be cited as the Millennium Challenge Corporation—

Chairman MCCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman is recognized for 5 minutes on the amendment.

Mr. CASTRO. Thank you, Chairman.

This amendment in the nature of a substitute is fairly straightforward. It adds a required report to assess efforts by other countries, particularly the Peoples Republic of China, to undermine the work of the MCC.

The amendment also aligns the timing of an existing report the MCC is required to submit to the Congress to allow them to streamline the information they share with the U.S. Congress.

I urge my colleagues to support this amendment in the nature of a substitute.

With that, I yield back, Chair.

Chairman MCCAUL. The gentleman yields back.

Does any other member seek recognition?

Ms. Kim is recognized.

Mrs. KIM OF CALIFORNIA. Thank you, Chairman.

I am proud to co-sponsor H.R. 3042 and support this legislation.

The Millennium Challenge Corporation, or MCC, is a critical soft power tool delivering real economic growth through a competitive and transparent process that promotes democratic governance.

The MCC model is to demonstrate that good governance delivers for a countrys people. Signed into law in 2018, the AGOA and MCA Modernization Act enabled MCC to develop regional compacts linking upstream and downstream economic activities across borders.

Extending MCCs candidate pool will allow it to cover vulnerable upper-middle income countries without incurring additional costs. This bill does not adjust any of the requirements for countries to pass the eligibility scorecard which focused on democratic rights and control of corruption. Countries that will be added to the MCCs candidate pool through this bill include frontline countries in competition with Belt and Road Initiative.

This includes Belize and Paraguay in Latin America, which are both countries that maintain diplomatic relations with Taiwan. And they face significant and growing pressure from the CCP.

While some countries still need to meet additional criteria to be eligible for assistance, this reform will provide a strong incentive to undertake the necessary governance and market reforms.

With that, I support this bill and urge my colleagues to do the same.

I yield the balance of my time.

Chairman MCCAUL. The gentlelady yields back.

Does any other member seek recognition?

There being no further discussion, do any members wish to offer an amendment to the Castro amendment in the nature of a substitute?

There being no further amendments, I move that the committee report H.R. 3042, as amended, to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it. And the motion is agreed to.

Without objection, the motion to reconsider is laid on the table. And staff is authorized to make any technical and conforming changes.

The committee will now stand in recess and will reconvene tomorrow morning for votes.

The clerk will send out a notice with the exact time.

And we stand in recess.

[Whereupon, at 2:48 p.m., the committee recessed, to reconvene Thursday, July 11, 2024.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



**COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP NOTICE**
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Michael T. McCaul (R-TX), Chairman

July 8, 2024

Revised

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN markup of the Committee on Foreign Affairs to be held at 10:00 a.m. in room 2172 of the Rayburn House Office Building. The markup is available by live webcast on the Committee website. <https://foreignaffairs.house.gov/>

DATE: Wednesday, July 10, 2024

TIME: 10:00 a.m.

LOCATION: 2172 RHOB

MARKUP OF: H.R. 8926, To modify and reauthorize the Better Utilization of Investments Leading to Development Act of 2018;

H.R. 8345, To limit funds to the United Nations and other organizations that provide any status, rights, or privileges beyond observer status to the Palestine Liberation Organization, and for other purposes;

H.Res. 1323, Rejecting the United Nations decision to place the Israel Defense Force on a list of child's rights abusers;

****** H.R. 7914, To require the imposition of sanctions on the Popular Resistance Committees and other associated entities, and for other purposes;

****** H.R. 8232, To authorize the Secretary of State to withdraw from the United Nations Relief and Works Agency for Palestine Refugees in the Near East Federal funds previously made available to such organization;

H.R. 7151, To amend the Export Control Reform Act of 2018 to provide for expedited consideration of proposals for additions to, removals from, or

other modifications with respect to entities on the Entity List, and for other purposes;

** H.R. 8924, To require the Secretary of Commerce to identify and report on foreign adversary entities using intellectual property related to emerging technology without a license, and for other purposes;

** H.R. 8892, To modify certain provisions relating to bilateral agreements and AUKUS defense trade cooperation under the Arms Export Control Act, and for other purposes;

** H.R. 8936, To provide protection, support, and humanitarian assistance to Rohingya refugees and internally displaced people as well as promote accountability and a path out of genocide and crimes against humanity for Rohingya;

H.Res. 837, Reaffirming ties between the United States and the Philippines;

H.R. 8566, To require reports and certain actions with respect to the Republic of Georgia;

H.Res. 554, Affirming the nature and importance of the support of the United States for the religious and ethnic minority survivors of genocide in Iraq;

H.R. 1425, To require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification;

H.R. 7025, To extend and authorize annual appropriations for the United States Commission on International Religious Freedom through fiscal year 2026;

H.J.Res.164, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Commerce relating to "Revision of Firearms License Requirements";

H.Res. 1328, Recognizing the actions of the Rapid Support Forces and allied militias in the Darfur region of Sudan against non-Arab ethnic communities as acts of genocide;

** H.R. 8934, To require the imposition of sanctions with respect to foreign persons engaged in piracy, and for other purposes; and

H.R. 3042, To modify the requirements for candidate countries under the Millennium Challenge Act of 2003, and for other purposes.

**NOTE: Measures added/changed.

*NOTE: Measures may be added.

By Direction of the Chair

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 202-226-8467 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 Wed-Thur Date July 10-11, 2024 Room 2172 RHOB

Starting Time 10:22 Ending Time 10:26 +1

Recesses 1 (14:48 to 10:11) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman McCaul, Rep. Self, Rep. James, Rep. Kim of CA

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

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

Attached

COMMITTEE MEMBERS PRESENT:

Attached

NON-COMMITTEE MEMBERS PRESENT:

NA

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

Attached

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

Attached

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

<u>Subject</u>	<u>Yeas</u>	<u>Nays</u>	<u>Present</u>	<u>Not Voting</u>
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Attached

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 10:26 (11th)

Meg Wagner

Full Committee Hearing Coordinator

Committee on Foreign Affairs

118th Congress

ATTENDANCE

Date: JULY 10, 2024 MARKUP

Representative	Present	Absent	Representative	Present	Absent
Mr. McCaul	X		Mr. Meeks	X	
Mr. Smith	X		Mr. Sherman	X	
Mr. Wilson	X		Mr. Connolly	X	
Mr. Perry	X		Mr. Keating	X	
Mr. Issa	X		Mr. Bera	X	
Mrs. Wagner	X		Mr. Castro	X	
Mr. Mast	X		Ms. Titus	X	
Mr. Burchett	X		Mr. Lieu		X
Mr. Green	X		Ms. Wild	X	
Mr. Barr	X		Mr. Phillips	X	
Mr. Jackson		X	Mr. Allred	X	
Mrs. Kim	X		Mr. Kim	X	
Mrs. Salazar	X		Ms. Jacobs	X	
Mr. Huizenga	X		Ms. Manning	X	
Mrs. Radewagen		X	Mrs. Cherfilus-McCormick	X	
Mr. Hill	X		Mr. Stanton	X	
Mr. Davidson	X		Ms. Dean	X	
Mr. Baird	X		Mr. Moskowitz		X
Mr. Waltz	X		Mr. Jackson	X	
Mr. Kean	X		Mrs. Kamlager-Dove	X	
Mr. Lawler	X		Mr. Costa	X	
Mr. Mills	X		Mr. Crow	X	
Mr. McCormick	X		Mr. Amo	X	
Mr. Moran	X		Mr. Schneider	X	
Mr. James	X		Mr. Mfume	X	
Mr. Self	X				
Mr. Zinke	X				
Mr. Moylan	X				

07/10/2024 – 07/11/2024 Foreign Affairs Markup Summary

The Chair called up the following measures separately:

1. [H.R. 8926](#), To modify and reauthorize the Better Utilization of Investments Leading to Development Act of 2018. (McCaul) (ordered favorably reported to the House, as amended, 43Y-2N)
 - [Meeks Amendment #91](#) (adopted, voice vote)
 - [Stanton Amendment #62](#) (withdrawn)
 - [Stanton Amendment #63](#) (adopted, voice vote)
 - [Davidson Amendment #159](#) (not adopted, 13Y-32N)
 - [Davidson Amendment #162](#) (not adopted, 7Y-38N)
 - [Castro Amendment #134](#) (adopted, voice vote)
 - [Keating Amendment #100](#) (adopted, voice vote)
2. [H.R. 8345](#), To limit funds to the United Nations and other organizations that provide any status, rights, or privileges beyond observer status to the Palestine Liberation Organization, and for other purposes. (Baird) (ordered favorably reported to the House, 28Y-18N)
3. [H.Res. 1323](#), Rejecting the United Nations decision to place the Israel Defense Force on a list of child's rights abusers. (Burchett) (ordered favorably reported to the House, voice vote)
4. [H.R. 8232](#), To authorize the Secretary of State to withdraw from the United Nations Relief and Works Agency for Palestine Refugees in the Near East Federal funds previously made available to such organization. (Mast) (ordered favorably reported to the House, as amended, 24Y-22N)
 - [McCormick Amendment #196](#) (adopted, voice vote)
5. [H.R. 8924](#), To require the Secretary of Commerce to identify and report on foreign adversary entities using intellectual property related to emerging technology without a license, and for other purposes. (Kim) (ordered favorably reported to the House, as amended, 24Y-22N)
 - [Kim Amendment in the Nature of a Substitute #70](#) (adopted, voice vote)
6. [H.R. 8892](#), To modify certain provisions relating to bilateral agreements and AUKUS defense trade cooperation under the Arms Export Control Act, and for other purposes. (Huizenga) (ordered favorably reported to the House, as amended, 24Y-23N)
 - [Huizenga Amendment in the Nature of a Substitute #101](#) (adopted, voice vote)
7. [H.R. 8936](#), To provide protection, support, and humanitarian assistance to Rohingya refugees and internally displaced people as well as promote accountability and a path out of genocide and crimes against humanity for Rohingya. (Meeks) (ordered favorably reported to the House, as amended, 44Y-3N)
 - [Huizenga Amendment #102](#) (adopted, voice vote)

8. [H.R. 7151](#), To amend the Export Control Reform Act of 2018 to provide for expedited consideration of proposals for additions to, removals from, or other modifications with respect to entities on the Entity List, and for other purposes. (Wagner) (ordered favorably reported to the House, as amended, voice vote)
 - [Wagner Amendment in the Nature of a Substitute](#) (considered as base text by UC)
9. [H.R. 8566](#), To require reports and certain actions with respect to the Republic of Georgia. (Wilson) (ordered favorably reported to the House, as amended, 41Y-6N)
 - [Wilson Amendment in the Nature of a Substitute](#) (considered as base text by UC)
10. [H.Res. 837](#), Reaffirming the ties between the United States and the Philippines. (Moylan) (ordered favorably reported to the House, as amended, voice vote)
 - [Wild Amendment #42](#) (adopted, voice vote)
 - [Bera Amendment #37](#) (adopted, voice vote)
 - [Davidson Amendment #161](#) (adopted, voice vote)
11. [H.Res. 554](#), Affirming the nature and importance of the support of the United States for the religious and ethnic minority survivors of genocide in Iraq. (Slotkin) (ordered favorably reported to the House, as amended, voice vote)
 - [James Amendment in the Nature of a Substitute](#) (considered as base text by UC)
12. [H.Res. 1328](#), Recognizing the actions of the Rapid Support Forces and allied militias in the Darfur region of Sudan against non-Arab ethnic communities as acts of genocide. (James) (ordered favorably reported to the House, voice vote)
13. [H.J.Res. 164](#), Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Commerce relating to "Revision of Firearms License Requirements". (Green) (ordered favorably reported to the House, 24Y-23N)
14. [H.R. 1425](#), To require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification. (Tiffany) (ordered favorably reported to the House, 24Y-23N)
15. [H.R. 7025](#), To extend and authorize annual appropriations for the United States Commission on International Religious Freedom through fiscal year 2026. (Smith) (ordered favorably reported to the House, voice vote)
16. [H.R. 7914](#), To require the imposition of sanctions on the Popular Resistance Committees and other associated entities, and for other purposes. (Sherman) (ordered favorably reported to the House, as amended, voice vote)
 - [Sherman Amendment #117](#) (adopted, voice vote)

17. [H.R. 8934](#), To require the imposition of sanctions with respect to foreign persons engaged in piracy, and for other purposes. (Jackson) (ordered favorably reported to the House, voice vote)
18. [H.R. 3042](#), To modify the requirements for candidate countries under the Millennium Challenge Act of 2003, and for other purposes. (Castro) (ordered favorably reported to the House, as amended, voice vote)
 - [Castro Amendment in the Nature of a Substitute #132](#) (adopted, voice vote)



COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP
 118th CONGRESS
 VOTES OF THE COMMITTEE

Vote: Davidson #162 to H.R. 8926

Representative	Yea	Nay	Representative	Yea	Nay
Chairman McCaul		X	Ranking Member Meeks		X
Representative Smith		X	Representative Sherman		X
Representative Wilson		X	Representative Connolly		X
Representative Perry	X		Representative Keating		X
Representative Issa	X		Representative Bera		X
Representative Wagner		X	Representative Castro		X
Representative Mast		X	Representative Titus		X
Representative Burchett		X	Representative Lieu		
Representative Green		X	Representative Wild		X
Representative Barr		X	Representative Phillips		X
Representative Ronny Jackson			Representative Allred		
Representative Young Kim		X	Representative Andy Kim		X
Representative Salazar		X	Representative Jacobs		X
Representative Huizenga	X		Representative Manning		X
Representative Radewagen			Representative Cherfilus-McCormick		X
Representative Hill		X	Representative Stanton		X
Representative Davidson	X		Representative Dean		
Representative Baird		X	Representative Moskowitz		
Representative Waltz			Representative Jonathan Jackson		X
Representative Kean		X	Representative Kamlager-Dove		X
Representative Lawler		X	Representative Costa		X
Representative Mills	X		Representative Crow		X
Representative McCormick		X	Representative Amo		X
Representative Moran	X		Representative Mfume		X
Representative James		X	Representative Schneider		X
Representative Self					
Representative Zinke	X				
Representative Moylan		X			

Yeas [7] Nays [38]



COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP
 118th CONGRESS
 VOTES OF THE COMMITTEE

Vote: H.J.Res. 164

Representative	Yea	Nay	Representative	Yea	Nay
Chairman McCaul	X		Ranking Member Meeks		X
Representative Smith	X		Representative Sherman		X
Representative Wilson	X		Representative Connolly		X
Representative Perry	X		Representative Keating		X
Representative Issa	X		Representative Bera		X
Representative Wagner	X		Representative Castro		X
Representative Mast			Representative Titus		X
Representative Burchett	X		Representative Lieu		
Representative Green	X		Representative Wild		X
Representative Barr	X		Representative Phillips		X
Representative Ronny Jackson			Representative Allred		X
Representative Young Kim	X		Representative Andy Kim		X
Representative Salazar	X		Representative Jacobs		X
Representative Huizenga	X		Representative Manning		X
Representative Radewagen			Representative Cherfilus-McCormick		X
Representative Hill	X		Representative Stanton		X
Representative Davidson	X		Representative Dean		X
Representative Baird	X		Representative Moskowitz		
Representative Waltz			Representative Jonathan Jackson		X
Representative Kean	X		Representative Kamlager-Dove		X
Representative Lawler	X		Representative Costa		X
Representative Mills	X		Representative Crow		X
Representative McCormick	X		Representative Amo		X
Representative Moran	X		Representative Mfume		X
Representative James	X		Representative Schneider		X
Representative Self	X				
Representative Zinke	X				
Representative Moylan	X				

Yeas [24] Nays [23]



COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP
 118th CONGRESS
 VOTES OF THE COMMITTEE

Vote: H.R. 1425

Representative	Yea	Nay	Representative	Yea	Nay
Chairman McCaul	X		Ranking Member Meeks		X
Representative Smith	X		Representative Sherman		X
Representative Wilson	X		Representative Connolly		X
Representative Perry	X		Representative Keating		X
Representative Issa	X		Representative Bera		X
Representative Wagner	X		Representative Castro		X
Representative Mast			Representative Titus		X
Representative Burchett	X		Representative Lieu		
Representative Green	X		Representative Wild		X
Representative Barr	X		Representative Phillips		X
Representative Ronny Jackson			Representative Allred		X
Representative Young Kim	X		Representative Andy Kim		X
Representative Salazar	X		Representative Jacobs		X
Representative Huizenga	X		Representative Manning		X
Representative Radewagen			Representative Cherfilus-McCormick		X
Representative Hill	X		Representative Stanton		X
Representative Davidson	X		Representative Dean		X
Representative Baird	X		Representative Moskowitz		
Representative Waltz			Representative Jonathan Jackson		X
Representative Kean	X		Representative Kamlager-Dove		X
Representative Lawler	X		Representative Costa		X
Representative Mills	X		Representative Crow		X
Representative McCormick	X		Representative Amo		X
Representative Moran	X		Representative Mfume		X
Representative James	X		Representative Schneider		X
Representative Self	X				
Representative Zinke	X				
Representative Moylan	X				

Yeas [24] Nays [23]



COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP
 118th CONGRESS
 VOTES OF THE COMMITTEE

Vote: H.R. 8232

Representative	Yea	Nay	Representative	Yea	Nay
Chairman McCaul	X		Ranking Member Meeks		X
Representative Smith	X		Representative Sherman		X
Representative Wilson	X		Representative Connolly		X
Representative Perry	X		Representative Keating		X
Representative Issa	X		Representative Bera		X
Representative Wagner	X		Representative Castro		X
Representative Mast	X		Representative Titus		X
Representative Burchett	X		Representative Lieu		
Representative Green	X		Representative Wild		X
Representative Barr	X		Representative Phillips		X
Representative Ronny Jackson			Representative Allred		
Representative Young Kim	X		Representative Andy Kim		X
Representative Salazar	X		Representative Jacobs		X
Representative Huizenga	X		Representative Manning		X
Representative Radewagen			Representative Cherfilus-McCormick		X
Representative Hill	X		Representative Stanton		X
Representative Davidson	X		Representative Dean		X
Representative Baird	X		Representative Moskowitz		
Representative Waltz			Representative Jonathan Jackson		X
Representative Kean	X		Representative Kamlager-Dove		X
Representative Lawler	X		Representative Costa		X
Representative Mills	X		Representative Crow		X
Representative McCormick	X		Representative Amo		X
Representative Moran	X		Representative Mfume		X
Representative James	X		Representative Schneider		X
Representative Self					
Representative Zinke	X				
Representative Moylan	X				

Yeas [24] Nays [22]



COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP
 118th CONGRESS
 VOTES OF THE COMMITTEE

Vote: H.R. 8345

Representative	Yea	Nay	Representative	Yea	Nay
Chairman McCaul	X		Ranking Member Meeks		X
Representative Smith	X		Representative Sherman		X
Representative Wilson	X		Representative Connolly		X
Representative Perry	X		Representative Keating		X
Representative Issa	X		Representative Bera		X
Representative Wagner	X		Representative Castro		X
Representative Mast	X		Representative Titus		X
Representative Burchett	X		Representative Lieu		
Representative Green	X		Representative Wild		X
Representative Barr	X		Representative Phillips		X
Representative Ronny Jackson			Representative Allred		
Representative Young Kim	X		Representative Andy Kim		X
Representative Salazar	X		Representative Jacobs		X
Representative Huizenga	X		Representative Manning	X	
Representative Radewagen			Representative Cherfilus-McCormick		X
Representative Hill	X		Representative Stanton	X	
Representative Davidson	X		Representative Dean		X
Representative Baird	X		Representative Moskowitz		
Representative Waltz	X		Representative Jonathan Jackson		X
Representative Kean	X		Representative Kamlager-Dove		X
Representative Lawler	X		Representative Costa	X	
Representative Mills	X		Representative Crow		X
Representative McCormick	X		Representative Amo		X
Representative Moran	X		Representative Mfume		X
Representative James	X		Representative Schneider	X	
Representative Self					
Representative Zinke	X				
Representative Moylan	X				

Yeas [28] Nays [18]



COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP
 118th CONGRESS
 VOTES OF THE COMMITTEE

Vote: H.R. 8566

Representative	Yea	Nay	Representative	Yea	Nay
Chairman McCaul	X		Ranking Member Meeks	X	
Representative Smith	X		Representative Sherman	X	
Representative Wilson	X		Representative Connolly	X	
Representative Perry		X	Representative Keating	X	
Representative Issa	X		Representative Bera	X	
Representative Wagner	X		Representative Castro	X	
Representative Mast			Representative Titus	X	
Representative Burchett		X	Representative Lieu		
Representative Green	X		Representative Wild	X	
Representative Barr	X		Representative Phillips	X	
Representative Ronny Jackson			Representative Allred	X	
Representative Young Kim	X		Representative Andy Kim	X	
Representative Salazar	X		Representative Jacobs	X	
Representative Huizenga	X		Representative Manning	X	
Representative Radewagen			Representative Cherfilus-McCormick	X	
Representative Hill	X		Representative Stanton	X	
Representative Davidson		X	Representative Dean	X	
Representative Baird	X		Representative Moskowitz		
Representative Waltz			Representative Jonathan Jackson	X	
Representative Kean	X		Representative Kamlager-Dove	X	
Representative Lawler	X		Representative Costa	X	
Representative Mills		X	Representative Crow	X	
Representative McCormick	X		Representative Amo	X	
Representative Moran	X		Representative Mfume	X	
Representative James	X		Representative Schneider	X	
Representative Self		X			
Representative Zinke		X			
Representative Moylan	X				

Yeas [41] Nays [6]



COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP
 118th CONGRESS
 VOTES OF THE COMMITTEE

Vote: H.R. 8892

Representative	Yea	Nay	Representative	Yea	Nay
Chairman McCaul	X		Ranking Member Meeks		X
Representative Smith	X		Representative Sherman		X
Representative Wilson	X		Representative Connolly		X
Representative Perry	X		Representative Keating		X
Representative Issa	X		Representative Bera		X
Representative Wagner	X		Representative Castro		X
Representative Mast			Representative Titus		X
Representative Burchett	X		Representative Lieu		
Representative Green	X		Representative Wild		X
Representative Barr	X		Representative Phillips		X
Representative Ronny Jackson			Representative Allred		X
Representative Young Kim	X		Representative Andy Kim		X
Representative Salazar	X		Representative Jacobs		X
Representative Huizenga	X		Representative Manning		X
Representative Radewagen			Representative Cherfilus-McCormick		X
Representative Hill	X		Representative Stanton		X
Representative Davidson	X		Representative Dean		X
Representative Baird	X		Representative Moskowitz		
Representative Waltz			Representative Jonathan Jackson		X
Representative Kean	X		Representative Kamlager-Dove		X
Representative Lawler	X		Representative Costa		X
Representative Mills	X		Representative Crow		X
Representative McCormick	X		Representative Amo		X
Representative Moran	X		Representative Mfume		X
Representative James	X		Representative Schneider		X
Representative Self	X				
Representative Zinke	X				
Representative Moylan	X				

Yeas [24] Nays [23]



COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP
 118th CONGRESS
 VOTES OF THE COMMITTEE

Vote: H.R. 8924

Representative	Yea	Nay	Representative	Yea	Nay
Chairman McCaul	X		Ranking Member Meeks		X
Representative Smith	X		Representative Sherman		X
Representative Wilson	X		Representative Connolly		X
Representative Perry	X		Representative Keating		X
Representative Issa	X		Representative Bera		X
Representative Wagner	X		Representative Castro		X
Representative Mast			Representative Titus		X
Representative Burchett	X		Representative Lieu		
Representative Green	X		Representative Wild	X	
Representative Barr	X		Representative Phillips		X
Representative Ronny Jackson			Representative Allred		X
Representative Young Kim	X		Representative Andy Kim		X
Representative Salazar	X		Representative Jacobs		X
Representative Huizenga	X		Representative Manning		X
Representative Radewagen			Representative Cherfilus-McCormick		X
Representative Hill	X		Representative Stanton		X
Representative Davidson	X		Representative Dean		X
Representative Baird	X		Representative Moskowitz		
Representative Waltz			Representative Jonathan Jackson		X
Representative Kean	X		Representative Kamlager-Dove		X
Representative Lawler	X		Representative Costa		X
Representative Mills	X		Representative Crow		X
Representative McCormick	X		Representative Amo		X
Representative Moran	X		Representative Mfume		X
Representative James	X		Representative Schneider		X
Representative Self					
Representative Zinke	X				
Representative Moylan	X				

Yeas [24] Nays [22]



COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP
 118th CONGRESS
 VOTES OF THE COMMITTEE

Vote: H.R. 8926

Representative	Yea	Nay	Representative	Yea	Nay
Chairman McCaul	X		Ranking Member Meeks	X	
Representative Smith	X		Representative Sherman	X	
Representative Wilson	X		Representative Connolly	X	
Representative Perry		X	Representative Keating	X	
Representative Issa	X		Representative Bera	X	
Representative Wagner	X		Representative Castro	X	
Representative Mast	X		Representative Titus	X	
Representative Burchett	X		Representative Lieu		
Representative Green	X		Representative Wild	X	
Representative Barr	X		Representative Phillips	X	
Representative Ronny Jackson			Representative Allred		
Representative Young Kim	X		Representative Andy Kim	X	
Representative Salazar	X		Representative Jacobs	X	
Representative Huizenga	X		Representative Manning	X	
Representative Radewagen			Representative Cherfilus-McCormick	X	
Representative Hill	X		Representative Stanton	X	
Representative Davidson		X	Representative Dean		
Representative Baird	X		Representative Moskowitz		
Representative Waltz			Representative Jonathan Jackson	X	
Representative Kean	X		Representative Kamlager-Dove	X	
Representative Lawler	X		Representative Costa	X	
Representative Mills	X		Representative Crow	X	
Representative McCormick	X		Representative Amo	X	
Representative Moran	X		Representative Mfume	X	
Representative James	X		Representative Schneider		
Representative Self					
Representative Zinke	X				
Representative Moylan	X				

Yeas [43] Nays [2]



COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP
 118th CONGRESS
 VOTES OF THE COMMITTEE

Vote: H.R. 8936

Representative	Yea	Nay	Representative	Yea	Nay
Chairman McCaul	X		Ranking Member Meeks	X	
Representative Smith	X		Representative Sherman	X	
Representative Wilson	X		Representative Connolly	X	
Representative Perry		X	Representative Keating	X	
Representative Issa	X		Representative Bera	X	
Representative Wagner	X		Representative Castro	X	
Representative Mast			Representative Titus	X	
Representative Burchett	X		Representative Lieu		
Representative Green	X		Representative Wild	X	
Representative Barr	X		Representative Phillips	X	
Representative Ronny Jackson			Representative Allred	X	
Representative Young Kim	X		Representative Andy Kim	X	
Representative Salazar	X		Representative Jacobs	X	
Representative Huizenga	X		Representative Manning	X	
Representative Radewagen			Representative Cherfilus-McCormick	X	
Representative Hill	X		Representative Stanton	X	
Representative Davidson	X		Representative Dean	X	
Representative Baird	X		Representative Moskowitz		
Representative Waltz			Representative Jonathan Jackson	X	
Representative Kean	X		Representative Kamlager-Dove	X	
Representative Lawler	X		Representative Costa	X	
Representative Mills		X	Representative Crow	X	
Representative McCormick	X		Representative Amo	X	
Representative Moran	X		Representative Mfume	X	
Representative James	X		Representative Schneider	X	
Representative Self		X			
Representative Zinke	X				
Representative Moylan	X				

Yeas [44] Nays [3]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7151
OFFERED BY MRS. WAGNER OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Export Control En-
3 forcement and Enhancement Act”.

**4 SEC. 2. EXPEDITED CONSIDERATION OF PROPOSALS FOR
5 ADDITIONS TO, REMOVALS FROM, OR OTHER
6 MODIFICATIONS WITH RESPECT TO ENTITIES
7 ON THE ENTITY LIST.**

8 Section 1754 of the Export Control Reform Act of
9 2018 (50 U.S.C. 4813) is amended by adding at the end
10 the following:

11 “(g) EXPEDITED CONSIDERATION OF PROPOSALS
12 FOR ADDITIONS TO, REMOVALS FROM, OR OTHER MODI-
13 FICATIONS WITH RESPECT TO ENTITIES ON THE ENTITY
14 LIST.—

15 “(1) IN GENERAL.—Any member of the End-
16 User Review Committee may submit a proposal di-
17 rectly to the Committee requesting a vote of all
18 members of the Committee for additions to, remov-

1 als from, or other modifications with respect to the
2 Entity List. A proposal to add an entity to the Enti-
3 ty List shall be made in accordance with the provi-
4 sions of paragraph (3).

5 “(2) CONSIDERATION.—Subject to paragraph
6 (4)(B), the End-User Review Committee shall vote
7 to approve or disapprove a proposal submitted under
8 paragraph (1) not later than 30 days after the date
9 on which the proposal is submitted to the Com-
10 mittee.

11 “(3) ADDITIONAL INFORMATION.—The Chair of
12 the End-User Review Committee, with the concu-
13 rence of the member of the Committee that sub-
14 mitted a proposal under paragraph (1), may suspend
15 for an additional 15 days the time period specified
16 in paragraph (2) with respect to consideration of the
17 proposal if the Chair and the member determine
18 that additional information is required in order
19 make a determination with respect to the proposal,
20 including the impact and effect of the proposal.

21 “(4) ADDITIONS TO THE ENTITY LIST.—

22 “(A) IN GENERAL.—An entity may be
23 added to the Entity List if the End-User Re-
24 view Committee by majority vote of its members
25 has determined that the entity has engaged, is

1 engaged, or is at risk of engaging in activities
2 contrary to the national security or foreign pol-
3 icy interests of the United States.

4 “(B) LICENSING POLICY.—

5 “(i) IN GENERAL.—Subject to clause
6 (ii), there shall be in effect a policy of pre-
7 sumption of denial for all applications for
8 a license to export, reexport, or in-country
9 transfer any item subject to the Export
10 Administration Regulations if an entity
11 added to the Entity List under this sub-
12 section is or would be a party to a trans-
13 action with respect to which the applica-
14 tion applies.

15 “(ii) EXCEPTION.—The licensing pol-
16 icy required by clause (i) shall not apply
17 with respect an entity described in such
18 clause if the members of the End-User Re-
19 view Committee that voted to add the enti-
20 ty to the Entity List under this subsection
21 agree by majority vote of such members to
22 apply a different policy with respect to the
23 entity for all or specific types of items sub-
24 ject to the Export Administration Regula-
25 tions that would be in the national security

1 and foreign policy interests of the United
2 States.

3 “(C) RULE OF CONSTRUCTION.—Nothing
4 in this paragraph may be construed to limit or
5 otherwise affect the escalation procedures de-
6 scribed in part 750 of the Export Administra-
7 tion Regulations.

8 “(5) ADMINISTRATIVE PROVISIONS.—

9 “(A) IN GENERAL.—Each member of the
10 End-User Review Committee shall have 1 vote
11 with respect to matters described in this sub-
12 section. The chairperson of the Committee shall
13 not have the authority to make determinations
14 or override any voting decision with respect to
15 such matters.

16 “(B) SUSPENSION OF VOTING PERIOD.—
17 The chairperson of the End-User Review Com-
18 mittee may suspend the 30-day voting period
19 described in paragraph (2) if the members of
20 the Committee unanimously agree to postpone
21 the vote.

22 “(C) NOTICE; IMPLEMENTING AUTHOR-
23 ITY.—The chairperson of the End-User Review
24 Committee shall notify the Assistant Secretary
25 of Commerce for Export Administration of all

1 final decisions of the Committee with respect to
2 additions to, removals from, or other modifica-
3 tions with respect to the Entity List under this
4 subsection so that the Assistant Secretary of
5 Commerce for Export Administration may im-
6 plement all such modifications.

7 “(6) DEFINITIONS.—In this subsection—

8 “(A) the terms ‘End-User Review Com-
9 mittee’ and ‘Committee’ mean—

10 “(i) the End-User Review Committee
11 established under section 744.16(d) of title
12 15, Code of Federal Regulations; and

13 “(ii) any successor committee; and

14 “(B) the term ‘Entity List’ means the list
15 maintained by the Bureau of Industry and Se-
16 curity of the Department of Commerce and set
17 forth in Supplement No. 4 to part 744 of the
18 Export Administration Regulations, or suc-
19 cessor regulations.”.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) APPROPRIATE CONGRESSIONAL
23 COMMITTEES.—The term “appropriate congressional
24 committees” means—

1 (A) the Committee on Foreign Affairs of
2 the House of Representatives; and

3 (B) the Committee on Banking, Housing,
4 and Urban Affairs of the Senate.

5 (2) END-USER REVIEW COMMITTEE.—The term
6 “End-User Review Committee” means—

7 (A) the End-User Review Committee es-
8 tablished under section 744.16(d) of title 15,
9 Code of Federal Regulations; or

10 (B) any successor committee.

11 (3) EXPORT, REEXPORT, AND IN-COUNTRY
12 TRANSFER.—The terms “export”, “reexport”, and
13 “in-country transfer” have the meanings given such
14 terms in section 1742 of the Export Control Reform
15 Act of 2018 (50 U.S.C. 4801).

16 (4) ENTITY LIST.—The term “Entity List”
17 means the list maintained by the Bureau of Industry
18 and Security of the Department of Commerce and
19 set forth in Supplement No. 4 to part 744 of the
20 Export Administration Regulations, or successor
21 regulations.

22 (5) EXPORT ADMINISTRATION REGULATIONS.—
23 The term “Export Administration Regulations”
24 means the regulations set forth in subchapter C of

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- 1 chapter VII of title 15, Code of Federal Regulations,
- 2 or successor regulations.

