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FRANK R. WOLF INTERNATIONAL RELIGIOUS FREEDOM ACT OF 2015; STRATEGY TO OPPOSE PREDATORY ORGAN TRAFFICKING ACT; UNITED STATES-CARIBBEAN STRATEGIC ENGAGEMENT ACT OF 2016; REAFFIRMING THE TAIWAN RELATIONS ACT AND THE SIX ASSURANCES AS THE CORNERSTONE OF UNITED STATES-TAIWAN RELATIONS; AND TO PROVIDE FOR THE AUTHORITY FOR THE SUCCESSORS AND ASSIGNS OF THE STARR-CAMARGO BRIDGE COMPANY TO MAINTAIN AND OPERATE A TOLL BRIDGE ACROSS THE RIO GRANDE NEAR RIO GRANDE CITY, TEXAS, AND FOR OTHER PURPOSES

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

H.R. 1150, H.R. 3694, H.R. 4939, H. Con. Res. 88 and S. 2143

APRIL 20, 2016

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CONTENTS

Page

MARKUP ON

H.R. 1150, To amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes 2
Amendment in the nature of a substitute to H.R. 1150 offered by the Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey 45
H.R. 3694, To combat trafficking in human organs, and for other purposes 81
Amendment in the nature of a substitute to H.R. 3694 offered by the Honorable David A. Trott, a Representative in Congress from the State of Michigan 100
Amendment to the amendment in the nature of a substitute to H.R. 3694 offered by the Honorable William Keating, a Representative in Congress from the Commonwealth of Massachusetts 109
H.R. 4939, To increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, and for other purposes 110
H. Con. Res. 88, Reaffirming the Taiwan Relations Act and the Six Assurances as the cornerstone of United States-Taiwan relations 118
Amendment in the nature of a substitute to H. Con. Res. 88 offered by the Honorable Steve Chabot, a Representative in Congress from the State of Ohio 121
Amendment to the amendment in the nature of a substitute to H. Con. Res. 88 offered by the Honorable Gerald E. Connolly, a Representative in Congress from the Commonwealth of Virginia 126
S. 2143, A bill to provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, and for other purposes 127

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE RECORD

APPENDIX

Markup notice 146
Markup minutes 147
Markup summary 149
The Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey: Prepared statement 150
The Honorable Joe Wilson, a Representative in Congress from the State of South Carolina: Prepared statement 151
The Honorable Gerald E. Connolly, a Representative in Congress from the Commonwealth of Virginia: Material submitted for the record 152

FRANK R. WOLF INTERNATIONAL RELIGIOUS FREEDOM ACT OF 2015; STRATEGY TO OPPOSE PREDATORY ORGAN TRAFFICKING ACT; UNITED STATES-CARIBBEAN STRATEGIC ENGAGEMENT ACT OF 2016; REAFFIRMING THE TAIWAN RELATIONS ACT AND THE SIX ASSURANCES AS THE CORNERSTONE OF UNITED STATES-TAIWAN RELATIONS; AND TO PROVIDE FOR THE AUTHORITY FOR THE SUCCESSORS AND ASSIGNS OF THE STARR-CAMARGO BRIDGE COMPANY TO MAINTAIN AND OPERATE A TOLL BRIDGE ACROSS THE RIO GRANDE NEAR RIO GRANDE CITY, TEXAS, AND FOR OTHER PURPOSES

WEDNESDAY, APRIL 20, 2016

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

The committee met, pursuant to notice, at 10:09 a.m., in room 2172, Rayburn House Office Building, Hon. Ed Royce (chairman of the committee) presiding.

Chairman ROYCE. The committee will come to order.

Pursuant to notice, we meet today to mark up several bipartisan measures. And without objection, all members may have 5 days to submit statements or any extraneous material for the record.

Consideration of S. 284 is being postponed, and as members were notified yesterday, we intend to consider the other five measures en bloc. And so without objection, the following items previously provided to members will be considered en bloc and are considered as read: H.R. 1150, the Frank Wolf International Religious Freedom Act; Smith amendment 76 in the nature of a substitute to this measure; also, H.R. 3694, the Strategy to Oppose Predatory Organ Trafficking Act, along with Trott amendment No. 8 in the nature of a substitute to this measure, and the Keating amendment 63 to the Trott amendment; then we have H.R. 4939, the U.S.-Caribbean Strategic Engagement Act of 2016; and we have House Concurrent Resolution 88, Reaffirming the Taiwan Relations Act and the Six Assurances as the Cornerstone of U.S.-Taiwan Relations, along with Chabot amendment 36 in the nature of a substitute and the Connolly amendment 72 to the Chabot amendment; and we have S. 2143, Starr-Camargo Bridge Act, as passed by the Senate.

[The information referred to follows:]

I

114TH CONGRESS
1ST SESSION

H. R. 1150

To amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2015

Mr. SMITH of New Jersey (for himself and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, 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 AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Frank R. Wolf International Religious Freedom Act of 2015".

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings; policy.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

Sec. 101. Office on International Religious Freedom; Ambassador at Large for International Religious Freedom.
Sec. 102. Annual Report on International Religious Freedom.
Sec. 103. Training for Foreign Service officers; report.
Sec. 104. Prisoner lists and issue briefs on religious freedom concerns.

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Sec. 201. Establishment and composition.
Sec. 202. Commission personnel matters.
Sec. 203. Authorization of appropriations.
Sec. 204. Standards of conduct and disclosure.
Sec. 205. Termination.

TITLE III—NATIONAL SECURITY COUNCIL

Sec. 301. Special Adviser for Global Religion Engagement and International Religious Freedom; Interagency Policy Committees.

TITLE IV—PRESIDENTIAL ACTIONS

Sec. 401. Presidential actions in response to violations of religious freedom.
Sec. 402. Presidential actions in response to particularly severe violations of religious freedom.
Sec. 403. Consultations.
Sec. 404. Report to Congress.
Sec. 405. Presidential waiver.
Sec. 406. Termination of Presidential actions.
Sec. 407. Statement of policy regarding country of particular concern designation for violent nonstate actors.

TITLE V—PROMOTION OF RELIGIOUS FREEDOM

Sec. 501. Assistance for promoting religious freedom.

TITLE VI—REFUGEE, ASYLUM, AND CONSULAR MATTERS

Sec. 601. Actions against persons responsible for committing particularly severe violations of international religious freedom.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Miscellaneous provisions.
Sec. 702. Clerical amendments.

SEC. 2. FINDINGS; POLICY.

Section 2 of the International Religious Freedom Act of 1998 (22 U.S.C. 6401) is amended—

(1) in subsection (a)—

(A) in paragraph (4), in the fourth sentence, by inserting "prohibitions on ritual animal slaughter, male infant circumcision, censorship of religious content, or worship on the Internet," after "confiscations of property,";

(B) in paragraph (5), by amending the second sentence to read as follows: "In many countries, religious believers are forced to meet secretly, and religious leaders and believers are targeted by national security forces, violent nonstate actors, and hostile mobs.";

(C) by redesignating paragraph (7) as paragraph (9); and

(D) by inserting after paragraph (6) the following new paragraphs:

"(7) There is growing evidence that demonstrates a connection between the absence of religious freedom and increased levels of persecution of

religious minorities, religiously motivated conflict, violent extremism, and terrorism, including the kind of terrorism that has reached the United States.

"(8) It is increasingly clear that understanding religion and the political and security implications of religious motivation and conviction is critical to the success of United States diplomacy and foreign policy initiatives as there are studies that show—

"(A) 75 percent of the world's population lives in countries where the right to the freedom of religion and belief is severely restricted, either by the government or violent nonstate actors; and

"(B) 84 percent of the world's population identifies strongly with a specific religious group."; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(6) Because the promotion of international religious freedom is a foreign policy strategy that protects other, related human rights, advances democracy abroad, and advances United States interests in stability, security, and development globally, the promotion of international religious freedom requires new and evolving policies, global religion engagement

strategies, and diplomatic responses that are drawn from the expertise of the national security agencies, the diplomatic services, Congress, and other governmental agencies and nongovernmental organizations, and are coordinated across and carried out by the entire range of Federal agencies that are engaged with or conduct negotiations or United States Government funded programs with governments or violent nonstate actors that engage in or tolerate violations of religious freedom.".

SEC. 3. DEFINITIONS.

Section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402) is amended—

(1) by amending paragraph (12) to read as follows:

"(12) SPECIAL ADVISER.—The term 'Special Adviser' means the Special Advisor for Global Religion Engagement and International Religious Freedom described in section 101 of the National Security Act of 1947."; and

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

"(14) SPECIAL WATCH LIST.—The term 'Special Watch List' means the Special Watch List described in section 102(b)(1)(F)(iii).

"(15) VIOLENT NONSTATE ACTOR.—The term 'violent nonstate actor' means a nonsovereign entity or group that—

"(A) exercises significant political power or influence at a national or international level; and

"(B) engages in, finances, or tolerates violations of religious freedom, terrorism, or violence or discrimination targeting religious minorities.

"(16) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)".

TITLE I—DEPARTMENT OF STATE ACTIVITIES

SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

Section 101 of the International Religious Freedom Act of 1998 (22 U.S.C. 6411) is amended—

(1) in subsection (a), by adding at the end the following new sentence: "The Office shall be located in the Office of the Secretary of State.";

(2) in subsection (b), by adding at the end before the period the following: ", and shall report directly to the Secretary of State";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "responsibility" and inserting "responsibilities";

(ii) by striking "shall be to advance" and inserting the following: "shall be to—

"(A) advance";

(iii) in subparagraph (A), as so added, by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following new subparagraph:

"(B) integrate United States international religious freedom policies and religious engagement strategies into democracy, civil society, conflict prevention and mitigation, and development efforts funded by the United States and into the counterterrorism policies of Federal agencies, including the Department of Defense, the Department of Homeland Security, the Department of State, and the Department of the Treasury.";

(B) in paragraph (2), by striking "a principal adviser" and inserting "the principal adviser";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(C) contacts with nongovernmental organizations that have an impact on the state of religious freedom in their respective societies or regions, or internationally.";

(D) by redesignating paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following new paragraph:

"(4) COORDINATION RESPONSIBILITIES.—In order to promote religious freedom as an interest of United States foreign policy, the Ambassador at Large shall coordinate religious freedom policies and religious engagement strategies across all programs, projects, and activities of the United States, includ-

ing any appropriate programs, projects, and activities of the Department of Defense, the Department of Homeland Security, the Department of State, the Department of the Treasury, and the United States Agency for International Development."; and

(4) in subsection (d), by striking "staff for the Office" and all that follows through the period at the end and inserting "individuals to fill at least 20 full-time equivalent staff positions, and other temporary staff positions as needed to compile, edit, and manage the Annual Report, including a senior advisor for the Office, under the direct supervision of the Ambassador at Large, for the conduct of investigations by the Office on conditions of religious freedom on a worldwide basis, and for any necessary travel to carry out the provisions of this Act. The Secretary of State shall also provide to the Ambassador at Large representation funds that are sufficient to carry out the duties described in this section at levels at least equal to the amount of representation funds provided to other Ambassadors at Large in the Department of State.".

SEC. 102. ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.

Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "September 1" and inserting "May 1";

(2) in subparagraph (A)—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(v) any action taken by a government or other entity to censor religious content, communications, or worship activities online, including descriptions of the targeted religious group, the content, communication, or activities censored, the means used, and government or other entity engaged in such online censorship activities.";

(3) in subparagraph (B), in the matter preceding clause (i)—

(A) by inserting "persecution of lawyers, politicians, or other human rights advocates seeking to defend the rights of members of religious groups or highlight religious freedom violations, prohibitions on ritual animal slaughter or male infant circumcision," after "entire religions,"; and

(B) by inserting "policies that ban or restrict the public manifestation of religious belief and the peaceful involvement of religious groups or their members in the political life of each such foreign country," after "such groups,";

(4) in subparagraph (C)—

(A) by striking "A description" and inserting "A comprehensive description";

(B) by striking "policies in support" and inserting "religious engagement policies in support"; and

(C) by adding at the end before the period the following: ", and a unique, comprehensive, and country-specific analysis of the impact of actions by the United States on the status of religious freedom in each such country"; and

(5) in subparagraph (F), by adding at the end the following new clause:

"(iii) SPECIAL WATCH LIST.—A list, to be known as the 'Special Watch List', which shall identify any country or violent nonstate actor that has engaged in or tolerates violations of religious freedom during the previous reporting year but which the President determines does not meet, at the time of the publication of the Annual Report, all of the criteria described in section 3(11) for designation as a country of particular concern for religious freedom under section 402(b)(1).".

SEC. 103. TRAINING FOR FOREIGN SERVICE OFFICERS; REPORT.

(a) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(2) in subsection (d), as redesignated, by striking "The Secretary of State" and inserting "REFUGEES.—The Secretary of State";

(3) in subsection (c), as redesignated, by striking "The Secretary of State" and inserting "CHILD SOLDIERS.—The Secretary of State";

(4) by striking subsection (a) and inserting the following:

"(a) DEVELOPMENT OF CURRICULUM.—

"(1) IN GENERAL.—The Secretary of State shall develop a curriculum for training United States Foreign Service officers in the scope and strategic value of international religious freedom, how violations of international religious freedom harm fundamental United States interests, how the advancement of international religious freedom can advance such interests, how United States international religious freedom policy should be carried out in practice by United States diplomats and other Foreign Service officers, and the relevance and relationship of international religious freedom to United States defense, diplomacy, development, and public affairs efforts to combat violent extremism. The Secretary of State shall ensure the availability of sufficient resources to develop and implement such curriculum.

"(2) ROLE OF OTHER OFFICIALS.—The Secretary of State shall carry out paragraph (1)—

"(A) with the assistance of the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998;

"(B) in coordination with the Director of the George P. Shultz National Foreign Affairs Training Center and other Federal officials as appropriate; and

"(C) in consultation with the United States Commission on International Religious Freedom established in section 201(a) of the International Religious Freedom Act of 1998.

"(b) TRAINING PROGRAM.—Not later than the date that is one year after the date of the enactment of the Frank R. Wolf International Religious Freedom Act of 2015, the Director of the George P. Shultz National Foreign Affairs Training Center shall begin mandatory training on religious freedom for all Foreign Service officers, including all entry level officers, all officers prior to departure for posting outside the United States, and all outgoing deputy chiefs of mission and ambassadors. Such training shall, at minimum, be a separate, independent, and required segment of each of the following:

"(1) The A–100 course attended by all Foreign Service officers.

"(2) The courses required of every Foreign Service officer prior to a posting outside the United States, with segments tailored to the particular religious demography, religious freedom conditions, reli-

gious engagement strategies, and United States strategies for advancing religious freedom, in each receiving country.

"(3) The courses required of all outgoing deputy chiefs of mission and ambassadors.

"(c) INFORMATION SHARING.—The curriculum and training materials developed pursuant to subsections (a) and (b) shall be shared with the United States Armed Forces, intelligence community (as such term is defined in section 3 of the National Security Act of 1947), and all other Federal departments and agencies whose personnel serve as attachés, advisors, or detailees in United States embassies globally to provide training and particularized instruction on United States religious freedom policies, religious traditions, religious engagement strategies, religious and cultural issues, and efforts to combat terrorism and violent religious extremism.".

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, with the assistance of the Ambassador at Large for International Religious Freedom, and the Director of the George P. Shultz National Foreign Affairs Training Center, shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a com-

prehensive plan for undertaking training for Foreign Service officers as required under section 708 of the Foreign Services Act of 1980, as amended by subsection (a) of this section.

SEC. 104. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.

Section 108 of the International Religious Freedom Act of 1998 (22 U.S.C. 6417) is amended—

(1) in subsection (a)—

(A) in the heading, by striking "SENSE OF THE CONGRESS" and inserting "POLICY STATEMENT ON DIPLOMATIC ADVOCACY FOR PRISONERS OF CONSCIENCE"; and

(B) by striking "it is the sense of the Congress that officials of the executive branch of Government should promote" and inserting "it shall be the policy of the United States Government that all officials of the executive branch, including the Secretary of State, the Ambassador at Large for Religious Freedom, and State Department officials from regional bureaus, as appropriate, shall promote";

(2) in subsection (c), by striking ", as appropriate, provide" and insert "make available"; and

(3) by adding at the end the following new subsection:

"(d) VICTIMS LIST MAINTAINED BY THE COMMISSION.—The Commission shall make publicly available online and in official publications, regularly updated lists of persons it determines are imprisoned, detained, disappeared, placed under house arrest, tortured, or subject to forced renunciations of faith for their religious activity or religious freedom advocacy by a foreign government or violent nonstate actor that the Commission recommends for designation as a country of particular concern for religious freedom under section 402(b) and include as much publically available information as possible on the conditions and circumstances of such individuals. In compiling such lists, the Commission shall exercise all appropriate discretion, including consideration of the safety and security of, and benefit to, the persons who may be included on the lists and their families.".

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SEC. 201. ESTABLISHMENT AND COMPOSITION.

(a) IN GENERAL.—Subsection (a) of section 201 of the International Religious Freedom Act of 1998 (22 U.S.C. 6431) is amended by inserting before the period

at the end the following: ", which shall be an independent Federal Government advisory body".

(b) SELECTION.—Subsection (b)(2)(A) of such section is amended by inserting at the end the following new sentence: "The Commission as a whole shall also have expertise on the variety of faiths practiced around the world.".

(c) MEMBERSHIP.—Subsection (b)(3) of such section is amended by striking "The appointments required by paragraph (1) shall be made not later than 120 days after the date of the enactment of this Act." and inserting the following: "An appointment required by subparagraph (B) of paragraph (1) should be made within 90 days of a vacancy on the Commission.".

(d) VACANCIES.—Subsection (g) of such section is amended by striking the second sentence.

SEC. 202. COMMISSION PERSONNEL MATTERS.

(a) IN GENERAL.—Subsection (a) of section 204 of the International Religious Freedom Act of 1998 (22 U.S.C. 6432b) is amended in the second sentence, by inserting "voting" after "nine".

(b) COMPENSATION.—Subsection (b) of such section is amended by inserting "voting members of the" after "The".

(c) SECURITY CLEARANCES.—Subsection (e) of such section is amended by adding at the end the following new sentence: "The Department of State is encouraged to allow Commissioners and Commission staff with the appropriate security clearance access to classified information, in order to fulfill the duties and responsibilities of their positions.".

(d) APPLICATION OF ANTIDISCRIMINATION LAWS.—Subsection (g) of such section is amended by inserting ", including discrimination on the basis of religion" after "employment discrimination".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by striking "2015" and inserting "2021".

SEC. 204. STANDARDS OF CONDUCT AND DISCLOSURE.

Section 208(d)(2) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435a(d)(2)) is amended by adding at the end the following new subparagraph:

"(II) Intern, fellowship, and volunteer programs that are primarily of educational benefit to the intern, fellow, or volunteer. Sponsoring private parties may provide compensation and benefits to interns, fellows, and volunteers, provided that no conflict of interest arises. The

number, duration, and funding source of any such internship, fellowship, or volunteer programs shall be described in the annual financial report required by subsection (e).".

SEC. 205. TERMINATION.

Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) is amended by striking "September 30, 2015" and inserting "September 30, 2021".

TITLE III—NATIONAL SECURITY COUNCIL

SEC. 301. SPECIAL ADVISER FOR GLOBAL RELIGION ENGAGEMENT AND INTERNATIONAL RELIGIOUS FREEDOM; INTERAGENCY POLICY COMMITTEES.

(a) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended—

(1) in subsection (k)—

(A) in the first sentence—

(i) by striking "It is the sense of that there should be" and inserting "The President shall appoint"; and

(ii) by striking "Special Adviser to the President on International Religious Free-

dom, whose position should be comparable to that of a director" and inserting "Special Adviser for Global Religion Engagement and International Religious Freedom, whose position shall be comparable to that of a senior director"; and

(B) by striking the second and third sentences and inserting the following: "The Special Adviser, shall assist the Ambassador at Large for International Religious Freedom described in section 101 of the International Religious Freedom Act of 1998 to coordinate international religious freedom policies and global religion engagement strategies throughout the Executive Branch and develop policy recommendations and strategies relevant to the programs, projects, activities of the Department of Defense, the Department of Homeland Security, the Department of Justice, the Department of State, the Department of the Treasury, and the United States Agency for International Development. The Special Adviser shall serve as a resource and liaison for executive branch officials, Congress, and nongovernmental organizations as appropriate on matters relating to

23

freedom policy, and help coordinate such strategies across the Executive Branch.

"(n) INTERAGENCY POLICY COMMITTEE ON RELIGION, INTERNATIONAL RELIGIOUS FREEDOM, AND NATIONAL SECURITY.—

"(1) ESTABLISHMENT.—There should be established within the National Security Council a permanent interagency policy committee to be known as the 'Interagency Policy Committee on Religion, International Religious Freedom, and National Security' (in this subsection referred to as the 'Committee').

"(2) MEMBERSHIP.—The Committee should be co-chaired by the Deputy National Security Advisor and the Ambassador at Large for Religious Freedom described in section 101 of the International Religious Freedom Act of 1998.

"(3) FUNCTIONS.—The Committee should analyze conditions and trends of international religious freedom and identify potential national security risks related to the absence of religious freedom globally, including threats to stability from authoritarian governments, terrorism, violent religious extremism, sectarian and religiously related violence, and laws that restrict religious freedom and develop strategies to

freedom policy, and help coordinate such strategies across the Executive Branch.

"(n) INTERAGENCY POLICY COMMITTEE ON RELIGION, INTERNATIONAL RELIGIOUS FREEDOM, AND NATIONAL SECURITY.—

"(1) ESTABLISHMENT.—There should be established within the National Security Council a permanent interagency policy committee to be known as the 'Interagency Policy Committee on Religion, International Religious Freedom, and National Security' (in this subsection referred to as the 'Committee').

"(2) MEMBERSHIP.—The Committee should be co-chaired by the Deputy National Security Advisor and the Ambassador at Large for Religious Freedom described in section 101 of the International Religious Freedom Act of 1998.

"(3) FUNCTIONS.—The Committee should analyze conditions and trends of international religious freedom and identify potential national security risks related to the absence of religious freedom globally, including threats to stability from authoritarian governments, terrorism, violent religious extremism, sectarian and religiously related violence, and laws that restrict religious freedom and develop strategies to

address such threats. In addition, the Committee should coordinate policy on the intersection of religion, international religious freedom, and United States interests in preventing terrorism, countering violent extremism, and mitigating and preventing conflict.".

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the President should promulgate regulations to carry out subsections (k), (m), and (n) of section 101 of the National Security Act of 1947 as amended by subsection (a) of this section.

TITLE IV—PRESIDENTIAL ACTIONS

SEC. 401. PRESIDENTIAL ACTIONS IN RESPONSE TO VIOLATIONS OF RELIGIOUS FREEDOM.

Section 401(b)(2) of the International Religious Freedom Act of 1998 (22 U.S.C. 6441(b)(2)) is amended to read as follows:

"(2) DEADLINE FOR ACTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 90 days after the date on which each of the Annual Reports is submitted under section 102(b), the President shall take 1 or more of the actions referred to in section 405(a) or a commensurate

action with respect to each foreign country and violent nonstate actor that has engaged in or tolerated violations of religious freedom at any time since the previous such report was submitted.

"(B) ADDITIONAL PREREQUISITE.—The President may not take any of the actions described in paragraphs (9) through (15) of section 405(a) or a commensurate action with respect to a foreign country or violent nonstate actor until the President certifies that the requirements under sections 403 and 404 have been satisfied with respect to such country or actor.".

SEC. 402. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Section 402 of the International Religious Freedom Act of 1998 (22 U.S.C. 6442) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—Not later than 90 days after the date on which each Annual Re-

port is submitted under section 102(b), the President shall—

"(i) review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in each such country during the preceding 12 months or longer; and

"(ii) designate each country the government of which has engaged in or tolerated violations described in clause (i) as a country of particular concern for religious freedom under section 402(b)."; and

(ii) in subparagraph (C), by striking "September 1 of the respective year" and inserting "the date on which each Annual Report is submitted under section 102(b)";

(B) by amending paragraph (3) to read as follows:

"(3) CONGRESSIONAL NOTIFICATION.—

"(A) IN GENERAL.—Whenever the President designates a country as a country of particular concern for religious freedom under paragraph (1)(A), the President shall, not later

than 90 days after the designation is made, transmit to the appropriate congressional committees—

"(i) the designation of the country, signed by the President;

"(ii) the identification, if any, of responsible parties determined under paragraph (2); and

"(iii) a description of the actions taken under subsection (c), the purposes of the actions taken, and the effectiveness of the actions taken.

"(B) REMOVAL OF DESIGNATION.—A country that is designated as a country of particular concern for religious freedom under paragraph (1)(A) shall retain such designation until the President determines and reports to the appropriate congressional committees that the country should no longer be so designated.

"(C) EXPLANATION FOR NONDESIGNATION.—If the President does not designate a country as a country of particular concern for religious freedom under paragraph (1)(A) after the Commission has recommended such designation, the President shall provide an expla-

nation for the nondesignation to the appropriate congressional committees."; and

(C) by adding at the end, the following new paragraph:

"(4) TREATMENT OF COUNTRIES ON SPECIAL WATCH LIST.—

"(A) IN GENERAL.—The President shall designate as a country of particular concern for religious freedom under paragraph (1)(A) any country that appears on the Special Watch List—

"(i) in more than 2 consecutive Annual Reports;

"(ii) in any 4 Annual Reports; or

"(iii) in more than 1 Annual Report if the President has previously designated such country as a country of particular concern for religious freedom under paragraph (1)(A).

"(B) EXERCISE OF WAIVER AUTHORITY.—The President may waive the application of clauses (i) or (ii) of subparagraph (A) with respect to a country for up to 2 years if the President certifies to the appropriate committees of Congress that—

"(i) the country has entered into an agreement with the United States to carry out specific and credible actions to improve religious freedom conditions and end religious freedom violations;

"(ii) the country has entered into an agreement with the United Nations, the European Union, or other ally of the United States, to carry out specific and credible actions to improve religious freedom conditions and end religious freedom violations; or

"(iii) waiver is in the national security interests of the United States.

"(C) EFFECT ON DESIGNATION AS COUNTRY OF PARTICULAR CONCERN.—The presence or absence of a country from the Special Watch List in any given year shall not preclude the designation of such country as a country of particular concern for religious freedom under paragraph (1)(A) in any such year."; and

(2) in subsection (c)(5), in the second sentence, by inserting "and include a description of the impact of the designation of such sanction or sanctions that

exist in each country" after "determines satisfy the requirements of this subsection".

SEC. 403. CONSULTATIONS.

Section 403(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6443(a)) is amended by striking "As soon as practicable" and inserting "Not later than 90 days".

SEC. 404. REPORT TO CONGRESS.

Section 404(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6444(a)) is amended—

(1) by striking "decides to take action under section 401" and inserting "takes action under section 401";

(2) by striking "decides to take action under paragraphs" and inserting "takes the required action under paragraphs"; and

(3) in paragraph (4)(A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) the impact on other policy tools, and a description of policy tools being ap-

plied in the country, including programs that target democratic stability, economic growth, and counterterrorism.".

SEC. 405. PRESIDENTIAL WAIVER.

Section 407 of the International Religious Freedom Act of 1998 (22 U.S.C. 6447) is amended—

(1) in subsection (a), by inserting ", for a 180-day period," after "may waive"; and

(2) by adding at the end the following new subsection:

"(c) SENSE OF CONGRESS.—It is the sense of Congress that ongoing and persistent waivers for any country designated as a country of particular concern for religious freedom under section 402(b) for engaging in or tolerating particularly severe violations of religious freedom do not fulfill the purposes of this Act, and, given that promotion of religious freedom is a compelling interest of United States foreign policy, the President, the Secretary of State, and other executive branch officials, in consultation with Congress, should seek to find ways to address existing violations, on a country-by-country basis, through the actions specified in section 405 or other commensurate actions, possibly including through the actions described in section 605, or by some other action that addresses the

specific religious freedom violations of each country designated.".

SEC. 406. TERMINATION OF PRESIDENTIAL ACTIONS.

Section 409 of the International Religious Freedom Act of 1998 (22 U.S.C. 6449) is amended to read as follows:

"SEC. 409. TERMINATION OF PRESIDENTIAL ACTIONS.

"Any Presidential action taken under this Act with respect to a foreign country shall terminate after a determination by the President, in consultation with the Commission, and written certification to Congress that the foreign government has taken substantial and verifiable steps to cease the particularly severe violations of religious freedom.".

SEC. 407. STATEMENT OF POLICY REGARDING COUNTRY OF PARTICULAR CONCERN DESIGNATION FOR VIOLENT NONSTATE ACTORS.

Title IV of the International Religious Freedom Act of 1998 (22 U.S.C. 6441 et seq.) is amended by inserting after section 405 the following new section:

"SEC. 405A. STATEMENT OF POLICY REGARDING COUNTRY OF PARTICULAR CONCERN DESIGNATION FOR VIOLENT NONSTATE ACTORS.

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

"(1) Since 1998, various administrations have made designations targeting violent nonstate actors who engaged in or tolerated systematic, egregious, or ongoing violations of religious freedom, such as the Taliban and Serbian groups carrying on atrocities against Bosnians.

"(2) Over the past 10 years the number of violent nonstate actors has increased, as have violations of religious freedom perpetuated by such actors.

"(b) STATEMENT OF POLICY.—It should be the policy of the United States Government that—

"(1) violent nonstate actors should be eligible for designation as countries of particular concern described in section 402(b) and that Presidential actions described in section 405, 604, or 605 of this Act should be applicable to violent nonstate actors or individual members of such groups; and

"(2) the President should include, in the report to Congress required by section 404, any reasons why violent nonstate actors that engaged in or tolerated restrictions on religious freedom, were not designated as countries of particular concern, particularly if the Commission made a recommendation for such a designation to the President and whether any Presidential actions described in section 405, 604, or

605 were taken against violent nonstate actors or individual members of such groups.".

TITLE V—PROMOTION OF RELIGIOUS FREEDOM

SEC. 501. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.

Section 501 of the International Religious Freedom Act of 1998 is amended by adding at the end the following new subsections:

"(c) AVAILABILITY OF AMOUNTS.—Of the amounts made available for fiscal years 2016 through 2021 for the Human Rights and Democracy Fund established under section 664 of the Freedom Investment Act of 2002 (subtitle E of title VI of Public Law 107–228), the Secretary of State shall provide to the Office—

"(1) not less than 10 percent of such amounts for each such fiscal year for the promotion of international religious freedom through—

"(A) groups that are able to develop legal protections or promote cultural and societal understanding of international norms of religious freedom;

"(B) groups that seek to address and mitigate religiously motivated and sectarian violence and combat violent extremism; and

"(C) those seeking to strengthen investigations, reporting and monitoring of religious freedom violations; and

"(2) not less than 2 percent of such amounts for each such fiscal year for the Religious Freedom Defense Fund established under subsection (d).

"(d) RELIGIOUS FREEDOM DEFENSE FUND.—

"(1) ESTABLISHMENT.—There is established in the Department of State a fund to be known as the 'Religious Freedom Defense Fund' (referred to in this subsection as the 'Fund') which shall be administered by the Ambassador at Large.

"(2) AMOUNTS.—The Fund shall consist of amounts made available under subsection (c)(2).

"(3) USE OF FUND.—The Ambassador at Large shall use amounts in the Fund to issue grants for the following:

"(A) Victims of religious freedom abuses and their families to cover legal and other expenses that may arise from detention, imprisonment, torture, fines, and other restrictions.

"(B) Projects to help create and support training of a new generation of defenders of religious freedom, including legal and political advocates, and civil society projects which seek to

create advocacy networks, strengthen legal representation, train and educate new religious freedom defenders, and build the capacity of religious communities and rights defenders to protect against religious freedom violations, mitigate societal or sectarian violence, or minimize legal or other restrictions of the right to the freedom of religion.

"(4) PREFERENCE.—In issuing grants under paragraph (3), the Ambassador at Large shall, as appropriate, give preference to projects targeting religious freedom violations in countries designated as countries of particular concern for religious freedom under section 402(b) and those included on the Special Watch List.

"(c) CONSULTATION.—The Ambassador at Large should consult, in developing priorities and policies for disbursing the funds referred to in subsection (c), including grant policies and the identification of potential grantees, with other Federal agencies, including the Commission, and the International Republican Institute, the National Democratic Institute, the National Endowment for Democracy and, as appropriate, other nongovernmental organizations.".

TITLE VI—REFUGEE, ASYLUM, AND CONSULAR MATTERS

SEC. 601. ACTIONS AGAINST PERSONS RESPONSIBLE FOR COMMITTING PARTICULARLY SEVERE VIOLATIONS OF INTERNATIONAL RELIGIOUS FREEDOM.

Title VI of the International Religious Freedom Act of 1998 (22 U.S.C. 6471 et seq.) is amended—

(1) by redesignating section 605 as section 606; and

(2) by inserting after section 604 the following new section:

"SEC. 605. ACTIONS AGAINST PERSONS RESPONSIBLE FOR ENGAGING IN OR TOLERATING PARTICULARLY SEVERE VIOLATIONS OF INTERNATIONAL RELIGIOUS FREEDOM.

"(a) AUTHORITY TO SANCTION PERSONS RESPONSIBLE FOR ENGAGING IN OR TOLERATING PARTICULARLY SEVERE VIOLATIONS OF INTERNATIONAL RELIGIOUS FREEDOM.—Notwithstanding section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701), the President may exercise the authority specified in section 203 of such Act with respect to—

"(1) any foreign person that the President determines, based on credible evidence, plays a role in

committing, ordering, sponsoring, or materially supporting systemic, egregious, and ongoing violations of religious freedom; or

"(2) any foreign person that the President determines to be providing material or other assistance supporting violence or terrorist acts targeting members of religious groups.

"(b) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTION OF PERSONS ENGAGING IN OR TOLERATING PARTICULARLY SEVERE VIOLATIONS OF INTERNATIONAL RELIGIOUS FREEDOM.—

"(1) IN GENERAL.—Upon exercising the authority described in subsection (a) with respect to a foreign person, the President shall submit to the appropriate congressional committees a report—

"(A) identifying the foreign persons that the President determines to be subject to action under subsection (a) and the basis for such determination; and

"(B) describing the actions carried out against such foreign persons pursuant to subsection (a).

"(2) REPORT ON REMOVAL OF SANCTIONS.—Upon suspending or terminating any action imposed on a person under the authority of subsection (a),

the President shall submit to the appropriate congressional committees written notification of such suspension or termination.

"(3) SUBMISSION OF CLASSIFIED INFORMATION.—Reports submitted under this subsection shall be submitted in unclassified form, but may contain a classified annex.

"(4) DEFINITIONS.—In this subsection:

"(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(i) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives; and

"(ii) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate.

"(B) FOREIGN PERSON.—The term 'foreign person' means a person that is not a United States person.

"(C) PERSON.—The term 'person' means an individual or entity.

"(D) UNITED STATES PERSON.—The term 'United States person' means—

"(i) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

"(ii) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such entity.".

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. MISCELLANEOUS PROVISIONS.

Title VII of the International Religious Freedom Act of 1998 (22 U.S.C. 6481 et seq.) is amended by adding at the end the following new sections:

"SEC. 702. CODES OF CONDUCT FOR UNITED STATES INSTITUTIONS OF HIGHER EDUCATION OUTSIDE THE UNITED STATES.

"(a) FINDING.—Congress recognizes the enduring importance of United States institutions of higher education worldwide both for their potential for shaping positive leadership and new educational models in host countries and for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that United States institutions of higher education operating campuses outside the United States or estab-

lishing any educational entities with foreign governments, particularly with or in countries the governments of which engage in or tolerate severe violations of religious freedom as identified in the Annual Report and the annual report of the Congressional-Executive Commission on China, should adopt a code of conduct—

"(1) upholding the right of freedom of religion of their employees and students, including the right to manifest that religion peacefully as protected in international law;

"(2) ensuring that the religious views and peaceful practice of religion in no way affect, or be allowed to affect, the status of a worker's or faculty member's employment or a student's enrollment; and

"(3) affirming that all negotiations, contracts, or memoranda of understanding engaged in or constructed with a foreign government to establish any educational entity, shall be open, transparent, and made available for public inspection before conclusion and that any such agreement shall affirm, at all times, academic freedom and universal rights to the freedoms of religion, speech, assembly, and association.

"SEC. 703. SENSE OF CONGRESS REGARDING NATIONAL SECURITY STRATEGY TO PROMOTE RELIGIOUS FREEDOM THROUGH UNITED STATES FOREIGN POLICY.

"It is the sense of Congress that—

"(1) the annual national security strategy report of the President required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043) should promote international religious freedom as a foreign policy and national security priority and should articulate that promotion of the right to freedom of religion is a strategy that protects other, related human rights, and advances democracy outside the United States, and make clear its importance to United States foreign policy goals of stability, security, development, and diplomacy; and

"(2) the national security strategy report should be a guide for the strategies and activities of relevant Federal agencies and inform the Department of Defense quadrennial defense review under section 118 of title 10, United States Code, and the Department of State Quadrennial Diplomacy and Development Review.".

SEC. 702. CLERICAL AMENDMENTS.

The table of contents of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 note) is amended—

(1) by inserting after the item relating to section 405 the following:

"Sec. 405A. Statement of policy regarding country of particular concern designation for violent nonstate actors.";

(2) by striking the item relating to section 605 and inserting the following:

"Sec. 606. Studies on the effect of expedited removal provisions on asylum claims.";

(3) by inserting after the item relating to section 604 the following:

"Sec. 605. Actions against persons responsible for committing particularly severe violations of international religious freedom.";

and

(4) by adding at the end the following:

"Sec. 702. Codes of conduct for United States institutions of higher education operating outside the United States.
"Sec. 703. Sense of Congress regarding national security strategy to promote religious freedom through United States foreign policy.".

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H.R. 1150

OFFERED BY MR. SMITH OF NEW JERSEY

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Frank R. Wolf International Religious Freedom Act".

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings; Policy.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

Sec. 101. Office on International Religious Freedom; Ambassador at Large for International Religious Freedom.
Sec. 102. Annual Report on International Religious Freedom.
Sec. 103. Training for Foreign Service officers; report.
Sec. 104. Prisoner lists and issue briefs on religious freedom concerns.

TITLE II—NATIONAL SECURITY COUNCIL

Sec. 201. Special Adviser for International Religious Freedom.

TITLE III—PRESIDENTIAL ACTIONS

Sec. 301. Non-state actor designations.
Sec. 302. Presidential actions in response to particularly severe violations of religious freedom.
Sec. 303. Report to Congress.
Sec. 304. Presidential waiver.
Sec. 305. Publication in the Federal Register.

TITLE IV—PROMOTION OF RELIGIOUS FREEDOM

Sec. 401. Assistance for promoting religious freedom.

TITLE V—DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

Sec. 501. Designated Persons List for Particularly Severe Violations of Religious Freedom.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Miscellaneous provisions.
Sec. 602. Clerical amendments.

SEC. 2. FINDINGS; POLICY.

(a) FINDINGS.—Section 2(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)) is amended—

(1) in paragraph (3), by inserting immediately prior to the penultimate sentence the following new sentence: "The freedom of thought, conscience, and religion is understood to protect theistic and non-theistic beliefs as well as the right not to profess or practice any religion."; and

(2) in paragraph (6)—

(A) by inserting "and the specific targeting of non-theists, humanists, and atheists because of their beliefs" after "religious persecution"; and

(B) by inserting "and in regions where non-state actors exercise significant political power and influence" after "religious majorities".

(b) POLICY.—Section 2(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(b)) is amended by adding at the end the following new paragraph:

"(6) Because the promotion of international religious freedom protects human rights, advances democracy abroad, and advances United States interests in stability, security, and development globally, the promotion of international religious freedom requires new and evolving policies, and diplomatic responses that are drawn from the expertise of the national security agencies, the diplomatic services, and other governmental agencies and nongovernmental organizations, and are coordinated across and carried out by the entire range of Federal agencies.".

SEC. 3. DEFINITIONS.

Section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402) is amended—

(1) in paragraph (13)—

(A) in subparagraph (A)—

(i) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(ii) by inserting after clause (iii) the following:

"(iv) not professing a particular religion, or any religion;"; and

(B) in subparagraph (B)—

(i) by inserting "conscience, non-theistic views, or" before "religious belief or practice"; and

(ii) by inserting after "forced religious conversion" the following: ", forcibly compelling non-believers or non-theists to recant their beliefs or to convert"; and

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

"(14) SPECIAL WATCH LIST.—The term 'Special Watch List' means the Special Watch List as contained in the described in Executive Summary to the Annual Report and described in section 102(b)(1)(F)(iii).

"(15) NON-STATE ACTOR.—The term 'non-state actor' means a nonsovereign entity that exercises significant political power and is able to exert influence at a national or international level but does not belong to or ally itself to any particular country and often employs illegal violence in pursuit of its objectives.

"(16) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)".

TITLE I—DEPARTMENT OF STATE ACTIVITIES

SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

(a) IN GENERAL.—Section 101 of the International Religious Freedom Act of 1998 (22 U.S.C. 6411) is amended—

(1) in subsection (b), by adding at the end before the period the following: ", and shall report directly to the Secretary of State";

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "responsibility" and inserting "responsibilities";

(ii) by striking "shall be to advance" and inserting the following: "shall be to—

"(A) advance";

(iii) in subparagraph (A) (as so added), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following new subparagraph:

"(B) integrate United States international religious freedom policies and strategies into the foreign policy efforts of the United States.";

(B) in paragraph (2), by inserting "the principal adviser to" before "the Secretary of State";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(C) contacts with nongovernmental organizations that have an impact on the state of religious freedom in their respective societies or regions, or internationally.";

(D) by redesignating paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following new paragraph:

"(4) COORDINATION RESPONSIBILITIES.—In order to promote religious freedom as an interest of United States foreign policy, the Ambassador at Large—

"(A) shall coordinate international religious freedom policies across all programs, projects, and activities of the United States; and

"(B) should participate in any interagency processes on issues in which the promotion of international religious freedom policy can advance United States national security interests, including in democracy promotion, stability, security, and development globally."; and

(3) in subsection (d), by striking "staff for the Office" and all that follows through the period at the end and inserting "individuals to fill at least 25 full-time equivalent staff positions, and any other temporary staff positions as needed to compile, edit, and manage the Annual Report under the direct supervision of the Ambassador at Large, and for the conduct of investigations by the Office and for necessary travel to carry out the provisions of this Act. The Secretary of State should also provide to the Ambassador at Large funds that are sufficient to

carry out the duties described in this section, including as necessary representation funds, in amounts comparable to those provided to other Ambassadors at Large in the Department of State.''.

(b) SENSE OF CONGRESS.—Because international religious freedom is a vital foreign policy interest and one that needs coordination across many regional bureaus and among Special Envoys and Special Representatives with overlapping mandates, the Secretary of State should consider elevating the office of International Religious Freedom and the position of the Ambassador-at-Large for International Religious Freedom to the Office of the Secretary, similar to other Ambassador-at-Large positions that now report directly to the Secretary. Providing the Office of International Religious Freedom with additional resources and status will demonstrate both the strategic importance of international religious freedom policy within the State Department bureaucracy and show persecuted religious groups globally that the U.S. gives priority to the protection and promotion of international religious freedom as mandated by the International Religious Freedom Act of 1998.

SEC. 102. ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) IN GENERAL.—Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "September 1" and inserting "May 1";

(2) in subparagraph (A)—

(A) by redesignating clause (iv) as clause (vii); and

(B) by inserting after clause (iii) the following new clauses:

"(iv) particularly severe violations of religious freedom in that country in the case of a foreign country with respect to which a government does not exist or the government does not control its territory;

"(v) an identification of prisoners in that country pursuant to section 108;

"(vi) any action taken by the government of that country to censor religious content, communications, or worship activities online, including descriptions of the targeted religious group, the content, communication, or activities censored, and the means used.";

(3) in subparagraph (B), in the matter preceding clause (i)—

(A) by inserting "persecution of lawyers, politicians, or other human rights advocates seeking to defend the rights of members of religious groups or highlight religious freedom violations, prohibitions on ritual animal slaughter or male infant circumcision," after "entire religions,"; and

(B) by inserting "policies that ban or restrict the public manifestation of religious belief and the peaceful involvement of religious groups or their members in the political life of each such foreign country," after "such groups,";

(4) in subparagraph (C)—

(A) by striking "A description" and inserting "A comprehensive description";

(B) by striking "policies in support" and inserting "diplomatic and political coordination efforts, and other policies in support"; and

(C) by adding at the end before the period the following: ", and a comprehensive and country-specific analysis of the impact of actions by the United States on the status of religious freedom in each such country"; and

(5) in subparagraph (F)—

(A) in clause (i)—

(i) by striking "section 402(b)(1)" and inserting "section 402(b)(1)(B)(i)"; and

(ii) by adding at the end the following: "Any country in which a non-state actor designated as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act is located shall be included in this section of the report."

(B) by adding at the end the following new clause:

"(iii) SPECIAL WATCH LIST.—A list, to be known as the 'Special Watch List', which shall identify each country that engages in or tolerates severe violations of religious freedom during the previous year but which the President determines does not meet, at the time of the publication of the Annual Report, all of the criteria described in section 3(11) for designation under section 402(b)(1).".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the original intent of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) was to require annual reports from both the Department of State and the Commission on International Religious Freedom to be delivered each year, during the same calendar year, and with at least 5 months separating these reports, in order to provide updated information for policy-makers, Members of Congress, and nongovernmental organizations; and

(2) given that the annual Country Reports on Human Rights Practices no longer contain updated information on religious freedom conditions globally, it is important that the Department of State and the Commission work together to fulfill the original intent of the International Religious Freedom Act of 1998.

SEC. 103. TRAINING FOR FOREIGN SERVICE OFFICERS; REPORT.

(a) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(2) in subsection (d), as redesignated, by striking "The Secretary of State" and inserting "REFUGEES.—The Secretary of State";

(3) in subsection (e), as redesignated, by striking "The Secretary of State" and inserting "CHILD SOLDIERS.—The Secretary of State";

(4) by striking subsection (a) and inserting the following:

"(a) DEVELOPMENT OF CURRICULUM.—

"(1) IN GENERAL.—The Secretary of State shall develop a curriculum for training United States Foreign Service officers in the scope and strategic value of international religious freedom, how violations of international religious freedom harm fundamental United States interests, how the advancement of international religious freedom can advance such interests, how United States international religious freedom policy should be carried out in practice by United States diplomats and other Foreign Service officers, and the relevance and relationship of international religious freedom to United States defense, diplomacy, development, and public affairs efforts. The Secretary of State shall ensure the availability of sufficient resources to develop and implement such curriculum.

"(2) ROLE OF OTHER OFFICIALS.—The Secretary of State shall carry out paragraph (1)—

"(A) with the assistance of the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998;

"(B) in coordination with the Director of the George P. Shultz National Foreign Affairs Training Center and other Federal officials as appropriate; and

"(C) in consultation with the United States Commission on International Religious Freedom established in section 201(a) of the International Religious Freedom Act of 1998 and other relevant stakeholders.

"(b) TRAINING PROGRAM.—Not later than the date that is one year after the date of the enactment of the Frank R. Wolf International Religious Freedom Act, the Director of the George P. Shultz National Foreign Affairs Training Center shall begin mandatory training on religious freedom for all Foreign Service officers, including all entry level officers, all officers prior to departure for posting outside the United States, and all outgoing deputy chiefs of mission and ambassadors. Such training shall,

at minimum, be a separate, independent, and required segment of each of the following:

"(1) The A–100 course attended by all Foreign Service officers.

"(2) The courses required of every Foreign Service officer prior to a posting outside the United States, with segments tailored to the particular religious demography, religious freedom conditions, and United States strategies for advancing religious freedom, in each receiving country.

"(3) The courses required of all outgoing deputy chiefs of mission and ambassadors.

"(c) INFORMATION SHARING.—The curriculum and training materials developed pursuant to subsections (a) and (b) should be made available to all other Federal agencies.".

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, with the assistance of the Ambassador at Large for International Religious Freedom, and the Director of the George P. Shultz National Foreign Affairs Training Center, shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a comprehensive plan for undertaking training for Foreign Serv-

ice officers as required under section 708 of the Foreign Services Act of 1980, as amended by subsection (a) of this section.

SEC. 104. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.

Section 108 of the International Religious Freedom Act of 1998 (22 U.S.C. 6417) is amended—

(1) in subsection (b), by striking "faith" and inserting "activities, religious freedom advocacy, or efforts to protect and advance the universally-recognized right to the freedom of religion,";

(2) in subsection (c), by striking ", as appropriate, provide" and insert "make available"; and

(3) by adding at the end the following new subsection:

"(d) VICTIMS LIST MAINTAINED BY THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.—

"(1) IN GENERAL.—The Commission shall make publicly available online and in official publications lists of persons it determines are imprisoned, detained, disappeared, placed under house arrest, tortured, or subject to forced renunciations of faith for their religious activity or religious freedom advocacy by the government of a foreign country that the

Commission recommends for designation as a country of particular concern for religious freedom under section 402(b)(1) or by a non-state actor that the Commission recommends for designation as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act and include as much publicly-available information as possible on the conditions and circumstances of such persons.

"(2) DISCRETION.—In compiling such lists, the Commission shall exercise all appropriate discretion, including consideration of the safety and security of, and benefit to, the persons who may be included on the lists and the families of such persons.".

TITLE II—NATIONAL SECURITY COUNCIL

SEC. 201. SPECIAL ADVISER FOR INTERNATIONAL RELIGIOUS FREEDOM.

Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended by striking subsection (k) and inserting the following:

"(k) SENSE OF CONGRESS.—It is the sense of Congress that there should be within the staff of the National Security Council a Special Adviser to the President on International Religious Freedom, whose position should be

comparable to that of a director within the Executive Office of the President, with the primary responsibility to serve as a resource for executive branch officials on international religious freedom, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), and making relevant policy recommendations to advance United States international religious freedom policy. The Special Advisor should also assist the Ambassador-at-Large to coordinate international religious freedom policies and strategies throughout the executive branch and within any interagency policy committees where the Ambassador-at-Large participates.".

TITLE III—PRESIDENTIAL ACTIONS

SEC. 301. NON-STATE ACTOR DESIGNATIONS.

(a) IN GENERAL.—The President shall, concurrent with the annual foreign country review required by section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1))—

(1) review and identify any non-state actors operating in any such reviewed country or surrounding region that have engaged in particularly severe violations of religious freedom; and

(2) designate, in a manner consistent with such Act, each such non-state actor as an entity of particular concern for religious freedom.

(b) REPORT.—Whenever the President designates a non-state actor under subsection (a) as an entity of particular concern for religious freedom, the President shall, as soon as practicable after the designation is made, submit to the appropriate congressional committees a report detailing the reasons for such designation.

(c) ACTIONS.—The President should take specific actions to address severe violations of religious freedom of non-state actors that are designated under subsection (a), including taking actions commensurate to those actions described in section 405 of the International Religious Freedom Act of 1998 (22 U.S.C. 6445).

(d) DEPARTMENT OF STATE ANNUAL REPORT.—The Secretary of State should include information detailing the reasons the President designated a non-state actor as an entity of particular concern for religious freedom under subsection (a) in the Annual Report required in section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)).

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should work with Congress to create new political, financial, and diplomatic

tools to address severe violations of religious freedom by non-state actors and to update the actions the President can take in section 405 of the International Religious Freedom Act of 1998.

(f) DETERMINATIONS OF RESPONSIBLE PARTIES.—In order to appropriately target Presidential actions under the International Religious Freedom Act of 1998 in response, the President shall with respect to each non-state actor designated as an entity of particular concern for religious freedom under subsection (a), seek to determine the specific officials or members thereof that are responsible for the particularly severe violations of religious freedom engaged in or tolerated by that entity.

(g) DEFINITIONS.—In this section, the terms "appropriate congressional committees", "non-state actor", and "particularly severe violations of religious freedom" have the meanings given such terms in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), as amended by section 3 of this Act.

SEC. 302. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Section 402 of the International Religious Freedom Act of 1998 (22 U.S.C. 6442) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—Not later than 90 days after the date on which each Annual Report is submitted under section 102(b), the President shall—

"(i) review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in each such country during the preceding 12 months or longer; and

"(ii) designate each country the government of which has engaged in or tolerated violations described in clause (i) as a country of particular concern for religious freedom."; and

(ii) in subparagraph (C), by striking "September 1 of the respective year" and inserting "the date on which each Annual Report is submitted under section 102(b)";

(B) by amending paragraph (3) to read as follows:

(C) by adding at the end, the following new paragraph:

"(4) TREATMENT OF COUNTRIES ON SPECIAL WATCH LIST.—

"(A) IN GENERAL.—The President shall designate as a country of particular concern for religious freedom under paragraph (1)(A) any country that appears on the Special Watch List in more than 2 consecutive Annual Reports.

"(B) EXERCISE OF WAIVER AUTHORITY.—The President may waive the application of subparagraph (A) with respect to a country for up to 2 years if the President certifies to the appropriate committees of Congress that—

"(i) the country has entered into an agreement with the United States to carry out specific and credible actions to improve religious freedom conditions and end religious freedom violations;

"(ii) the country has entered into an agreement with the United Nations, the European Union, or other ally of the United States, to carry out specific and credible actions to improve religious free-

(C) by adding at the end, the following new paragraph:

"(4) TREATMENT OF COUNTRIES ON SPECIAL WATCH LIST.—

"(A) IN GENERAL.—The President shall designate as a country of particular concern for religious freedom under paragraph (1)(A) any country that appears on the Special Watch List in more than 2 consecutive Annual Reports.

"(B) EXERCISE OF WAIVER AUTHORITY.—The President may waive the application of subparagraph (A) with respect to a country for up to 2 years if the President certifies to the appropriate committees of Congress that—

"(i) the country has entered into an agreement with the United States to carry out specific and credible actions to improve religious freedom conditions and end religious freedom violations;

"(ii) the country has entered into an agreement with the United Nations, the European Union, or other ally of the United States, to carry out specific and credible actions to improve religious free-

dom conditions and end religious freedom violations; or

"(iii) the waiver is in the national security interests of the United States.

"(C) EFFECT ON DESIGNATION AS COUNTRY OF PARTICULAR CONCERN.—The presence or absence of a country from the Special Watch List in any given year shall not preclude the designation of such country as a country of particular concern for religious freedom under paragraph (1)(A) in any such year."; and

(2) in subsection (c)(5), in the second sentence, by inserting "and include a description of the impact of the designation of such sanction or sanctions that exist in each country" after "determines satisfy the requirements of this subsection".

SEC. 303. REPORT TO CONGRESS.

Section 404(a)(4)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6444(a)(4)(A)) is amended—

(1) in clause (iii), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following new clause:

"(iv) the impact on the advancement of United States interests in democracy, human rights, and security, and a description of policy tools being applied in the country, including programs that target democratic stability, economic growth, and counter-terrorism.".

SEC. 304. PRESIDENTIAL WAIVER.

Section 407 of the International Religious Freedom Act of 1998 (22 U.S.C. 6447) is amended—

(1) in subsection (a)—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by inserting ", for a single 180-day period," after "may waive";

(2) by striking "that—" and all that follows and inserting "that the exercise of such waiver authority would further the purposes of this Act.";

(3) by redesignating subsection (b) as subsection (c);

(4) by inserting after subsection (a) the following:

"(b) ADDITIONAL AUTHORITY.—Subject to subsection (c), the President may waive, for any additional period of time after the 180-day period described in sub-

section (a), the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or a commensurate action in substitution thereto) with respect to a country, if the President determines and so reports to the appropriate congressional committees that—

"(1) the respective foreign government has ceased the violations giving rise to the Presidential action; or

"(2) the exercise of such authority is important to the national interests of the United States.".

(5) in subsection (c), by inserting "or (b)" after "subsection (a)"; and

(6) by adding at the end the following new subsection:

"(d) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) ongoing and persistent waivers of the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to a country do not fulfill the purposes of this Act; and

"(2) because the promotion of religious freedom is a compelling interest of United States foreign policy, the President, the Secretary of State, and other

Executive branch officials, in consultation with Congress, should seek to find ways to address existing violations, on a case-by-case basis, through the actions specified in section 405 or other commensurate action in substitution thereto.".

SEC. 305. PUBLICATION IN THE FEDERAL REGISTER.

Section 408(a)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6448(a)(1)) is amended by adding at the end the following: "Any designation of a non-state actor as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act, together with, when applicable and to the extent practicable, the identities of individuals determined to be responsible for the violations under subsection (e) of such section.".

TITLE IV—PROMOTION OF RELIGIOUS FREEDOM

SEC. 401. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.

(a) AVAILABILITY OF ASSISTANCE.—It is the sense of Congress that for each fiscal year that begins on or after the date of the enactment of this Act, the Department of State should make available—

(1) an amount equal to not less than 10 percent of the amounts available in that fiscal year for the

Human Rights and Democracy Fund for the promotion of international religious freedom and for projects to advance United States interests in the protection and advancement of international religious freedom, in particular, through grants to—

(A) groups that are able to develop legal protections or promote cultural and societal understanding of international norms of religious freedom;

(B) groups that seek to address and mitigate religiously motivated and sectarian violence and combat violent extremism; and

(C) groups that seek to strengthen investigations, reporting, and monitoring of religious freedom violations; and

(2) an amount equal to not less than 2 percent of amounts available in that fiscal year for the Human Rights and Democracy Fund to be made available for the establishment of a Religious Freedom Defense Fund, administered by the Ambassador at Large for International Religious Freedom, to provide grants for—

(A) victims of religious freedom abuses and their families to cover legal and other expenses

that may arise from detention, imprisonment, torture, fines, and other restrictions; and

(B) projects to help create and support training of a new generation of defenders of religious freedom, including legal and political advocates, and civil society projects which seek to create advocacy networks, strengthen legal representation, train and educate new religious freedom defenders, and build the capacity of religious communities and rights defenders to protect against religious freedom violations, mitigate societal or sectarian violence, or minimize legal or other restrictions of the right to freedom of religion.

(b) PREFERENCE.—It is the sense of Congress that, in providing grants under subsection (a), the Ambassador at Large for International Religious Freedom should, as appropriate, give preference to projects targeting religious freedom violations in countries designated as countries of particular concern for religious freedom under section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)) and countries included on the Special Watch List described in section 102(b)(1)(F)(iii) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)(F)(iii)).

(c) ADMINISTRATION AND CONSULTATIONS.—

(1) ADMINISTRATION.—Amounts made available in accordance with subsection (a) shall be administered by the Ambassador at Large for International Religious Freedom.

(2) CONSULTATIONS.—In developing priorities and policies for providing grants in accordance with subsection (a), including priorities and policies for identification of potential grantees, the Ambassador at Large for International Religious Freedom shall consult with other Federal agencies, including the United States Commission on International Religious Freedom and, as appropriate, nongovernmental organizations.

TITLE V—DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

SEC. 501. DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Title VI of the International Religious Freedom Act of 1998 (22 U.S.C. 6471 et seq.) is amended—

(1) by redesignating section 605 as section 606; and

(2) by inserting after section 604 the following new section:

"SEC. 605. DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

"(a) LIST.—

"(1) IN GENERAL.—The Secretary of State, in coordination with the Ambassador at Large and in consultation with relevant government and non-government experts, shall establish and maintain a list of foreign individuals who are sanctioned, through visa denials, financial sanctions, or other measures, because they are responsible for ordering, controlling, or otherwise directing particularly severe violations of freedom religion.

"(2) REFERENCE.—The list required under paragraph (1) shall be known as the 'Designated Persons List for Particularly Severe Violations of Religious Freedom'.

"(b) REPORT.—

"(1) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that contains the list required under subsection (a), including, with respect to each foreign individual on the list—

"(A) the name of the individual and a description of the particularly severe violation of religious freedom committed by the individual;

"(B) the name of the country or other location in which such violation took place; and

"(C) a description of the actions taken pursuant to this Act or any other Act or Executive order in response to such violation; and

"(2) SUBMISSION AND UPDATES.—The Secretary of State shall submit to the appropriate congressional committees—

"(A) the initial report required under paragraph (1) not later than 180 days after the date of the enactment of this section; and

"(B) updates to the report every 180 days thereafter and as new information becomes available.

"(3) FORM.—The report required under paragraph (1) should be submitted in unclassified form but may contain a classified annex.

"(4) DEFINITION.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.".

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. MISCELLANEOUS PROVISIONS.

Title VII of the International Religious Freedom Act of 1998 (22 U.S.C. 6481 et seq.) is amended by adding at the end the following new sections:

"SEC. 702. VOLUNTARY CODES OF CONDUCT FOR UNITED STATES INSTITUTIONS OF HIGHER EDUCATION OUTSIDE THE UNITED STATES.

"(a) FINDING.—Congress recognizes the enduring importance of United States institutions of higher education worldwide both for their potential for shaping positive leadership and new educational models in host countries and for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that United States institutions of higher education operating campuses outside the United States or establishing any educational entities with foreign governments, particularly with or in countries the governments of which engage in or tolerate severe violations of religious freedom as identified in the Annual Report, should seek to adopt

a voluntary code of conduct for operating in such countries that should—

"(1) uphold the right of freedom of religion of their employees and students, including the right to manifest that religion peacefully as protected in international law;

"(2) ensure that the religious views and peaceful practice of religion in no way affect, or be allowed to affect, the status of a worker's or faculty member's employment or a student's enrollment; and

"(3) make every effort in all negotiations, contracts, or memoranda of understanding engaged in or constructed with a foreign government to protect academic freedom and the rights enshrined in the United Nations Declaration of Human Rights.

"SEC. 703. SENSE OF CONGRESS REGARDING NATIONAL SECURITY STRATEGY TO PROMOTE RELIGIOUS FREEDOM THROUGH UNITED STATES FOREIGN POLICY.

"It is the sense of Congress that—

"(1) the annual national security strategy report of the President required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043) should promote international religious freedom as a foreign policy and national security priority and

should articulate that promotion of the right to freedom of religion is a strategy that protects other, related human rights, and advances democracy outside the United States, and make clear its importance to United States foreign policy goals of stability, security, development, and diplomacy; and

"(2) the national security strategy report should be a guide for the strategies and activities of relevant Federal agencies and inform the Department of Defense quadrennial defense review under section 118 of title 10, United States Code, and the Department of State Quadrennial Diplomacy and Development Review.".

SEC. 602. CLERICAL AMENDMENTS.

The table of contents of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 note) is amended—

(1) by striking the item relating to section 605 and inserting the following:

"Sec. 606. Studies on the effect of expedited removal provisions on asylum claims.";

(2) by inserting after the item relating to section 604 the following:

"Sec. 605. Designated Persons List for Particularly Severe Violations of Religious Freedom."; and

(3) by adding at the end the following:

"Sec. 702. Voluntary codes of conduct for United States institutions of higher education operating outside the United States.

"Sec. 703. Sense of Congress regarding national security strategy to promote religious freedom through United States foreign policy.".



I

114TH CONGRESS
1ST SESSION

H. R. 3694

To combat trafficking in human organs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2015

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

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A BILL

To combat trafficking in human organs, 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.

This Act may be cited as the "Strategy To Oppose Predatory Organ Trafficking Act" or the "STOP Organ Trafficking Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The World Health Organization (WHO) estimates that approximately 10 percent of all transplanted kidneys worldwide are illegally obtained,

often bought from vulnerable impoverished persons or forcibly harvested from prisoners.

(2) In 2004, the World Health Assembly passed a resolution urging its member-states to take measures to protect the poorest as well as vulnerable groups from exploitation by organ traffickers.

(3) On February 13, 2008, the United Nations Global Initiative to Fight Human Trafficking (UNGIFT) hosted the "Vienna Forum to Fight Human Trafficking", and subsequently reported that a lack of adequate illicit organ trafficking laws has provided opportunity for the illegal trade to grow.

(4) On March 21, 2011, the Council of the European Union adopted rules supplementing the definition of criminal offenses and the level of sanctions in order to strengthen the prevention of organ trafficking and the protection of those victims.

(5) In November 2012, Erasmus University Hospital along with institutions in Romania, Sweden, Bulgaria, and Spain launched a 3-year study backed by Europol into illegal organ trafficking, and released a statement that, "there are more and more indicators of 'organ tourism', whereby a patient travels abroad with the aim of receiving a trans-

planted organ which may have been bought . . . donors are often victims of human trafficking.".

(6) According to organ trafficking specialists at the WHO, Moldova ranks third as a source of organs for sale on the global black market, with such human organs frequently smuggled to underground clinics located in several European Union member-states.

(7) Between 2001 and 2003, a South African black market kidney transplant ring coerced over 109 people, mostly from Brazil and Romania, to travel to Durban, South Africa, to forfeit a kidney for the promise of approximately $120,000, although payment was frequently withheld following the operation.

(8) On May 3, 2004, Afghanistan's Interior Minister Ali Ahmed Lakali stated that the problem of child abduction was growing and children were being taken to be sold for "sex or labor, or to provide human organs".

(9) In March 2006, a children's rights expert at the Afghan Independent Human Rights Commission, Hengameh Anwari, stated, "Other reports that cause concern indicate that a number of children are abducted because of their body organs; they become

victims of trafficking to foreign countries especially for their kidneys.".

(10) In June 2001, Dr. Wang Guogi testified before the Subcommittee on International Organizations and Human Rights of the Committee on International Relations of the House of Representatives that Chinese hospitals worked in collusion with state security agencies to extract organs from executed prisoners without written consent of the organ donors, and that these transplants were a lucrative source of income.

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

(12) On November 20, 2004, Xin Ren from California State University stated to the International Bureau for Children's Rights Conference in Montreal, that, "[In India, Pakistan, and some other Asian countries in 2003] [c]hildren were often either sold by their parents for little money or kidnapped and abducted by the traffickers to have their organ(s) removed for transplant purpose . . .

[S]ome people were even murdered in the process of forcible removal of their organs.".

(13) The website of the Organ Transplant Center of the Armed Police General Hospital in Beijing, China touted that, "Our Organ Transplant Center is our main department for making money . . . This year (2004) there is a chance to break through 30,000,000 yuan.".

(14) Canadian researchers David Matas, human rights attorney, and David Kilgour, former Canadian Secretary of State for Asia-Pacific, conducted an investigation into allegations of organ harvesting from Falun Gong prisoners of conscience in 2006, and based on extensive circumstantial evidence, their report concluded that the allegations were true and that tens of thousands of Falun Gong practitioners may have been killed for their organs.

(15) In mid-November 2006, China's Deputy Health Minister Huang Jiefu acknowledged that condemned prisoners are sources for organ transplants, and Asia News reported that Deputy Health Minister Huang had said he was cognizant of the fact that too often organs come from non-consenting parties and are sold for high fees to foreigners.

(16) In May 2006, the website for the China International Transplantation Network Assistance Centre posted the following statements in its frequently asked questions section: "The First Affiliated Hospital of China was established in 2003 specifically for our foreign friends . . . Viscera providers can be found immediately! . . . Our organs do not come from brain death victims because the organ may not be good.".

(17) In November 2008, the United Nations Committee on Torture reported concern over the allegations of organ harvesting from Falun Gong prisoners and called on the Government of the People's Republic of China to increase accountability and transparency in the organ transplant system and punish those individuals responsible for abuses.

(18) In 2005, the United States ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, a supplement to the United Nations Convention against Transnational Organized Crime, which includes the removal of organs as a form of exploitation under the definition of "trafficking in persons".

(19) On March 30, 2006, the Police Superintendent of Paranaque, Philippines, arrested a suspect alleged to have ties to a regional kidnapping syndicate involved with abducting children in order to remove their organs and sell them on the global black market, as in the case of a child discovered dead in Cavite, Philippines, with his internal organs missing.

(20) On April 12, 2008, police raided a black market organ transplant house near Manila, Philippines, arresting three traffickers and discovering nine donors in the house, one of whom stated to authorities that he had been promised $2,800 for his kidney, and he was doing it because, "I can barely provide for my wife and children.".

(21) In November 2008, the National Bureau of Investigation's Human Trafficking Division in the Philippines reported, "the abducted children are housed somewhere in Mindanao where victims are supplied with vitamin supplements to keep their internal organs healthy, and are then transported outside the country to undergo surgery for organ transplants".

(22) In 2007, Pakistan was identified by the WHO as one of the top destinations for "transplant tourism".

(23) Pakistani authorities in April 2007 raided a black market organ ring in Lahore that consisted of doctors, officials, and middlemen who had abducted potential donors, drugged them and removed their kidneys without consent to then sell for profit.

(24) Dr. Zafar ul Ahsan, a top urologist at Fatima Jinnah Hospital in Lahore, Pakistan, stated in September 2007, "A mafia is running Pakistan's kidney transplant business with agents paying $1,000 to poor donors and then selling their kidneys on the black market for thousands of dollars.".

(25) In 2007, five employees of the tissue bank at the Faculty Hospital in Brno-Bohunice, the Czech Republic, were arrested and charged with illegal organ trafficking for selling more than $340,000 worth of illegally obtained skin grafts to a tissue bank in the Netherlands.

(26) In January 2008, the Government of India's Health Ministry released an estimate that more than 100,000 kidney transplants are needed in India each year, but only 5,000 are performed legally.

(27) A February 2008 police raid on an organ trafficking ring in Gurgaon, India, found that men posed as doctors to remove kidneys from migrant laborers, and conducted approximately 500 illegal kidney transplants over nine years.

(28) On April 8, 2009, the Global Post in Cairo reported that the Egyptian Government was considering measures to increase the number of legal organ donations to meet demand, which included a proposal to harvest organs from executed criminals, with or without their consent, as then Ministry of Health spokesman, Dr. Abdel Rahman Shahin stated, "They are saying that when [convicts'] organs are taken, they're compensating for the bad they did.".

(29) In November 2010, Netcare KwaZulu, a hospital in South Africa's eastern KwaZulu-Natal province, pleaded guilty to illegally removing kidneys from five minors between 2001 and 2003.

(30) On January 12, 2011, Doctor Yusuf Sonmez, who has been dubbed the "Turkish Frankenstein", was arrested in Pristina for his alleged participation in illegal organ trafficking in Kosovo and Azerbaijan.

(31) In April 2013, a Kosovo court convicted five defendants for conducting over 30 illegal harvest operations in an organ trafficking ring at the Medicus clinic, where impoverished people from Turkey, Russia, Moldova, and Kazakhstan were coerced into selling their kidneys.

(32) In 2011, Egypt passed a law prohibiting the exchange of money for human organs and restricting human organ donations to relatives up to four degrees removed.

(33) In February 2015, the Iraqi Ambassador to the United Nations alleged that the Islamic State was illegally harvesting organs from murdered civilians to finance their operations.

(34) According to a 2013 United Nations report from the Special Rapporteur on trafficking in persons, especially women and children, the economic and social divisions within and among countries is notably reflected in the illicit organ trafficking market, in which the victims are commonly poor, unemployed, and more susceptible to deceit and extortion.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the kidnapping or coercion of individuals for the purpose of extracting their organs for profit is in contradiction of the ideals and standards for ethical behavior upon which the United States has based its laws;

(2) the harvesting of organs from living children, regardless of the level of brain activity, is a violation of the human rights of the child and is a breach of internationally accepted medical ethical standards described in WHO Assembly Resolution 57.18 (May 22, 2004);

(3) the illegal harvesting and trafficking of human organs violates the Universal Declaration of Human Rights, in Article 3 which states that "Everyone has the right to life, liberty and security of person.", and in Article 4 which states that "No one shall be held in slavery or servitude."; and

(4) efficient national organ donation systems with effective enforcement mechanisms that ensure voluntary organ donations are the most effective way to combat trafficking in human organs.

SEC. 4. STATEMENT OF POLICY.

It shall be the policy of the United States to—

(1) combat the international trafficking in human organs;

(2) promote the adoption of national transplantation systems that ensure voluntary organ donation processes in bilateral diplomatic meetings, as well as in international health forums; and

(3) promote the dignity and security of human life in accordance to the Universal Declaration of Human Rights.

SEC. 5. AMENDMENTS TO THE STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.

Section 42 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2714) is amended—

(1) in the section heading, by adding at the end the following: "**AND ORGAN TRAFFICKERS**";

(2) in subsection (a)(1), by striking "convicted of an offense described in subsection (b) of this section during the period described in subsection (c) of this section" and inserting "convicted of an offense described in subsection (b) or (c) of this section during the period described in subsection (d) of this section";

(3) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(4) by inserting after subsection (b) the following new subsection:

"(c) HUMAN ORGAN TRAFFICKING OFFENSES.—Subsection (a) of this section applies with respect to any individual convicted of an offense under section 301 of the National Organ Transplant Act (42 U.S.C. 274e) if such individual used a passport or otherwise crossed an international border in the commission of such an offense.".

SEC. 6. ACTIONS UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT AND AMENDMENTS TO THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

(a) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—The President may exercise the authorities specified in section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) without regard to section 202 of such Act (50 U.S.C. 1701) in the case of travel abroad by United States citizens for the purpose of participation in any activity relating to trafficking in human organs.

(b) DEFINITIONS.—Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

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

"(D) exploitation of a person through the promise of the granting of payments or benefits in order to compel or entice the person to consent to the removal of one or more of the person's organs for a transplant operation, in a manner contrary to the standards described in WHO Assembly Resolution WHA 57.18 (May 22, 2004).";

(2) in paragraph (9)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting: "; or"; and

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

"(C) trafficking in human organs (as defined in paragraph (13)).";

(3) by redesignating paragraphs (13) through (15) as paragraphs (14) through (16), respectively;

(4) by inserting after paragraph (12) the following new paragraph:

"(13) TRAFFICKING IN HUMAN ORGANS.—

"(A) IN GENERAL.—The term 'trafficking in human organs' means—

"(i) the recruitment, transportation, transfer, harboring, or receipt of a person, either living or deceased, for the purpose of removing one or more of the person's organs, by means of—

"(I) coercion;

"(II) abduction;

"(III) deception;

"(IV) abuse of power or a position of vulnerability; or

"(V) transfer of payments or benefits to achieve the consent of a person having control over a person described in the matter preceding subclause (I); or

"(ii) the illicit transportation and transplantation of organs in one or more other persons for profit or any other purpose.

"(B) ORGAN DEFINED.—In subparagraph (A), the term 'organ' means the human (including fetal) kidney, liver, heart, lung, pancreas,

bone marrow, cornea, eye, bone, and skin or any subpart thereof and any other human organ (or any subpart thereof, including that derived from a fetus) specified by the President by regulation for purposes of this division."; and

(5) in paragraph (15), as so redesignated, by inserting before the period at the end the following: "or (13)".

(c) INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.—Section 105(d)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(3)) is amended by inserting after the first sentence the following new sentence: "Such procedures shall include collection and organization of data from human rights officers at United States embassies on host country's laws against trafficking in human organs and any instances of violations of such laws.".

SEC. 7. REPORTING.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following information:

(1) A list of the ten countries determined to be the greatest sources, facilitators, or recipients of trafficking in human organs during the period covered by each such report.

(2) Any actions taken by each country included on a list under paragraph (1) to address and prevent trafficking in human organs.

(3) Any cooperative efforts by the United States and each country included on a list under paragraph (1) to address and prevent trafficking in human organs through joint public awareness campaigns.

(4) Information regarding practices of trafficking in human organs of each country included on a list under paragraph (1) in the Department of State's travel advisories.

(b) ADDITIONAL INFORMATION.—The reports required under subsection (a) shall include the collection and organization of data from human rights officers at United States diplomatic and consular posts on host countries' laws against trafficking in human organs and any instances of violations of such laws.

SEC. 8. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) COERCION.—The term "coercion" means the exploitation of a person through the promise or granting of payments or benefits in order to compel or entice such person to consent to the removal of one or more of such person's organs for a transplant operation, in a manner contrary to the standards described in WHO Assembly Resolution WHA 57.18 (May 22, 2004).

(3) HUMAN ORGAN.—The term "human organ" means the human (including fetal) kidney, liver, heart, lung, pancreas, bone marrow, cornea, eye, bone, and skin or any subpart thereof and any other human organ (or any subpart thereof, including that derived from a fetus).

(4) TRAFFICKING IN HUMAN ORGANS.—The term "trafficking in human organs" means—

(A) the recruitment, transportation, transfer, harboring, or receipt of a person, either living or deceased, for the purpose of removing

one or more of such person's human organs, by means of—

(i) coercion;

(ii) abduction;

(iii) deception;

(iv) abuse of power or a position of vulnerability; or

(v) transfer of payments or benefits to achieve the consent of a person having control over a person described in the matter preceding subparagraph (A); and

(B) the illicit transportation and transplantation of such human organs in one or more other persons for profit or any other purpose.

SEC. 9. LIMITATION ON FUNDS.

No additional funds are authorized to be appropriated to carry out this Act or any amendment made by this Act.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H.R. 3694

OFFERED BY MR. TROTT OF MICHIGAN

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strategy To Oppose Predatory Organ Trafficking Act" or the "STOP Organ Trafficking Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The World Health Organization (WHO) estimates that approximately 10 percent of all transplanted kidneys worldwide are illegally obtained, often bought from vulnerable impoverished persons or forcibly harvested from prisoners.

(2) In 2004, the World Health Assembly passed a resolution urging its member-states to take measures to protect the poorest as well as vulnerable groups from exploitation by organ traffickers.

(3) On February 13, 2008, the United Nations Global Initiative to Fight Human Trafficking (UNGIFT) hosted the "Vienna Forum to Fight

Human Trafficking", and subsequently reported that a lack of adequate illicit organ trafficking laws has provided opportunity for the illegal trade to grow.

(4) On March 21, 2011, the Council of the European Union adopted rules supplementing the definition of criminal offenses and the level of sanctions in order to strengthen the prevention of organ trafficking and the protection of those victims.

(5) In 2005, the United States ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, a supplement to the United Nations Convention against Transnational Organized Crime, which includes the removal of organs as a form of exploitation under the definition of "trafficking in persons".

(6) According to a 2013 United Nations report from the Special Rapporteur on trafficking in persons, especially women and children, the economic and social divisions within and among countries is notably reflected in the illicit organ trafficking market, in which the victims are commonly poor, unemployed, and more susceptible to deceit and extortion.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the kidnapping or coercion of individuals for the purpose of extracting their organs for profit is in contradiction of the ideals and standards for ethical behavior upon which the United States has based its laws;

(2) the illegal harvesting of organs from children is a violation of the human rights of the child and is a breach of internationally accepted medical ethical standards described in WHO Assembly Resolution 57.18 (May 22, 2004);

(3) the illegal harvesting and trafficking of organs violates the Universal Declaration of Human Rights, in Article 3 which states that "Everyone has the right to life, liberty and security of person.", and in Article 4 which states that "No one shall be held in slavery or servitude."; and

(4) establishing efficient voluntary organ donation systems with strong enforcement mechanisms is the most effective way to combat trafficking of persons for the removal of their organs.

SEC. 4. STATEMENT OF POLICY.

It shall be the policy of the United States to—

(1) combat the international trafficking of persons for the removal of their organs;

(2) promote the establishment of voluntary organ donation systems with effective enforcement mechanisms in bilateral diplomatic meetings, as well as in international health forums; and

(3) promote the dignity and security of human life in accordance with the Universal Declaration of Human Rights.

SEC. 5. REVOCATION OR DENIAL OF PASSPORTS TO INDIVIDUALS WHO ARE ORGAN TRAFFICKERS.

The Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly known as the "Passport Act of 1926", is amended by adding at the end the following:

"SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT.

"(a) ISSUANCE.—The Secretary of State may refuse to issue a passport to any individual who has been convicted of an offense under section 301 of the National Organ Transplant Act (42 U.S.C. 274e) if such individual used a passport or otherwise crossed an international border in the commission of such an offence.

"(b) REVOCATION.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1).".

SEC. 6. AMENDMENTS TO THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

(a) DEFINITIONS.—Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended—

(1) in paragraph (9)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting: "; or"; and

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

"(C) trafficking of persons for the removal of their organs (as defined in paragraph (13)).";

(2) by redesignating paragraphs (13) through (15) as paragraphs (14) through (16), respectively; and

(3) by inserting after paragraph (12) the following new paragraph:

"(13) TRAFFICKING OF PERSONS FOR THE REMOVAL OF THEIR ORGANS.—

"(A) IN GENERAL.—The term 'trafficking of persons for the removal of their organs' means the recruitment, transportation, transfer, harboring, or receipt of a person, either living

or deceased, for the purpose of removing one or more of the person's organs, by means of—

"(i) coercion;

"(ii) abduction;

"(iii) deception;

"(iv) fraud;

"(v) abuse of power or a position of vulnerability; or

"(vi) transfer of payments or benefits to achieve the consent of a person having control over a person described in the matter preceding clause (i).

"(B) ORGAN DEFINED.—n subparagraph (A), the term 'organ' has the meaning given the term 'human organ' in section 301(c)(1) of the National Organ Transplant Act (42 U.S.C. 274e(c)(1)).".

(b) INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.—Section 105(d)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(3)) is amended by inserting after the first sentence the following new sentence: "Such procedures shall include collection and organization of data from human rights officers at United States embassies on host country's laws against trafficking of persons for the removal

of their organs and any instances of violations of such laws.''.

SEC. 7. REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter through 2024, the Secretary of State shall submit to the appropriate congressional committees a comprehensive report that includes the following information:

(1) A description of the sources, practices, methods, facilitators, and recipients of trafficking of persons for the removal of their organs during the period covered by each such report.

(2) A description of activities undertaken by the Department of State, either unilaterally or in cooperation with other countries, to address and prevent trafficking of persons for the removal of their organs.

(3) A description of activities undertaken by countries to address and prevent trafficking of persons for the removal of their organs.

(b) MATTERS TO BE INCLUDED.—The reports required under subsection (a) shall include the collection and organization of data from human rights officers at United States diplomatic and consular posts on host countries'

laws against trafficking of persons for the removal of their organs or any instances of violations of such laws.

(c) ADDITIONAL MATTERS TO BE INCLUDED.—The reports required under subsection (a) may include—

(1) information provided in meetings with host country officials;

(2) information provided through cooperation with United Nations or World Health Organization agencies;

(3) communications and reports provided by nongovernmental organizations working on the issue of trafficking of persons for the removal of their organs; and

(4) any other reports or information sources the Secretary of State determines to be necessary and appropriate.

SEC. 8. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) ORGAN.—The term "organ" has the meaning given the term "human organ" in section

301(e)(1) of the National Organ Transplant Act (42 U.S.C. 274e(e)(1)).

(3) TRAFFICKING OF PERSONS FOR THE REMOVAL OF THEIR ORGANS.—The term "trafficking of persons for the removal of their organs" means the recruitment, transportation, transfer, harboring, or receipt of a person, either living or deceased, for the purpose of removing one or more of the person's organs, by means of—

(A) coercion;

(B) abduction;

(C) deception;

(D) fraud;

(E) abuse of power or a position of vulnerability; or

(F) transfer of payments or benefits to achieve the consent of a person having control over a person described in the matter preceding clause (i).

SEC. 9. LIMITATION ON FUNDS.

No additional funds are authorized to be appropriated to carry out this Act or any amendment made by this Act.

☒

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3694 OFFERED BY MR. KEATING OF MASSACHUSETTS

In subsection (b) of section 7, insert ", including enforcement of such laws," after "organs".

☒

.....
(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R. _____

To increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, 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.

This Act may be cited as the "United States – Caribbean Strategic Engagement Act of 2016".

SEC. 2. STATEMENT OF POLICY.

Congress declares that it is the policy of the United States to increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean in a concerted effort to—

(1) enhance diplomatic relations between the United States and the Caribbean region;

(2) increase economic cooperation between the United States and the Caribbean region;

(3) support regional economic, political, and security integration efforts in the Caribbean region;

(4) encourage sustainable economic development and increased regional economic diversification and global competitiveness;

(5) reduce levels of crime and violence, curb the trafficking of illicit drugs, strengthen the rule of law, and improve citizen security;

(6) improve energy security by increasing access to diverse, reliable, affordable, and sustainable power;

(7) advance cooperation on democracy and human rights in the Caribbean region and at multilateral fora; and

(8) continue support for public health advances and cooperation on health concerns and threats to the Caribbean region.

SEC. 3. STRATEGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (USAID), shall submit to the appropriate congressional committees a multi-year strategy for United States engagement with the Caribbean region that—

(1) identifies Department of State and USAID efforts, in coordination with other executive branch agencies, to prioritize United States policy towards the Caribbean region;

(2) outlines an approach to broaden Department of State and USAID outreach to the Caribbean diaspora community in the United States to promote their involvement and participation in the economic development and citizen security of the Caribbean region;

(3) outlines an approach to partner with the governments of the Caribbean region to improve citizen security, reduce the trafficking of illicit drugs, strengthen the rule of law, and improve the effective-

ness and sustainability of the Caribbean Basin Security Initiative;

(4) establishes a comprehensive, integrated, multi-year strategy to encourage the efforts of the Caribbean region to implement regional and national strategies that improve energy security by increasing access to diverse, reliable, affordable, and sustainable power, including significant renewable energy resources within the Caribbean region such as biomass, geothermal, hydropower, solar, tidal, waste-to-energy, and wind, and by taking advantage of the ongoing energy revolution in the Unites States;

(5) outlines an approach to improve diplomatic engagement with the governments of the Caribbean region, including with respect to key votes on human rights and democracy at the United Nations and the Organization of American States;

(6) develops an approach to assisting Caribbean countries in the diversification of their economies, the reduction of legal, technical, and administrative barriers that prevent the free flow of foreign direct investment and trade to and from each country and within the Caribbean region, and support for the training and employment of youth and citizens in marginalized communities; and

(7) reflects the input of other executive branch agencies, as appropriate.

SEC. 4. BRIEFINGS.

The Secretary of State shall provide annual briefings to the appropriate congressional committees that review Department of State efforts to implement the strategy for United States engagement with the Caribbean region in accordance with section 3.

SEC. 5. PROGRESS REPORT.

Not later than one year after the date of the enactment of this Act and biennially thereafter, the President shall transmit to the appropriate congressional committees a report on progress made toward to implementing the strategy for United States engagement with the Caribbean region in accordance with section 3.

SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON CARIBBEAN BASIN SECURITY INITIATIVE.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains the following:

(1) An evaluation of the Caribbean Basin Security Initiative (CBSI) and the extent to which the CBSI has met Department of State and USAID benchmarks.

(2) An accounting of CBSI funding appropriated, obligated, and expended from fiscal year 2010 through fiscal year 2016.

(3) A breakdown of yearly CBSI assistance provided to each CBSI country.

(4) A description of how CBSI is coordinated with other security assistance programs in the Western Hemisphere, particularly the Merida Initiative and the Central America Regional Security Initiative, and the role of the Department of State's Senior Coordinator for the Citizen Security Initiatives in the Western Hemisphere in such coordination.

(5) A description of all United States security assistance provided to the Caribbean region, exclusive of assistance through CBSI.

(6) Recommendations for legislative and executive action to make CBSI more effective and efficient.

SEC. 7. GAO REPORT ON DIPLOMATIC ENGAGEMENT IN THE EASTERN CARIBBEAN.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains the following:

(1) An evaluation of United States diplomatic outreach from the United States embassy in Barbados to the countries of Antigua and Barbuda, Dominica, St. Kitts and Nevis, St. Lucia and St. Vincent, and the Grenadines.

(2) A list of visits over the previous five years of personnel at the United States embassy in Barbados to the countries of Antigua and Barbuda, Dominica, St. Kitts and Nevis, St. Lucia and St. Vincent, and the Grenadines.

(3) A description of how personnel at the United States embassy in Barbados have engaged with government officials and civil society organizations in Antigua and Barbuda, Dominica, St. Kitts and Nevis, St. Lucia and St. Vincent, and the Grenadines over the previous five years.

(4) A description of how personnel at the United States embassy in Grenada have engaged with government officials and civil society organizations over the previous five years.

SEC. 8. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of

the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CARIBBEAN REGION.—The term "Caribbean region" means the Caribbean Basin Security Initiative beneficiary countries.

(3) SECURITY ASSISTANCE.—The term "security assistance" has the meaning given such term in section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)).

114TH CONGRESS
1ST SESSION

H. CON. RES. 88

Reaffirming the Taiwan Relations Act and the Six Assurances as the cornerstone of United States–Taiwan relations.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2015

Mr. CHABOT submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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CONCURRENT RESOLUTION

Reaffirming the Taiwan Relations Act and the Six Assurances as the cornerstone of United States–Taiwan relations.

Whereas for more than 50 years, a close relationship has existed between the United States and Taiwan, which has been of major economic, cultural, and strategic advantage to both countries;

Whereas over the past two decades, the people of Taiwan have worked hard to establish a vibrant and pluralistic democracy in their country and conducted 5 successful Presidential elections, successive elections for members of their national legislature, numerous local elections, and 2 national referendums;

Whereas the United States has vital security and strategic interests in the Taiwan Strait, with United States troops stationed in countries within the Taiwan Strait region;

Whereas April 10, 2015, marked the 36th anniversary of the enactment of the Taiwan Relations Act (Public Law 96–8), codifying into law the basis for continued commercial, cultural, and other relations between the United States and Taiwan;

Whereas the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979;

Whereas when the Taiwan Relations Act was enacted, it affirmed that the United States decision to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the Taiwan Relations Act declares that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;

Whereas the Taiwan Relations Act states that it is the policy of the United States to provide Taiwan with arms of a defensive character to maintain the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan;

Whereas the Taiwan Relations Act also states that "it is the policy of the United States to preserve and promote extensive, close, and friendly commercial, cultural and other relations between the people on Taiwan, as well as the people on the China mainland";

Whereas in 1982, President Ronald Reagan wanted to reinforce United States support for Taiwan and therefore issued the Six Assurances; and

Whereas the Six Assurances are guidelines to conduct relations between the United States and Taiwan and stipulate that the United States would not—

(1) set a date for termination of arms sales to Taiwan;

(2) alter the terms of the Taiwan Relations Act;

(3) consult with China in advance before making decisions about United States arms sales to Taiwan;

(4) mediate between Taiwan and China;

(5) alter its position about the sovereignty of Taiwan which was, that the question was one to be decided peacefully by the Chinese themselves, and would not pressure Taiwan to enter into negotiations with China; and

(6) formally recognize Chinese sovereignty over Taiwan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States hereby affirm that the Taiwan Relations Act and the Six Assurances together form the cornerstone of United States relations with Taiwan.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H.CON.RES. 88

OFFERED BY MR. CHABOT OF OHIO

Strike the preamble and insert the following:

Whereas the Cold War years cemented the close friendship between the United States and Taiwan, with Taiwan as an anti-Communist ally in the Asia-Pacific;

Whereas United States economic aid prevented Taiwan from sliding into an economic depression in the 1950s and greatly contributed to the island's later economic takeoff;

Whereas Taiwan has flourished to become a beacon of democracy in Asia and leading trade partner for the United States, and the relationship has endured for more than 65 years through many shifts in Asia's geopolitical landscape;

Whereas the strong relationship between the United States and Taiwan is based on mutually beneficial security, commercial, and cultural ties;

Whereas Deputy Assistant Secretary of State Susan Thornton stated in her testimony before the House Foreign Affairs Committee on February 11, 2016, that "the people on Taiwan have built a prosperous, free, and orderly society with strong institutions, worthy of emulation and envy";

Whereas Deputy Secretary of State Antony J. Blinken stated on March 29, 2016, that with Taiwan's January 2016

elections, "the people of Taiwan showed the world again what a mature, Chinese-speaking democracy looks like";

Whereas on January 1, 1979, when the Carter Administration established diplomatic relations with the People's Republic of China (PRC), it ended formal diplomatic ties with the Republic of China on Taiwan;

Whereas, the United States Congress acted swiftly to reaffirm the United States-Taiwan relationship with the enactment of the Taiwan Relations Act just 100 days later, ensuring the United States maintained a robust and enduring relationship with Taiwan;

Whereas the Taiwan Relations Act (Public Law 96–8) was enacted on April 10, 1979, codifying into law the basis for continued commercial, cultural, and other relations between the United States and Taiwan;

Whereas the Taiwan Relations Act was enacted "to help maintain peace, security, and stability in the Western Pacific," all of which "are in the political, security, and economic interests of the United States and are matters of international concern";

Whereas then-Deputy Assistant Secretary of State Kin Moy stated in his testimony before the House Foreign Affairs Committee on March 14, 2014, that, "Our enduring relationship under the Taiwan Relations Act represents a unique asset for the United States and is an important multiplier of our influence in the region," and credited the Taiwan Relations Act for having "played such a key part in protecting Taiwan's freedom of action and U.S. interests the last 35 years in the Asia-Pacific area";

Whereas then-Special Assistant to the President and National Security Council Senior Director for Asian Affairs Evan

Medeiros noted in March 2014 that, "The Taiwan Relations Act is an important and it's an enduring expression to the people of Taiwan about our commitment to their well-being, their security, their economic autonomy, and their international space.";

Whereas the Taiwan Relations Act states "the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means";

Whereas the Taiwan Relations Act states that it is the policy of the United States to "provide Taiwan with arms of a defensive character and to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan";

Whereas each successive United States Administration since the enactment of the Taiwan Relations Act has provided arms of a defensive character to Taiwan;

Whereas a 2015 Department of Defense report to Congress on Military and Security Developments Involving the People's Republic of China stated that, "Preparing for potential conflict in the Taiwan Strait remains the focus and primary driver of China's military investment";

Whereas the United States has an abiding interest in the preservation of cross-Strait peace and stability, and in peace and stability in the entire Asia-Pacific region;

Whereas on July 14, 1982, as the United States negotiated with the People's Republic of China over the wording of a joint communiqué related to United States arms sales to Taiwan, President Ronald Reagan instructed his rep-

resentative in Taiwan, American Institute in Taiwan (AIT) Director James R. Lilley, to relay a set of assurances orally to Taiwan's then-President Chiang Ching-kuo;

Whereas in House and Senate testimony immediately after the issuance of the August 17, 1982, Joint Communiqué with the PRC, then-Assistant Secretary of State for East Asian and Pacific Affairs John H. Holdridge stated on behalf of the Executive Branch that—

(1) ". . .[W]e did not agree to set a date certain for ending arms sales to Taiwan";

(2) ". . .[W]e see no mediation role for the United States" between Taiwan and the PRC";

(3) ". . .[N]or will we attempt to exert pressure on Taiwan to enter into negotiations with the PRC";

(4) ". . .[T]here has been no change in our longstanding position on the issue of sovereignty over Taiwan";

(5) "We have no plans to seek" revisions to the Taiwan Relations Act; and

(6) the August 17 Communiqué, "should not be read to imply that we have agreed to engage in prior consultations with Beijing on arms sales to Taiwan.";

Whereas these assurances, first delivered to Taiwan's president by AIT Director Lilley, have come to be known as the Six Assurances;

Whereas in testimony before the House Foreign Affairs Committee on October 4, 2011, then-Assistant Secretary of State Kurt Campbell stated that, "[The] Taiwan Relations Act, plus the so-called Six Assurances and Three

Communiqués, form the foundation of our overall approach," to relations with Taiwan; and

Whereas in testimony before the Senate Foreign Relations Committee on April 3, 2014, Assistant Secretary of State Daniel Russel stated that the Six Assurances "continue to play an important part as an element of our approach to Taiwan and the situation across the strait.": Now, therefore, be it

Strike all after the resolving clause and insert the following:

That Congress—

(1) affirms that the Taiwan Relations Act and the Six Assurances are both cornerstones of United States relations with Taiwan; and

(2) urges the President and Department of State to affirm the Six Assurances publicly, proactively, and consistently as a cornerstone of United States-Taiwan relations.

Amend the title so as to read: "A resolution reaffirming the Taiwan Relations Act and the Six Assurances as cornerstones of United States–Taiwan relations.".

☒

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.CON.RES.88 OFFERED BY MR. CONNOLLY OF VIRGINIA

After the 10th clause of the preamble, insert the following:

Whereas the U.S. Congress significantly strengthened the draft legislation originally submitted by the Executive Branch to include provisions concerning Taiwan's security in the Taiwan Relations Act;



IC

114TH CONGRESS
2D SESSION

S. 2143

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2016
Referred to the Committee on Foreign Affairs

AN ACT

To provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, 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. STARR-CAMARGO BRIDGE.

Public Law 87–532 (76 Stat. 153) is amended—

(1) in the first section, in subsection (a)(2)—

(A) by inserting ", and its successors and assigns," after "State of Texas";

(B) by inserting "consisting of not more than 14 lanes" after "approaches thereto"; and

(C) by striking "and for a period of sixty-six years from the date of completion of such bridge,";

(2) in section 2, by inserting "and its successors and assigns," after "companies";

(3) by redesignating sections 3, 4, and 5 as sections 4, 5, and 6, respectively;

(4) by inserting after section 2 the following:

"SEC. 3. RIGHTS OF STARR-CAMARGO BRIDGE COMPANY AND SUCCESSORS AND ASSIGNS.

"(a) IN GENERAL.—The Starr-Camargo Bridge Company and its successors and assigns shall have the rights and privileges granted to the B and P Bridge Company and its successors and assigns under section 2 of the Act of May 1, 1928 (45 Stat. 471, chapter 466).

"(b) REQUIREMENT.—In exercising the rights and privileges granted under subsection (a), the Starr-Camargo Bridge Company and its successors and assigns shall act in accordance with—

"(1) just compensation requirements;

"(2) public proceeding requirements; and

"(3) any other requirements applicable to the exercise of the rights referred to in subsection (a) under the laws of the State of Texas."; and

(5) in section 4 (as redesignated by paragraph (3))—

(A) by inserting "and its successors and assigns," after "such company";

(B) by striking "or" after "public agency,";

(C) by inserting "or to a corporation," after "international bridge authority or commission,"; and

(D) by striking "authority, or commission" each place it appears and inserting "authority, commission, or corporation".

Passed the Senate March 17, 2016.

Attest: JULIE E. ADAMS,

Secretary.

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

I want to thank our Subcommittee Chairman Smith and his more than 100 bipartisan cosponsors on their work on H.R. 1150, the Frank Wolf International Religious Freedom Act. Inspired by years of oversight and multiple hearings, this bill updates the International Religious Freedom Act of 1998 to improve the coordination and effectiveness of U.S. efforts to promote religious liberty worldwide.

Eighteen years after that law was passed, freedom of religion remains under threat not only by authoritarian regimes obsessed with control, but also by new nonstate actors. ISIS, Boko Haram, al-Shabaab have turned religious intolerance into a murderous force of global instability. The right to believe and practice according to the dictates of conscience is a direct challenge to their very ideologies. And thus, it is not just a human rights issue. It has become a global security issue.

By improving coordination, confronting nonstate actors, and bettering reporting and training, this bill, 1150, is a helpful refinement of our statutory commitment to combat religious persecution around the world.

Moving on to House Concurrent Resolution 88, a resolution reaffirming the Taiwan Relations Act and the Six Assurances as the cornerstone of U.S.-Taiwan relations. Congress has long championed a strong relationship with Taiwan through landmark measures like the Taiwan Relations Act and through pressing successive administrations to fulfill their obligation to sell defensive arms to Taiwan.

Today, our committee is once again reaffirming the U.S. commitment to Taiwan by upholding the Six Assurances as one of the cornerstones of U.S.-Taiwan policy, right alongside the Taiwan Relations Act. And I want to thank Representative Steve Chabot for offering this important measure and Representative Connolly for his amendment stressing the role Congress has played in fostering this critical relationship.

I also want to thank and recognize Representatives Trott and Deutch for introducing H.R. 3694, the STOP Organ Trafficking Act.

Organ trafficking has been reported in over 20 countries in all regions of the world. Criminal organizations and terrorist groups are increasingly engaging in this black market industry. It is valued today as an industry at over $1 billion. ISIS recently issued a "fatwa" sanctioning forced organ harvesting from its captives and from apostates, that would be Yazidis or Christians or Kurds or others who they believe are apostates to their ideology. And traffickers smuggling refugees into Europe have reportedly coerced organ donations as the payment now for travel.

The U.S. has led the fight against human trafficking with help from this committee and its members. This bill continues that leadership by closing the gap in U.S. law that currently fails to recognize organ trafficking as a form of human trafficking. The legislation also supports voluntary organ donation systems, authorizes the President to revoke passports or deny visas for anyone convicted of organ trafficking crimes, and requires annual reporting to

Congress on actions by the U.S. and other countries to combat organ trafficking.

And I want to address H.R. 4939, the United States-Caribbean Strategic Engagement Act of 2016, and thank Ranking Member Engel and Chairman Emeritus Ros-Lehtinen for their leadership in advancing U.S. interests in the Western Hemisphere.

For over a decade, countries in the Caribbean have been largely beholden to Venezuelan oil subsidies in exchange for their support of the authoritarian Venezuelan Government of Hugo Chavez and now Nicolas Maduro. The United States has not developed a comprehensive strategy of how best to engage this region to enhance diplomatic relations, to help the region improve energy security, to reduce violence and curb drug trafficking, and advance cooperation on democracy and human rights.

So this bill will require the State Department and USAID to develop a comprehensive and clear strategy on best engaging the Caribbean region. And the bill also requires the Government Accountability Office to evaluate the Caribbean Basin Security Initiative so that we can be sure we are advancing our interests in the region using the best and most efficient approach.

Lastly, we consider S. 2143, the Starr-Camargo Bridge Act. Two weeks ago, the Senate unanimously passed this measure, which was introduced by Senator Cornyn. And Representative Cuellar here, of Texas, on the House side, has introduced an identical version in this body.

This bill, the Senate bill 2143, will grant the Starr-Camargo Bridge Company the permanent authority to operate and maintain the international bridge that connects via the Rio Grande City, Texas, and Monterrey, Mexico. This will give Starr-Camargo the same authorities Congress has previously given to other privately owned international bridges.

The bridge has seen continued growth in commercial traffic since 2009, and it plays an important role in facilitating trade and travel in the region. By granting this authority, we are incentivizing Starr-Camargo to continue maintaining and expanding the bridge's capacity to keep up with the growing trade and commerce along the Texas border with Mexico.

And I want to thank both Representative Cuellar and Representative Castro for their leadership in bringing this measure forward for consideration here today.

I now recognize the ranking member for his remarks.

Mr. ENGEL. Mr. Chairman, thank you for convening this markup. We have a slate of good bipartisan measures that we are taking up today. And thank you especially for calling up the Caribbean Strategic Engagement Act, which I was proud to introduce recently with Representative Ros-Lehtinen.

As this committee well knows, it is a big world with a lot of challenges. Some are getting more attention than others. So it is important to stay focused on our neighbors in the Caribbean. These countries are profoundly important to the United States. My own district in New York has a sizable diaspora population from Caribbean countries, and I hear from these proud and engaged communities very often.

This bill makes it clear that U.S.-Caribbean relations are a major priority. It directs the State Department and USAID to devise a multiyear strategy for engaging with Caribbean governments. We want to put a particular focus on improving energy security, strengthening the rule of law, reducing drug trafficking, and enhancing economic cooperation.

We want to ramp up diplomatic engagement, especially when it comes to key issues at the United Nations and the Organization of American States and with the five Caribbean countries where the United States still doesn't have Embassies, and, I might add, should have Embassies as soon as possible.

We will end up with the best policy if we shape it in consultation with many Caribbean American citizens in the United States. It is a strength for us to have such a strong and vibrant diaspora community. So this bill also calls for revitalized outreach to this community, seeking greater input on ideas for economic development and citizen security.

Mr. Chairman, again, thank you for moving this legislation so quickly. I ask that all members support it.

Next, I will turn to Mr. Smith's International Religious Freedom Act. I want to thank him for all his hard work on this issue. Thank you, Mr. Smith.

The freedoms of thought, conscience, and religion are enshrined in the Universal Declaration of Human Rights. Yet, around the world, religious communities are subjected to escalating violence and persecution. In the 21st century, it is unacceptable for anyone to suffer discrimination because of how they worship or, for that matter, if they choose not to worship at all.

The United States has a responsibility to speak out when we see basic freedoms under threat, and this bill will help the administration promote religious freedom around the world. So I support this bill, and I also support continuing to fully fund the Human Rights and Democracy Fund for all human rights abuses.

I will now turn to the bill offered by Mr. Trott and Mr. Deutch aimed at cracking down on predatory organ trafficking. This legislation would change our human trafficking law to include the trafficking of persons for the removal of their organs.

We don't know much about this crime. Who are the victims? How do they get trapped by this illegal trade? What are governments doing to halt the practice, track down those responsible, and provide services to survivors? If this is a pervasive problem, then, yes, of course, we must act.

This bill calls for a report on this crime so that we gain a fuller understanding of the problem. While I have questions about including these provisions as part of our global effort to confront modern slavery, I am glad that we are working on the issue.

Moving to Mr. Chabot's measure, I am happy to support his resolution reaffirming the close ties between the United States and Taiwan. This is an exciting time for the Taiwanese people. Next month, a new President will be sworn in, the first woman to be elected President there. I could add, so that the Taiwanese are ahead of us by a few months. I had the pleasure of meeting with her several times before the election, and I am very hopeful for her success.

As Taiwan's democracy prepares for a political transition, it is important that the United States signal our unwavering support for Taiwan, for Taiwan's defense, for its participation on the global stage, for its robust democracy. And so this resolution reaffirms our commitment to the Taiwan Relations Act and the Six Assurances.

These are the measures that have underpinned our relationship with the Taiwanese people since we normalized relations with the People's Republic of China. Those ties remain deeply important to this day, and I am glad to support this resolution. The chairman and I have talked about this a great time, and we both believe it is important for the United States to stand squarely with our friend and ally Taiwan.

Lastly, I am glad to support this bill from my good friend Representative Cuellar, which would allow the Starr-Camargo Bridge to continue as an important connection between the United States and Mexico. I have to say, at a time when we hear so much about building walls, it feels pretty good to talk about strengthening bridges.

The Starr-Camargo Bridge connects Rio Grande, Texas, with Monterrey and Ciudad Camargo in Mexico. Under current law, the authority to operate this bridge will expire in 16 years. Though it seems like a long way off, that end date has already started to constrain investments in long-term improvements. This legislation would eliminate that expiration date, just as we have done for the Weslaco-Progreso International Bridge.

This bill doesn't cost U.S. taxpayers a penny. And in the midst of a lot of ugly rhetoric, it sends a clear signal: Mexico is an extremely important partner to the United States and bridges, not barriers, will help that friendship to thrive.

So I agree with the chairman. I urge support for this measure and all the things contained in this measure.

And I thank you again, Mr. Chairman. I yield back.

Chairman ROYCE. Thank you, Mr. Engel.

Any other members seeking recognition?

Mr. Smith.

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

First of all, let me thank you for scheduling all of these bills, including the International Religious Freedom Act, the Frank Wolf bill, which honors a tremendous advocate for religious freedom and the author of the landmark 1998 International Religious Freedom Act.

I want to thank Eliot Engel as well, the ranking member, for working so closely with us on this important legislation.

And I would like to thank Anna Eshoo, who is the original Democratic cosponsor of the bill and a great supporter of religious freedom, especially in the Middle East. Her work has been greatly appreciated, and we have come up, I think, with a bill that will make a significant difference.

The world is experiencing an unprecedented crisis of international religious freedom, a crisis that continues to create millions of victims, a crisis that undermines liberty, prosperity, and peace, a crisis that poses a direct challenge to the U.S. interests in the Middle East, North Korea, China, and in sub-Saharan Africa.

The bill we passed almost 18 years ago needs to be updated to match the challenges of the 21st century. And, again, that is what we are doing with the legislation: Provide tools, training, and resources used by the administration to advance this universally recognized human right.

Among its many provisions—and they are mutually reinforcing provisions—it clarifies that the Ambassador-at-Large will report to the Secretary of State. Sometimes there has been a little glitch there over the years in terms of that information going right to the ears of the Secretary of State.

It creates a special watch list, not unlike what we did with the Trafficking Victims Protection Act. When a country doesn't rise to the level of a Country of Particular Concern but is a bad actor, this gives the President a way to say we are watching. And the special watch list will provide that very useful utility.

Curricula for training Foreign Service Officers so that they really do understand before deployment, especially overseas, exactly what the lay of the land is and what international religious freedom is all about.

We also include, as you pointed out, Mr. Chairman, a new designation of nonstate actors. We call them entities of particular concern. They are not countries. Boko Haram, ISIS, al-Shabaab, and others need to be focused upon for their nefarious deeds and individuals held to account to the greatest extent practicable for their horrible deeds.

CPC designations need to be made annually. There were a number of years where they were not made. And this will at least clarify that those Country of Particular Concern designations do need to be made every single year.

And then there are a number of other provisions that will, I think, significantly strengthen.

And I would ask unanimous consent that my full statement be made a part of the record, Mr. Chairman.

Chairman ROYCE. Without objection.

Mr. SMITH. And I would just finally say how grateful I think we all are that Mr. Trott and Mr. Deutch have really stepped up to the plate with their H.R. 3694, the Strategy to Oppose Organ Trafficking Act.

Twenty years-plus ago, I held a hearing on organ trafficking, and we actually had a man who was a part of that testify about this horrific practice of killing people in order to steal their organs and to make money for the regime in China and elsewhere. That has gotten worse and is particularly focused on the Falun Gong who have suffered disproportionately from this very shocking abuse of human rights.

So, again, I want to thank them for their wonderful bill, and it will make a difference.

I yield back.

Chairman ROYCE. Mr. Sherman.

Mr. SHERMAN. I yield a minute-and-a-half to the gentleman from Virginia.

Mr. CONNOLLY. I thank my friend from California for his graciousness. I have to run to another hearing.

Mr. Chairman, I want to associate myself with the remarks both of yourself and of the ranking member with respect to the Taiwan resolution we have here. And I want to ask unanimous consent to assert in the record an interesting document, pages 44 through 48 of the Department of State Bulletin from March 1979, which was their draft for what we ought to do with respect to Taiwan.

And you can see that it does not address security at all. And it took Congress to take the initiative in rewriting this into the vibrant, dynamic Taiwan Relations Act that now undergirds our relationship with that island and that was the basis for the defensive military assistance we currently provide and have provided to Taiwan. It is a great example of actually congressional foreign policymaking that was desperately needed. A vacuum had been created, and we rose to the occasion.

So I would ask unanimous consent to enter this into the record. It is a rather rare document. And I think it underscores——

Chairman ROYCE. It is often referenced, this piece of history, in textbooks about Congress' role. And without objection, we will put it in the record.

Mr. CONNOLLY. I thank the chair. And I thank Mr. Sherman so much for his courtesy.

Mr. SHERMAN. Thank you.

I want to thank the chairman for holding these hearings. I am a cosponsor of H.R. 1150, the Frank Wolf International Religious Freedom Act; H.R. 4939, the United States-Caribbean Strategic Engagement Act; and the H. Con. Res. 88, the Taiwan Relations and Six Assurances resolution.

I want to focus on Taiwan, as the gentleman from Virginia did as well. I am the lead Democratic cosponsor of this resolution, which affirms the Taiwan Relations Act and the Six Assurances as the cornerstone of United States-Taiwan relations.

The Taiwan Relations Act is critical to the U.S.-Taiwan relationship. On January 1, 1979, when the Carter administration established diplomatic relations with the People's Republic of China, it ended formal ties with the Republic of China on Taiwan. However, the United States Congress acted swiftly to reaffirm the United States-Taiwan relationship with the enactment of the Taiwan Relations Act just 100 days later, ensuring that the United States would maintain a robust and enduring relationship with Taiwan.

Since 1979, we have seen Taiwan develop into a strong democracy. We are in the process of seeing a peaceful and orderly transition of power from one political party to another. Taiwan is an important ally, and we need to do everything possible to make sure that it remains so.

The Six Assurances to Taiwan have been a verbal U.S. pledge since 1982. This bill is important because it solidifies this commitment in legislation for the first time. Three of those Six Assurances are a commitment to continued arm sales to Taiwan, a commitment to not consult with Beijing on U.S.-Taiwan relations, and a commitment to stand by the Taiwan Relations Act, which was passed 3 years before the Six Assurances in 1979 and which Mr. Connolly has already referenced.

This resolution not only affirms that the Taiwan Relations Act and the Six Assurances are the cornerstone of U.S. relations with

Taiwan, but it also urges the President and the State Department to affirm the Six Assurances publicly, proactively, and consistently as a cornerstone of United States-Taiwan relations.

Mr. Chairman, I think Congress not only has been doing good work on the U.S.-Taiwan relationship for a long time, the Taiwan Relations Act, which was mentioned by Mr. Connolly, but also just recently our committee. Back in December we passed a resolution saying it was time to transfer the frigates to Taiwan. And 5 days later, they finally transferred the friggin' frigates.

And it was good to join with you in that bill and to join with Mr. Salmon in the bill on Interpol, which was signed into law recently, and which will be causing us to develop a strategy to get Taiwan into Interpol, because after all, who is in favor of the international criminals that Interpol is trying to incarcerate.

So, Mr. Chairman, I yield back.

Chairman ROYCE. I thank the gentleman for yielding.

I did have the pleasure of going aboard one of those frigates as we were trying to expedite the process with my legislation. But it is now done, and this legislation will now, after our vote, go to the floor.

But in the meantime, I think Ileana Ros-Lehtinen was seeking time.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman, thank you, Ranking Member Engel, for convening this markup and bringing up all of these important measures in front of our committee in a bipartisan manner as always.

I am going to briefly speak about two of the bills. I am proud to be the Republican lead, alongside my good friend and the ranking member, Eliot Engel, on the U.S.-Caribbean Strategic Engagement Act, a bill which would help push the State Department to prioritize U.S.-Caribbean relationships. That is so important.

When not sharing the national stage with Hillary Clinton, Ranking Member Engel has long made the Caribbean one of his top priorities, and I want to thank him for his tremendous leadership on this issue.

This bill would require the State Department to develop a strategy to partner with our Caribbean neighbors on everything from counternarcotics to energy security and to broaden our outreach to the Caribbean diaspora community in our Nation. South Florida makes up a large segment of this diaspora, and I understand well the importance of both the Caribbean and the need for increased engagement by the United States with those countries.

Too often Caribbean nations are either taken for granted or are neglected by the State Department, leaving them with little to no presence of the U.S. or diplomatic engagement, and this course must and should be corrected. Deepening our strategic relationship with the Caribbean represents an extraordinary opportunity to expand our economic ties, cooperate on security issues, and advance our values and interests at places like the OAS and the U.N.

So I fully support this measure. I thank Mr. Engel for sponsoring it. I urge my colleagues to give this bill their full support as well.

And I would also like to offer my support for my dear friend Steve Chabot's resolution, which would reaffirm the importance of the Taiwan Relations Act and President Reagan's Six Assurances

to the U.S.-Taiwan relationship. I am proud to be a cosponsor because I continue to believe that the Taiwan Relations Act and the Six Assurances should be unequivocal guidelines to which the United States must remain fully and firmly committed.

Taiwan is and remains an important ally, a friend, a strategic, economic, and security partner of the United States, and there should be no doubt about this commitment to her, and as the Taiwanese people continue to prove, their vibrant democracy, Taiwan must have the capability to defend herself from aggression from China, whether political, economic, or military in nature.

And it is critical that both China and Taiwan know that our commitment to Taiwan, to the Taiwan Relations Act, and to the Six Assurances, has not wavered one bit. Taiwan must be allowed to peacefully determine its own future, and I urge my colleagues to reaffirm this principle by passing this important Steve Chabot resolution here today.

I thank the chairman.

Chairman ROYCE. Thank you, Ileana.

Mr. Ted Deutch from Florida.

Mr. DEUTCH. Thank you, Mr. Chairman. And I appreciate the opportunity to have all these bills before us today.

I would like to speak about the Strategy to Oppose Predatory Organ Trafficking Act. I want to thank Mr. Trott for his leadership on this issue.

And thanks to Mr. Smith as well for your longstanding attention to the issue of organ trafficking.

This bill, H.R. 3694, addresses an important but often underacknowledged global trafficking issue. In places all over the world, amid the millions of people enslaved into the various forms of human trafficking, are individuals trafficked specifically for the illicit purpose of removing their organs. This black market of organ trafficking finds at-risk people and entices them with money in exchange for their organs. Often these victims are poor and vulnerable to offers of money that they can then use to pay for food and basic necessities for their families.

A 2013 United Nations report found that the economic and social divisions within and among countries is similarly reflected in the most common victims of illegal organ trafficking, specifically in poor and unemployed populations. The sad reality is the people most in need of help are the easiest to fall pray by extortion by traffickers.

But this problem is global, and while victims may come from lower-income countries, the demand that keeps the illegal organ trafficking market so profitable comes from higher-income countries, including the United States. Many of our allies already list trafficking of persons for the removal of their organs as a form of human trafficking, and a number of international protocols and agreements urge countries to do more to restrict the market. These illicit activities are simply unacceptable and are against our American values.

So I am thrilled that this bill will allow our government to do its part to work against this illicit black market, including empowering the Secretary of State to deny or revoke passports to anyone convicted of organ trafficking offense and asking the State Depart-

ment to keep Congress informed of what our government and other governments are doing to address this problem.

We have received support from a number of groups advocating for stronger laws against illicit trafficking of organs and better protection of victims. And I would like to specifically thank the Coalition for Organ Failure Solutions for their support.

I am proud of the attention that this committee has given to human trafficking, and I ask that we continue our strong record by acknowledging that trafficking of persons for the removal of their organs is a violation of our American values.

And I yield back the balance of my time. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Deutch.

Mr. Rohrabacher of California.

Mr. ROHRABACHER. I will make this short. I just would like to thank you, Mr. Chairman, and thank Ranking Member Engel. One needs only to take a look at the issues that are being discussed today to note that you are reaffirming this committee's traditional positioning and support for human rights throughout the world.

You obviously are taking up where Henry Hyde and others who before you sat in that chair, you are building upon what they created as a foundation for freedom and justice and liberty and human rights as being values that this committee will uphold. And I appreciate every one of these bills reflects that. So thank you, Ranking Member, and thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Rohrabacher.

Mr. Keating from Massachusetts.

Mr. KEATING. Thank you, Mr. Chairman.

I want to thank Mr. Trott and Mr. Deutch for their leadership in introducing the Strategy to Oppose Predatory Organ Trafficking Act. Too often vulnerable individuals are coerced or forced into supporting this illicit trade. And just in a world where you think things can't get much worse, you see this kind of coerced or forced activity really hurt victims who are typically poor or unemployed. Some of them indeed were known to include children.

Countries must have an effective law on the books if we are to protect against future victims of this trade, and it is crucial that countries then enforce these laws so that perpetrators do not continue to target vulnerable individuals with impunity. My amendment adds to the bill a report on host country enforcement of these laws against trafficking of persons for the removal of organs.

Finally, I would like to thank all the sponsors of the four additional bills being considered this morning, all of which I support. These pieces of legislation will have important consequences in advancing human rights, security policy, and U.S. engagement abroad.

And I do want to say, in a Congress that is often stymied on its ability to act, this committee continues to move forward and stands out in that regard for working cooperatively and in a bipartisan fashion to really address very important issues. I want to thank Chairman Royce and Ranking Member Engel for that as well.

And I yield back.

Chairman ROYCE. I want to just respond if I could, Mr. Keating. I thank you for this amendment and support its inclusion in the bill.

Having adequate laws on the books without strong enforcement, frankly, is meaningless, so amending the annual report to highlight a country's implementation and enforcement efforts will send this clear message, and it is going to enhance our efforts to stop organ trafficking. So we thank you for your improvement to the legislation.

Mr. Salmon of Arizona.

Mr. SALMON. Thank you, Mr. Chairman.

I am very pleased to support Mr. Chabot's legislation, H. Con. Res. 88, Reaffirming the Taiwan Relations Act and the Six Assurances as the cornerstone of United States-Taiwan relations.

Mr. Chairman, I was a missionary in 1979 when Jimmy Carter was President and severed diplomatic ties with Taiwan. It was a very dark time for me personally. It was something I was very, very frustrated about at the time. But then Congress kind of came to the rescue. I think it was the leadership of the Senator from my State, Barry Goldwater, that put forth the Taiwan Relations Act.

And I think us reaffirming our commitment to that—and Mr. Chabot, you are just to be congratulated—this is so very, very important, not just to our relationship with Taiwan, but I think to the world at large. Taiwan's vibrant democracy is so incredibly important to the region as a guidepost for other nations to follow, and many are following suit with Taiwan's leadership in the world.

I was fortunate to go to Lee Teng-hui's swearing-in, President Chen Shui-bian's, and I will be going in just a couple weeks to the swearing-in of Tsai Ing-wen, the newly elected President of Taiwan. And I am just really excited that we are doing the right thing today.

America's commitment to Taiwan was so important that Ronald Reagan led the way toward this country's policies and commitment to Taiwan that have been in place for several decades now. I strongly support this resolution and urge my colleagues to support its passage.

I would also like to speak in support of Mr. Trott's legislation, the Stop Organ Trafficking Act. The illegal trafficking of human organs is despicable. The World Health Organization estimates that 10 percent of all transplanted organs worldwide are illegally obtained, coerced from vulnerable populations and prisoners, and it is long past time for the U.S. to make a policy to combat this brutal activity that seeks only to terrorize defenseless individuals. Terrorists and doctrinal regimes use this practice to fund their activities and to brutally punish those they seek to control, and this bill will put a stop to it.

And finally, I would like to speak in support of Chairman Smith's legislation, H.R. 1150, the Frank R. Wolf International Religious Freedom Act of 2015. I am a cosponsor of this legislation and I am proud to support international religious freedom.

As a man of faith, one of the greatest freedoms we enjoy in this, the greatest Nation on the Earth, is the ability to worship as we please. Our Founding Fathers fought for this principle, and Congress has a responsibility to continue that fight for others. And I

really appreciate Representative Smith constantly being a reminder of this important truth and this important responsibility that we have in Congress and constantly standing up for the fight for human rights.

God is going to have a special place for you, for all the great work you have done, my friend.

So thank you, and I will yield back my time.

Chairman ROYCE. We will go to Mr. Cicilline from Rhode Island.

Mr. CICILLINE. Thank you, Mr. Chairman. I want to thank you and Ranking Member Engel for holding this markup and for once again conducting the business of this committee in a bipartisan way.

I want to thank the sponsors of the bills that we are considering this morning, and I support all of the bills before us. But I want to spend a few moments to speak about H.R. 1150, the Frank Wolf International Religious Freedom Act.

This legislation has special significance to people in my home State, the State of Rhode Island founded by Roger Williams, because of his desire for religious liberty that he didn't think he could quite enjoy in the neighboring Commonwealth of Massachusetts. I waited until Mr. Keating left to say that.

But I strongly support the goals of this legislation to protect and promote religious freedom around the world. Our former colleague, Frank Wolf, dedicated his career to fighting for basic human rights, and it is fitting that this legislation honors the extraordinary work that he has done in this area.

Religious minorities around the world face discrimination, harassment, persecution, and worse. Today, the Islamic State is engaged in systemic persecution against religious minorities as part of their bloody campaign in the Middle East that targets any group that doesn't fit within its radical ideology. Just last month, the House and the Obama administration found that ISIS has engaged in acts of crimes against humanity, war crimes, and genocide against religious and ethnic minorities in the region.

I do want to use this occasion to remind my colleagues that there are widespread abuses taking place in the world right now, in Syria, Sudan, Nigeria, DRC, and many other countries. Governments, terrorist groups, and other actors are engaged in horrific campaigns that encompass women, children, minorities, and other vulnerable populations. And it is incredibly important that we are careful not to seem to be elevating abuses against one particular group above others.

For example, around the world, those perceived to be part of the LGBT community are facing absolutely horrific violence, especially today in territories controlled by the Islamic State. ISIS has proudly advertised its crimes against allegedly LGBT individuals through gruesome social media, videos, and photos.

Groups such as OutRight Action International have compiled dozens of incidents in which people, usually men, have been blindfolded, tortured, thrown off tall buildings, and brutally murdered by crowds incited by anti-LGBT slurs. I have a list here that details some of these particular instances of violence against those perceived to be LGBT, and they are horrific.

Last summer, BBC magazine ran a heartbreaking story entitled, "Why My Own Father Would Have Let IS Kill Me," which detailed a young man who had to flee Iraq undercover after his own father agreed to turn him over to ISIS for being gay.

I raise these issues not to suggest that those within the Islamic State territory or elsewhere who are being persecuted for being LGBT are more deserving of our attention than those suffering any other type of persecution, but I do want to ensure that LGBT people and other vulnerable groups who are being persecuted around the world are not forgotten and that we raise our voices in condemnation of all abuses of basic human rights and refrain from creating a hierarchy of human rights and I look forward to our consideration of legislation intended to do just that.

I hope we can learn from the important example of U.S. efforts to combat religious persecution and use lessons learned and best practices to inform the work we do as a country to combat the persecution of all vulnerable groups around the world, including women, children, and LGBT individuals.

I thank you, and I yield back.

Chairman ROYCE. Thank you, Mr. Cicilline.

We go now to Mr. Chabot of Ohio.

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

As one of the founding Members of the Congressional Taiwan Caucus, I have been actively involved in all Taiwan-U.S. issues for many years now and chaired the Asia and the Pacific Subcommittee as well, and I have been to Taiwan many times. That is why I am honored to have introduced House Concurrent Resolution 88, which reaffirms the Taiwan Relations Act and the Six Assurances as cornerstones of U.S.-Taiwan relations.

Our relationship has been an enduring one. Taiwan is a close ally of ours, one that truly believes in and practices freedom and democracy. And the people of Taiwan proved that yet again this past January with the election of President Tsai, and I want to wish her and all the people of Taiwan the best of luck in her new role as President of Taiwan. I want to restate our support, just as this committee has for many, many years, and Congress has as well, our support of Taiwan.

As most of my colleagues are aware, Taiwan faces an unrelenting threat from China, which has nearly 1,600 ballistic missiles aimed at her. And although Taiwan enjoys—let's face it—de facto independence, China's ultimate goal is to take the island, if by force or over time. China has made no bones about this. They have been pretty open about it for a long time. Unfortunately, the Taiwan Strait remains one of the potentially most dangerous flashpoints in the world.

April 10, 2016, marked the 37th anniversary of the enactment of the Taiwan Relations Act, codifying into law an institutional framework and a legal basis for continued cooperation between the U.S. and Taiwan that would serve to maintain peace and stability in the western Pacific. However, when President Reagan agreed to sign the so-called U.S.-China Third Communique in 1982, he was aware of the communique's possible effect on Taiwan and recognized that Taiwan needed and deserved reassurance that the United States would be there whenever Taiwan needed us.

So to reinforce American support for Taiwan, the United States issued the Six Assurances, which are guidelines to conduct relations between the U.S. and Taiwan, and they are as valid today as they were in 1982. They rightfully function, along with the Taiwan Relations Act, as cornerstones of the U.S.-Taiwan relations.

And this is a relationship that has been a very strong one over the years. It is one of the reasons that I think it is very important that this administration reconsider the military cutbacks which have been proposed, and the fact that when Ronald Reagan was President his goal was to build up a 600-ship Navy, and we are down 250-some ships at this time.

And a lot of those ships need to be in the Pacific and particularly in and around China, which clearly has plans. It is building up its navy. It is building islands and militarizing them. It is bullying its neighbors from the Philippines to Vietnam to Taiwan, you name it.

And so it is very important for the U.S. to have the strength and for Taiwan also to continue to build up its military. The one thing that would make an armed conflict more likely is if Taiwan appears to be weak or the United States is weak. That is when there is a real danger of military action occurring. As long as Taiwan and the United States are strong, I don't think China would ever take any overt hostile military action.

But I am afraid that the message that is being sent out worldwide is that the U.S. is pulling back, and that is a message that must change. We ought to have just the opposite. The United States needs to be actively engaged around the world, particularly in the Pacific.

So I urge my colleagues to support this legislation and thank them for their support and yield back the balance of my time.

Chairman ROYCE. Mr. Trott.

Mr. TROTT. I would like to thank Chairman Royce for scheduling H.R. 3694 for consideration, and also my colleague, Representative Deutch, for his partnership and leadership on the Stop Organ Trafficking Act. I also want to thank Mr. Smith for his commitment and years of work on this important issue and Representative Keating for his helpful amendment.

The illegal trafficking of human organs has long been a terrible and heinous crime, but, unfortunately, the United States policies and laws have not kept pace. China has inexplicably been targeting Falun Gong for years. And more recently, ISIS has reportedly been resorting to this brutal practice to finance their nefarious activities and strike fear in the hearts of innocent people.

Late last year, ISIS released a religious edict stating that taking organs from a living captive to save a Muslim's life was permissible, making religious minorities in Iraq, like the Chaldeans and the Assyrians, even more vulnerable targets.

Mr. Chairman, it is time the United States shine a bright light on this problem and take a leading role in combating this heinous crime, standing with the world's most vulnerable. I urge my colleagues to vote in support of this timely and necessary legislation.

Thank you, and I yield back my time.

Chairman ROYCE. Any additional members seeking recognition?

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

All those in favor, say aye.

All those opposed, no.

In the opinion of the Chair, the ayes have it and the measures considered en bloc are agreed to. And without objection, the measures considered en bloc are ordered favorably reported, as amended, and staff is directed to make any technical and conforming changes. Also without objection, the Chair is authorized to seek House consideration of those measures under suspension of the rules.

And that concludes our business for today.

I again want to thank Ranking Member Engel. I want to thank all of our committee members for their contributions and assistance with today's markup.

This committee stands adjourned, and these measures are passed.

[Whereupon, at 10:55 a.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Record

FULL COMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Edward R. Royce (R-CA), Chairman

April 20, 2016

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

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

DATE: Wednesday, April 20, 2016

TIME: 10:00 a.m.

MARKUP OF: H.R. 1150, Frank R. Wolf International Religious Freedom Act of 2015;

H.R. 3694, Strategy to Oppose Predatory Organ Trafficking Act;

H.R. 4939, United States – Caribbean Strategic Engagement Act of 2016;

H. Con. Res. 88, Reaffirming the Taiwan Relations Act and the Six Assurances as the cornerstone of United States-Taiwan relations; and

S. 2143, A bill to provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, and for other purposes.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE MARKUP

Day *Wednesday* Date *4/20/2016* Room *2172*

Starting Time *10:08* Ending Time *10:55*

Recesses *0* (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Edward R. Royce

Check all of the following that apply:

Open Session ☑
Executive (closed) Session ☐
Televised ☑

Electronically Recorded (taped) ☑
Stenographic Record ☑

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

See attached.

COMMITTEE MEMBERS PRESENT:

See attached.

NON-COMMITTEE MEMBERS PRESENT:

none

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

IFR - Rep. Gerald Connolly
SFR - Rep. Joe Wilson
SFR - Rep. Chris Smith

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

See markup summary.

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *10:55*

Doug Anderson, General Counsel

HOUSE COMMITTEE ON FOREIGN AFFAIRS

FULL COMMITTEE MARKUP

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

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

4/20/16 Foreign Affairs Committee Markup Summary

By unanimous consent, the Chair called up the following measures and amendments, to be considered *en bloc*:

1) H.R. 1150 (Smith), the Frank R. Wolf International Religious Freedom Act of 2015
    a. Smith 76 an amendment in the nature of a substitute to H.R. 1150

2) H.R. 3694 (Trott), the Strategy to Oppose Predatory Organ Trafficking Act

    a. Trott 8, an amendment in the nature of a substitute to H.R. 3694
        i. Keating 63, an amendment to Trott 8

3) H.R. 4939 (Engel), the U.S.-Caribbean Strategic Engagement Act of 2016

4) H. Con. Res. 88 (Chabot), Reaffirming the Taiwan Relations Act and the Six Assurances as the cornerstone of U.S.-Taiwan relations.

    a. Chabot 36, an amendment in the nature of a substitute to H. Con. Res. 88
        i. Connolly 72, an amendment to Chabot 36

5) S. 2143 (Cornyn), A bill to provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, and for other purposes.

The measures considered *en bloc* were agreed to by voice vote. By unanimous consent, the measures were ordered favorably reported, as amended, and the Chair was authorized to seek House consideration of the measures under suspension of the rules.

The Committee adjourned.

The Frank Wolf International Religious Freedom Act (H.R. 1150)

Excerpts of Remarks by Rep. Chris Smith
HCFA Markup of H.R. 1150
April 20, 2016

Eighteen years ago, Congress had the foresight to make advancing the right to religious freedom a U.S. foreign policy priority. Eighteen years have passed and religion is even more relevant today as a foreign policy issue than it was when the original International Religious Freedom Act was signed into law.

The world is experiencing an unprecedented crisis of international religious freedom, a crisis that continues to create millions of victims; a crisis that undermines liberty, prosperity and peace; a crisis that poses a direct challenge to the U.S. interests in the Middle East, Russia, China and sub-Saharan Africa.

The bill we passed almost eighteen years ago needs to be updated to match the challenges of the 21st century. That is what we are doing with this bill—the Frank Wolf International Religious Freedom Act. We honor the author of the landmark 1998 legislation and upgrade the tools, training, and resources used by the Administration to advance this fundamental freedom.

It is increasingly clear that a robust religious freedom diplomacy is necessary to advance US interest in stability, security, and economic development. Research shows that where there is more religious freedom, there is more economic freedom, more women's empowerment, more political stability, more freedom of speech, and less terrorism.

This legislation was co-sponsored by a bipartisan group of more than 100 Members of Congress. It is also supported by the U.S. Conference of Catholic Bishops and the International Religious Freedom Roundtable, a diverse and ecumenical group of religious communities, ethnic groups and nongovernmental organizations.

In a letter sent to all members of Congress, the Roundtable endorsed the legislation, saying, "While there is very little we agree on theologically, or politically, we all agree that … the passage and implementation of HR 1150 … will send a clear and urgent message regarding the inherent dignity of every human being, as well as our common global security in the fight against religious persecution, extremism, and terrorism."

I want to thank Rep. Anna Eshoo for being an original cosponsor and strong supporter of this bill. Her advocacy on behalf of religious minorities in the Middle East is important and critical work. I value her partnership on this legislation.

I also want to thank Chairman Royce and his staff for helping to move this legislation to markup and thank you also to ranking member Engel and his staff for engaging on this legislation and making it an effort of bipartisan cooperation.

Statement for the Record
Submitted by Rep. Joe Wilson

Thank you Mr. Chairman. Today this committee is considering five important pieces of legislation with regards to the United States foreign policy priorities.

First, the Frank R. Wolfe International Religious Freedom Act of 2015 ensures that our nation's Foreign Service Officers are well trained to promote religious freedom and have the ability to recognize instances where it is being violated. Honoring Congressman Frank Wolfe is so appropriate for Congressman Wolfe established a legacy of protecting freedom. This bill also extends the important Commission on International Religious Freedom. With the continued threat of religious violence in the Middle East, North Africa, and Europe, this legislation could not be more timely.

Next, H.Con. Res. 88, "Reaffirming the Taiwan Relations Act and the Six Assurances as the cornerstone of U.S. – Taiwan relations" is important in reaffirming the commitment of Congress to the prosperity of Taiwan. The Six Assurances, originally given by Ronald Reagan, include promises that the United States must keep to ensure a strong and continued relationship with Taiwan. I appreciate Congressman Steve Chabot's leadership on this legislation.

I also look forward to the consideration of H.R. 3694 "Strategy to Oppose Predatory Organ Trafficking Act", H.R 4939 "U.S. – Caribbean Strategic Engagement Act of 2016" and S. 2143 " Starr – Camargo Bridge Act". I once again applaud Chairman Ed Royce and Ranking Member Eliott Engel for their bipartisan cooperation

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE GERALD E. CONNOLLY, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

To submit for the record:

Mr. Chairman, I would like to submit for the record, pages 44 through 48 of the Department of State Bulletin from March 1979. This excerpt includes the original draft legislation proposed by the Executive Branch for the maintenance of our unofficial relations with Taiwan. You will find that the proposal bears little resemblance to the Taiwan Relations Act, and clearly demonstrates the significant role Congress played in crafting the legal authority for our enduring commitment to Taiwan.

EAST ASIA: *Relations With the People on Taiwan*

Following is a statement by Deputy Secretary of State Warren Christopher before the Senate Committee on Foreign Relations on February 5, 1979, President Carter's message to Congress transmitting proposed legislation concerning Taiwan on January 26, and texts of the legislation and section-by-section analysis.

DEPUTY SECRETARY CHRISTOPHER'S STATEMENT[1]

I am pleased to appear before this committee today to speak for the Administration, in support of S. 245, which provides the framework for maintaining commercial, cultural, and other relations with the people of Taiwan on an unofficial basis.

Normalization of relations with the People's Republic of China is obviously a matter of great importance to the United States. In taking that step, we have followed the example of all of our NATO allies and more than 100 other countries which had previously recognized the People's Republic of China. As last week's visit by Vice Premier Deng Xiaoping vividly demonstrated [see p. 1], the normalization and improvement of relations between our two countries holds great potential for the long-term benefit of the United States and China, and the peoples of the world.

Full and normal relations will allow us to work more effectively toward a stable system of independent nations in Asia. It will permit us to encourage an outward-looking China to play a constructive role in the world generally. And it will enable American business to deal on an equal footing with other suppliers as China moves toward modernization.

This Administration has consistently maintained that normalization must be carried out in ways which do not jeopardize the well-being of the people on Taiwan. Toward that end, the President has repeatedly affirmed our commitment to maintain commercial, cultural, and other relations with the people on Taiwan on an unofficial basis. To implement that commitment, we have taken the following steps:

First, we have moved to assure that with the exception of the Mutual Defense Treaty and related agreements, our many treaties and other agreements with Taiwan—more than 55 in all—will remain in force. When I went to Taiwan in December, I was instructed to seek confirmation from the Taiwan authorities that they too would regard all existing agreements as continuing in force after January 1, 1979. The Taiwan authorities did provide such confirmation.

Second, The President issued a memorandum on December 30 directing all departments and agencies to continue their current programs and other relations with Taiwan on an unofficial basis.[2] The purpose of the memorandum was to insure that our relations with the people on Taiwan will continue pending the enactment of legislation.

Third, on January 16 the American Institute in Taiwan was incorporated as a nonprofit District of Columbia corporation. The institute, which is governed by three trustees appointed by the Secretary of State, is the unofficial body through which we will conduct relations with the people on Taiwan. As set forth in its articles of incorporation, the basic purpose of the institute is to enable the American people and the people on Taiwan to maintain commercial, cultural, or other relations without official government representation or diplomatic relations.

Fourth, the President has transmitted to the Congress the bill now before you. This bill has three fundamental purposes:

- It will confirm the continued eligibility of the people of Taiwan for participation in programs and activities that, under U.S. law, are to be carried out with foreign governments.
- It will provide for the carrying out of such programs and activities on an unofficial basis through the American Institute in Taiwan and the corresponding instrumentality to be established by the people on Taiwan.
- It will establish funding, staffing, and administrative relationships of the institute.

Future Security of Taiwan

Before getting into the details of the bill, I want to comment on the future security of Taiwan and its 17 million people. I know how important this issue is to the members of this committee. It is equally important to us.

In normalizing relations with the People's Republic of China, we have not by any means abandoned our role as a Pacific power, or our interest in the peace and security of Taiwan. Indeed, a peaceful resolution of the Taiwan issue is a fundamental part of the structure of normalization.

During the negotiations that preceded President Carter's December 15 announcement, we impressed upon the People's Republic of China our interest in the peaceful resolution of the Taiwan issue and our expectation that this issue will be settled peacefully by the Chinese themselves. It is significant that as part of normalization, the People's Republic of China agreed not to contradict our position on this central point.

In addition, Vice Premier Deng has made a number of statements since normalization, including statements made to members of this committee, which clearly indicate a desire by the People's Republic of China to settle the Taiwan issue peacefully. As he put it to Senator Glenn in Peking: "You can say that the social system on Taiwan will be decided by the people of Taiwan. Changes might take a hundred years or a thousand years, by which I mean a long time. We will not change the society by forceful means."

In addition, any effort by the People's Republic of China to resolve the Taiwan issue by other than peaceful means would be inconsistent with its evident desire to have better relations with the United States and our allies and friends. China has established an ambitious program of industrial modernization and economic growth. The success of this program depends on good relations with the United States and other industrialized nations that both recognize the People's Republic of China and maintain commercial relations with the people on Taiwan. A decision by China to use force against Taiwan would, in effect, be a decision to renounce good relations with these nations and hence to abandon the program of modernization and growth. Such a sharp reversal of policy would appear to be highly unlikely.

Finally, the fact is that Taiwan is strong militarily, and we will continue to sell Taiwan selected, defensive weapons, as we have done in the past. By contrast, the People's Republic of China does not have the military capability to invade Taiwan and has not attempted to acquire that capability. The Secretary of Defense will testify before this committee about the security of Taiwan from a military

standpoint. I shall, therefore, only note the improbability of an attack across 100 miles of water against strong forces and well-prepared defensive positions, as well as the military problems that China faces from other quarters.

The Proposed Legislation

Let me now comment on the bill in greater detail. The bill has three titles. Title I, in its first three sections, provides that our laws and regulations will continue to apply to the people on Taiwan as they have in the past. Thus, section 101 preserves Taiwan's eligibility to participate in any U.S. program for which recognition or diplomatic relations is otherwise required. Section 102 provides that such terms as "foreign country," "nation," "state," as used in U.S. legislation, will include the people on Taiwan. And section 103 authorizes the executive branch to carry out with respect to the people on Taiwan programs and other relations which are authorized or required under U.S. law to be carried out with respect to foreign countries.

Thus, taken together, sections 101, 102, and 103 provide for continuation of our programs with the people on Taiwan under U.S. law, notwithstanding the normalization of relations with the People's Republic of China.

Section 104 provides for our use of the American Institute in Taiwan to conduct relations with the people on Taiwan. Section 105 provides that whenever the U.S. Government is authorized or required to enter into an agreement relative to the people on Taiwan, the agreement may be entered into by the institute. Similarly, section 106 provides that actions by an instrumentality established by the people on Taiwan will satisfy U.S. legal requirements for actions by a foreign country.

Practical Aspects

These sections permit important relationships to continue on an unofficial basis. Let me take a moment to describe what this will mean in practice. Basically, the American Institute in Taiwan will carry out the functions in the commercial, cultural, and other areas previously performed by our Embassy in Taipei. For example, as the Embassy has done, the American Institute in Taiwan will perform the normal range of services for American businessmen in Taiwan, such as providing data and responding to inquiries concerning economic conditions and investment opportunities.

In addition, the institute will process applications for visas and passports, just as the Embassy has done. (The actual issuance of visas will, of course, have to be done by consular officers, probably in posts near Taiwan, such as our Consulate General in Hong Kong. We are still working out the technicalities of this matter.)

As for trade, to the extent that trade agreements, such as orderly marketing arrangements, are deemed desirable, they would be entered into between the American Institute in Taiwan and its Taiwan counterpart. Taiwan will continue to enjoy most-favored-nation treatment and there is every reason to believe that trade between the United States and Taiwan will continue to flourish.

As another example, I would note that the Arms Export Control Act authorizes the President to sell arms to foreign countries and requires certain undertakings from the purchasing government, such as a promise to provide funds for timely payment of contractors. The American Institute in Taiwan will make sales under the Arms Export Control Act to its counterpart instrumentality created by the people on Taiwan and will accept undertakings from that instrumentality which will satisfy the statute.

In sum, the picture I want to give you is one of relations continuing without interruption but on an unofficial basis through nongovernmental means. It must be said, of course, that it takes two parties to conduct a relationship. It will not be possible for us to maintain relations unless Taiwan agrees to establish an unofficial instrumentality with which the American Institute in Taiwan may deal. Should Taiwan choose not to create such an instrumentality, then the picture I have painted becomes very unclear indeed, and the prospect of a hiatus in our relations as of March 1 becomes real.

Turning back to title I of the legislation, I would note that under section 107, when U.S. law requires that foreign law be considered, the law applied by the people on Taiwan will be considered foreign law. This clarification will be important, for example, in determining the validity of marriages and divorces, the distribution of decedents' estates, and similar matters. It is also important for public law purposes such as the application of trade laws.

Title II of the bill permits government agencies to provide support for the institute. It thus enables the institute to make maximum use of existing U.S. Government resources rather than establish costly and duplicative independent capabilities.

Title II also provides equitable treatment for those who interrupt their government careers to accept temporary employment with the institute. It permits Federal employees who leave government service for employment at the institute to continue to participate in Federal employee benefit programs and to return to Federal service at a later date without damage to their careers.

Finally, title II provides that the institute will be tax exempt and that the salaries and allowances paid to employees of the institute will be taxed in the same way as comparable payments the government makes to its own employees.

Title III of the bill authorizes the appropriation of funds for the institute. This will permit the consolidation of the institute's costs into a single budget account, which will facilitate executive branch and congressional oversight. For the current fiscal year, we intend to finance a contract with the institute by reprogramming funds appropriated to the Department of State and other agencies.

On behalf of the Administration, I commend this legislation to you and urge its prompt enactment. The Congress will thereby insure that the substance of our many important relations with the people on Taiwan will be preserved and that these relations will prosper.

PRESIDENT CARTER'S MESSAGE TO CONGRESS[3]

The United States of America has recognized the Government of the People's Republic of China as the sole legal government of China and is establishing diplomatic relations with that government. The Joint Communique issued by the United States and the People's Republic of China was the culmination of a long process begun by President Nixon and continued by President Ford and me.

I have also announced that, in the future, the American people will maintain commercial, cultural, and other relations with the people on Taiwan without official government representation and without diplomatic relations. In furtherance of that policy, and pending enactment of legislation on the subject, I have directed all departments and agencies to continue unofficially to conduct programs, transactions and other relations with Taiwan.

To authorize legally the permanent implementation of that policy, I am today transmitting to the Congress a bill "To promote the foreign policy of the United States through the maintenance of commercial, cultural and other relations with the people on Taiwan on an unofficial basis, and for other purposes."

This bill will confirm the continued eligibility of the people on Taiwan for participation in

programs and activities that under United States law are to be carried out with foreign governments; provide for the carrying out of such programs and activities on an unofficial basis through the American Institute in Taiwan, a non-profit corporation, and the corresponding instrumentality being established by the people on Taiwan; and establish funding, staffing and administrative relationships of the Institute. It also contains other authorizations and provisions relating to the foregoing matters.

I am confident the Congress shares my view that it is in the national interest that these unofficial relations between the American people and the people on Taiwan be maintained. It is highly desirable that this legislation be enacted as promptly as possible. I look forward to working with the Congress on this important project.

JIMMY CARTER

TEXT OF PROPOSED LEGISLATION[4]

A BILL. To promote the foreign policy of the United States through the maintenance of commercial, cultural and other relations with the people on Taiwan on an unofficial basis, and for other purposes.

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

TITLE I

SECTION 101. No requirement for maintenance of diplomatic relations with the United States, or for recognition of a government by the United States, as a condition of eligibility for participation in programs, transactions or other relations authorized by or pursuant to United States law shall apply with respect to the people on Taiwan.

SEC. 102. Whenever any law, regulation or order of the United States refers or relates to a foreign country, nation, state, government or similar entity, such terms shall include, and such law, regulation or order shall apply with respect to, the people on Taiwan.

SEC. 103. Whenever authorized or required by or pursuant to United States law to conduct or carry out programs, transactions or other relations with respect to a foreign country, nation, state, government or similar entity, the President or any department or agency of the United States Government is authorized to conduct and carry out such programs, transactions and other relations with respect to the people on Taiwan, in accordance with applicable laws of the United States.

SEC. 104. Programs, transactions and other relations conducted or carried out by the President or any department or agency of the United States Government with respect to the people on Taiwan shall, as the President may direct, be conducted and carried out by or through the American Institute in Taiwan, a nonprofit corporation incorporated under the laws of the District of Columbia (hereinafter "the Institute").

SEC. 105. Whenever the President or any department or agency of the United States Government is authorized or required by or pursuant to United States law to enter into, perform, enforce, or have in force an agreement or arrangement relative to the people on Taiwan, such agreement or arrangement shall be entered into, or performed and enforced, as the President may direct, by or through the Institute.

SEC. 106. Whenever the President or any department or agency of the United States Government is authorized or required by or pursuant to United States law to render or provide to, or to receive or accept from, the people on Taiwan any performance, communication, assurance, undertaking or other action, such action shall, as the President may direct, be rendered or provided to, or received or accepted from, an instrumentality established by the people on Taiwan.

SEC. 107. Whenever the application of a rule of law of the United States depends upon foreign law, or compliance with foreign law, the law applied by the people on Taiwan shall be considered foreign law for that purpose.

TITLE II

SEC. 201. Any department or agency of the United States Government is authorized to sell, loan or lease property, including interests therein, to, and to perform administrative and technical support functions and services for the operations of, the Institute upon such terms and conditions as the President may direct. Reimbursements to departments and agencies under this section shall be credited to the current applicable appropriation of the department or agency concerned.

SEC. 202. Any department or agency of the United States Government is authorized to acquire and accept services from the Institute upon such terms and conditions as the President may direct, without regard to the laws and regulations normally applicable to the acquisition of services by such department or agency.

SEC. 203. Any department or agency of the United States Government employing alien personnel in Taiwan is authorized to transfer such personnel, with accrued allowances, benefits and rights, to the Institute without a break in service for purposes of retirement and other benefits, including continued participation in any system established by law or regulation for the retirement of employees, under which such personnel were covered prior to the transfer to the Institute. *Provided*, That employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the system's fund or depository.

SEC. 204. (a) Under such terms and conditions as the President may direct, any department or agency of the United States Government is authorized to separate from Government service for a specified period any officer or employee of that department or agency who accepts employment with the Institute.

(b) An officer or employee separated under subsection (a) of this section shall be entitled upon termination of such employment with the Institute to reemployment or reinstatement with that department or agency or a successor agency in an appropriate position with attendant rights, privileges and benefits which the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the President may prescribe.

(c) An officer or employee entitled to reemployment or reinstatement rights under subsection (b) of this section shall, while continuously employed by the Institute with no break in continuity of service, continue to participate in any benefit program in which such officer or employee was covered prior to employment by the Institute, including programs for compensation for job-related death, injury or illness; for health and life insurance; for annual, sick and other statutory leave; and for retirement under any system established by law or regulation: *Provided*, That employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, must be currently deposited in the program's or system's fund or depository. Death or retirement of any such officer or employee during approved service with the Institute and prior to reemployment or reinstatement shall be considered a death in service or retirement from the service for the purposes of any employee or survivor benefits acquired by reason of service with a department or agency of the United States Government.

(d) Any employee of the department or agency of the United States Government who entered into service with the Institute on approved leave of absence without pay prior to the enactment of this Act shall receive the benefits of this title for the period of such service.

SEC. 205. The Institute shall be treated as a tax exempt organization described in section 501(c)(3) of the Internal Revenue Code of 1954, and shall not be an agency or instrumentality of the United States. Employees of the Institute shall not be employees of the United States and, in representing the Institute, shall be exempt from section 207 of title 18, United States Code. The salaries and allowances paid to employees of the Institute shall be treated in the same way for tax purposes, under sections 911, 912 and 913 of the Internal Revenue Code of 1954, as salaries and equivalent allowances paid by departments and agencies of the United States Government.

TITLE III

SEC. 301. In addition to funds otherwise available for the purposes of this Act, there are authorized to be appropriated to the Secretary of State from time to time such funds as may be necessary to carry out such purposes. Such funds are authorized to remain available until expended.

SEC. 302. The Secretary of State is authorized to use funds made available to carry out this Act to further the maintenance of commercial, cultural and other relations with the people on

Taiwan on an unofficial basis. The Secretary may provide such funds to the Institute for expenses directly related to the purposes of this Act, including—

(1) Payment of salaries and benefits to Institute employees;

(2) Acquisition and maintenance of buildings and facilities necessary to the conduct of Institute business;

(3) Maintenance of adequate security for Institute employees and facilities; and

(4) Such other expenses as may be necessary for the effective functioning of the Institute.

SEC. 303. Any department or agency of the United States Government making funds available to the Institute in accordance with this Act shall make arrangements with the Institute for the Comptroller General of the United States to have access to the books and records of the Institute and the opportunity to audit the operations of the Institute.

SEC. 304. The programs, transactions and other relations carried out by the President or any department or agency of the United States Government with respect to the people on Taiwan since January 1, 1979, are approved and confirmed.

SEC. 305. The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this Act.

ANALYSIS[4]

SECTION BY SECTION ANALYSIS OF THE PROPOSED ACT TO PROMOTE THE FOREIGN POLICY OF THE UNITED STATES THROUGH THE MAINTENANCE OF COMMERCIAL, CULTURAL AND OTHER RELATIONS WITH THE PEOPLE ON TAIWAN ON AN UNOFFICIAL BASIS, AND FOR OTHER PURPOSES

I. INTRODUCTION

The legislation (hereinafter "the Bill") is being proposed as the result of the recognition by the United States of the People's Republic of China as the sole legal government of China and the establishment of diplomatic relations between the United States and the People's Republic of China. Its purpose is to facilitate continuation of commercial, cultural and other relations between the American people and the people on Taiwan on an unofficial basis.

The Bill clarifies the application of laws of the United States to the people on Taiwan in light of the changed diplomatic situation, and provides for the continued conduct of programs and transactions with the people on Taiwan. It also contains a number of provisions on administrative, financial and related subjects which will facilitate this new non-governmental relationship with the people on Taiwan.

The term "people on Taiwan," as used in the Bill, reflects the non-existence of a government to government relationship, and encompasses both the authorities and the inhabitants on the islands of Taiwan and the Pescadores.

II. PROVISIONS OF THE BILL

Section 101

This section provides that legal requirements for the maintenance of diplomatic relations with the United States or recognition of a foreign government by the United States will not be a bar to eligibility of the people on Taiwan for participation in programs, transactions or other relations under U.S. law. This will avoid questions under provisions of law such as section 620(t) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(t)), which refers explicitly to severance of diplomatic relations. It is also intended to satisfy requirements for diplomatic relations with or recognition by the United States which might be implied by terms such as "friendly country" contained in various statutes.

Section 102

This section specifies that laws, regulations and orders which refer or relate to "foreign countries," or use similar terms, shall continue to include and apply to the people on Taiwan. The President has directed the heads of all departments and agencies to construe such laws as continuing to apply to the people on Taiwan. This directive has facilitated maintenance of unofficial relations pending action by the Congress. This section is intended to confirm continued eligibility of the people of Taiwan under such important legislation as the Arms Export Control Act, Atomic Energy Act of 1954, the Export-Import Bank Act, the Foreign Assistance Act of 1961, the Mutual Educational and Cultural Exchange Act of 1961 and the Trade Act of 1974.

Section 103

This section expressly confirms the authority of the President and departments and agencies to carry out programs, transactions and other relations with the people on Taiwan under laws which provide for such programs, transactions and relations with respect to foreign countries.

Section 104

This section provides that programs, transactions and relations with respect to the people on Taiwan will be conducted by or through the American Institute in Taiwan, in the manner and to the extent directed by the President. This provision implements the President's statement of December 15, 1978 that the American people and the people on Taiwan "will maintain commercial, cultural, and other relations without official government representation . . ." The American Institute in Taiwan is a nonprofit corporation organized under the laws of the District of Columbia, which has been established for this purpose.

Section 105

This section provides for the performance and enforcement of existing agreements, and the making of new agreements, with the people on Taiwan by or through the Institute, to satisfy authorizations or requirements for agreements or arrangements with the people on Taiwan. If, for example, an agreement with a "foreign country" is a condition of eligibility for participation in a program, with respect to the people on Taiwan such a condition will be satisfied by an agreement entered into or performed through the Institute. This section applies not only to new agreements, but also to previous agreements, which remain in force unless terminated.

Section 106

This section provides for dealing with the people on Taiwan through an instrumentality acting on their behalf. It makes clear that provisions for dealing with a "foreign government" will be satisfied with respect to the people on Taiwan by dealing with that instrumentality. Section 104 and 105 and this section provide for the conduct of nongovernmental relations through the Institute and the counterpart instrumentality of the people on Taiwan.

Section 107

This section provides that when the application of United States law depends upon foreign law, the law applied by the people on Taiwan shall be looked to for that purpose.

Section 201

This section authorizes departments and agencies to provide support for the Institute's internal operations through transfers of property and the performance of functions and services. This will provide access by the Institute to existing federal resources in order to reduce costs and increase the efficiency of operations. It is expected that such support usually will be provided on a reimbursable basis.

Section 202

This section authorizes departments and agencies to acquire and accept services from the Institute. Although the initial arrangements with the Institute are on a conventional contractual basis, this section authorizes the President to disregard normally applicable laws and regulations, such as limitations in procurement regulations, in order to permit the development of appropriate arrangements in these unique circumstances.

Section 203

This section authorizes the transfer to the Institute of alien employees of the U.S. Government and preserves their benefits under the local compensation plan applicable in Taiwan under section 444 of the Foreign Service Act of 1946, as amended (22 U.S.C. 889). It is expected that the Institute will adopt this plan for its alien employees. This section also authorizes the continued participation in U.S. Government retirement systems by those transferred alien employees who have heretofore been covered by such systems, subject to continued payment of contributions and deductions to the appropriate fund.

Section 204

This section, consisting of five subsections,

provides authority for the separation of federal employees for employment with the Institute, preservation of their federal benefits, and reemployment rights in the federal service. It is contemplated that such separated federal personnel will make up the staff of the Institute.

Subsection (a) provides that a federal officer or employee who accepts employment with the Institute may be separated from his or her agency.

Subsection (b) provides that any officer or employee so separated is entitled, upon termination of employment with the Institute, to be reemployed or reinstated in the federal service. Normally, reemployment for an employee in the classified service will be to the position from which the employee was separated. However, the President is authorized to determine the appropriateness of the position for reemployment. It is anticipated that, especially in personnel systems based on the rank in person concept, reemployment could be in a higher class.

Subsection (c) provides for continuity of federal benefits during service with the Institute, including compensation for job related death, illness or injury, health and life insurance, leave, and retirement. Contributions, where required, must be paid in order to preserve these benefits. This section also provides that death or retirement by a federal employee separated under subsection (a) while employed by the Institute shall be considered a death in or retirement from the federal service for purposes of benefit entitlement.

Subsection (d) authorizes the extension of the benefits of Title II of the Bill to federal employees serving with the Institute on leave without pay prior to the Bill's enactment.

Section 205

This section addresses several questions relating to the status of the Institute and its employees. It specifies that the Institute shall be exempt from federal taxation and shall not be an agency or instrumentality of the United States. With respect to the Institute's employees, this section provides that they shall not be employees of the United States, and that they shall be exempt from the statutory prohibition against dealing with their former agencies in representing the Institute. It also provides that the salaries and allowances of Institute employees shall be taxable in the same way as salaries and allowances of federal employees.

Section 301

This section authorizes appropriations to the Secretary of State of funds necessary to carry out the Bill. It is contemplated that the funds necessary for the operation and support of the Institute on behalf of all departments and agencies will be consolidated into a single account. However, this section preserves the continued ability of departments and agencies to utilize the Institute for the performance of functions involving the use of funds appropriated to the department or agency concerned. Funds appropriated under this section could be made available until expended.

Section 302

This section authorizes the Secretary of State to use the funds made available under the Bill to further the maintenance of commercial, cultural, and other relations with the people on Taiwan on an unofficial basis. In particular, it authorizes the Secretary to provide these funds to the Institute for this purpose. The use of appropriated funds by the Institute will be governed by an appropriate contractual arrangement with the Secretary of State, which will contain limitations on expenses, such as limitations on the compensation of Institute employees. The Institute will be required under this arrangement to adhere generally to the limitations applicable to federal employees.

Section 303

This section requires that departments and agencies assure access by the Comptroller General to the Institute's books and records, and that they provide the Comptroller General the opportunity to audit the Institute's operations.

Section 304

This section approves and confirms the U.S. Government actions taken since January 1, 1979, and prior to the Bill's enactment with respect to the people on Taiwan.

Section 305

This section authorizes the President to prescribe appropriate rules and regulations to carry out the Bill's purposes. ☐

MIDDLE EAST: *Challenges and Opportunities for Peace in the Middle East*

by Harold H. Saunders

Address before a conference sponsored by the Department of State, the World Affairs Council of Boston, and the Ford-Hall Forum in Boston on January 29, 1979.

There are few areas in the world today where so many different and important American interests come together as is the case in the Middle East. This is an area where fundamental changes are taking place at a dramatic rate. It embraces some of the most resource-rich and rapidly modernizing nations of the world as well as some of the poorest and most traditional. We must expect instability. At the same time we must recognize that the changes we are witnessing across this strategic area contain not only the causes of instability and crisis but also the seeds of progress.

Because of the importance of all our interests, the only sensible American policy toward this area is one which permits us to pursue all of those interests at the same time in conditions of orderly change. Only when we are actively engaged in the search for peace can we pursue the full range of our interests with all the principal nations of the Middle East.

In this session, I want to concentrate on the process of achieving an Arab-Israeli peace and on how this relates to our broader strategy toward the region. For three decades the Middle East has been subjected to the tragic course of conflict, tension, stalemate, terror, and renewed conflict. This recurrent cycle affecting both Israelis and Arabs has contributed to instability in the region—and has impaired the hopes for peace and prosperity for the world at large.

Over the past year we have witnessed dramatic advances, building on the historic visit of President Sadat to Jerusalem and on significant decisions by Prime Minister Begin. The framework for peace produced at Camp David by President Sadat, Prime Minister Begin, and President Carter,[1] and now the treaty package almost completed in the hard but rewarding negotiations which began in Washington October 12, [1978] provide an unprecedented opportunity for the people of the Middle East to turn away from the long cycle of violence and move toward the new challenges of peace.

My purpose here is to assure to the extent possible that this opportunity—and what is at stake should it be lost—is fully understood. The framework for peace agreed at Camp

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[1] The complete transcript of the hearings will be published by the committee and will be available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

[2] For text, see BULLETIN of Feb. 1979, p. 24.

[3] Text from White House press release of Jan. 26, 1979; also printed as House Doc. No. 96-45 of Jan. 29, 1979.