

TO DIRECT THE PRESIDENT TO SUBMIT TO CONGRESS A REPORT ON FUGITIVES CURRENTLY RESIDING IN OTHER COUNTRIES WHOSE EXTRADITION IS SOUGHT BY THE UNITED STATES AND RELATED MATTERS; AND TO REQUIRE A REGIONAL STRATEGY TO ADDRESS THE THREAT POSED BY BOKO HARAM

MARKUP

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND
INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

H.R. 2189 and H.R. 3833

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CONTENTS

| | Page |
|---|------|
| MARKUP ON | |
| H.R. 2189, To direct the President to submit to Congress a report on fugitives currently residing in other countries whose extradition is sought by the United States and related matters | 3 |
| H.R. 3833, To require a regional strategy to address the threat posed by Boko Haram | 8 |
| LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE RECORD | |
| APPENDIX | |
| Markup notice | 22 |
| Markup minutes | 23 |
| Markup summary | 25 |

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THURSDAY, SEPTEMBER 22, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:00 p.m., in room 2200 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. Good afternoon, and the subcommittee will come to order.

Pursuant to notice, we are here this afternoon to mark up H.R. 2189, Walter Patterson and Werner Foerster Justice and Extradition Act, as introduced, and H.R. 3833, To require a regional strategy to address the threat posed by Boko Haram, as introduced.

The first measure, and I will be very brief, the Walter Patterson and Werner Foerster Justice and Extradition Act, was introduced by me along with my good friend and fellow New Jersey Congressman Albio Sires.

It has broad bipartisan support with an equal number of Democrats and Republicans as cosponsors. Roughly $\frac{1}{3}$ of the 20 cosponsors are members of the House Committee on Foreign Affairs, including Mr. Donovan from our subcommittee, and I invite others to consider joining on as cosponsors.

The second measure, which seeks a regional strategy for combating Boko Haram, was introduced by Congresswoman Frederica Wilson and has 45 cosponsors including my good friend and colleague, Ms. Karen Bass.

I am very supportive of its objectives and my staff has worked with Ms. Wilson's staff on some of the text of that measure.

Due to the fact there are a number of concurrent hearings and other events vying for the attention of the subcommittee members and having consulted with the ranking member, it is the intent of the Chair to expedite consideration of these measures by holding a vote on each measure separately followed by an opportunity to make comments.

All members have copies of H.R. 2189 and H.R. 3833 before them. After we have concluded our expedited consideration I'd be glad to recognize any member including myself and the ranking member for any statements on the issues and I would also invite Congresswoman Wilson to make any statement that she would like to make on her bill as well.

All members are given leave to insert written remarks into the record should they choose to do so. Seeing that we do have the requisite number of members present, without objection the following will be considered read: H.R. 2189, the Walter Patterson and Werner Foerster Justice and Extradition Act, as introduced, and H.R. 3833, to require a regional strategy to address the threat posed by Boko Haram, as introduced.

[The information referred to follows:]

114TH CONGRESS
1ST SESSION

H. R. 2189

To direct the President to submit to Congress a report on fugitives currently residing in other countries whose extradition is sought by the United States and related matters.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2015

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

A BILL

To direct the President to submit to Congress a report on fugitives currently residing in other countries whose extradition is sought by the United States and related matters.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Walter Patterson and
5 Werner Foerster Justice and Extradition Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

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

1 (1) Extradition is the formal surrender of a
2 person by one state to another state for prosecution
3 or punishment.

4 (2) Refusal by other nations to extradite or oth-
5 erwise render to the United States fugitives within
6 their jurisdiction who have been convicted of com-
7 mitting crimes on United States soil impedes the ju-
8 dicial process and undermines the rule of law.

9 (3) The United States has bilateral extradition
10 treaties with more than 100 nations and an extra-
11 dition agreement with the European Union.

12 (4) The United States has bilateral extradition
13 treaties with Portugal and Cuba.

14 (5) The failure to bring criminal fugitives to
15 justice in the United States is an affront to the vic-
16 tims of those crimes.

17 (6) The refusal of Portugal, a close ally and
18 good friend of the United States, to extradite George
19 Wright, convicted of the 1962 murder of Walter
20 Patterson, fugitive from justice since his 1970 es-
21 cape from the Bayside State Prison in New Jersey,
22 is a deplorable example of a failure to extradite, and
23 has caused ongoing suffering and stress to Mr. Pat-
24 terson's surviving family and friends.

1 (7) The refusal of Cuba to extradite or other-
2 wise render Joanne Chesimard, an escaped convict
3 who fled to Cuba after killing Werner Foerster, New
4 Jersey State Trooper, is a deplorable example of a
5 failure to extradite or otherwise render, and has
6 caused ongoing suffering and stress to Mr.
7 Foerster's surviving family and friends.

8 (8) The refusals to extradite George Wright
9 and Joanne Chesimard are emblematic of a number
10 of such refusals from other nations, such that
11 United States policies and efforts to secure extra-
12 dition and the extradition policies of countries from
13 which the United States seeks extradition and ren-
14 dition bear further examination.

15 (9) Such examination will be promoted by the
16 issuance of a public report on the status of extra-
17 dition requests by the United States and related
18 matters.

19 (b) PURPOSE.—The purpose of this Act is to provide
20 information necessary to evaluate and thereby strengthen
21 United States Government efforts to extradite fugitives.

22 **SEC. 3. REPORT.**

23 (a) IN GENERAL.—Not later than 270 days after the
24 date of the enactment of this Act, and not later than the
25 end of each 12-month period thereafter, the President

1 shall submit to the appropriate congressional committees
2 a report on—

3 (1) the number of fugitives, and others for
4 whom the United States Government is seeking ex-
5 tradition or rendition, currently residing in other
6 countries whose extradition is sought by the United
7 States and a list of those countries;

8 (2) diplomatic and other efforts, if any, the
9 United States has undertaken to secure the return
10 of such fugitives;

11 (3) the average length of time these cases have
12 been outstanding;

13 (4) how many of these cases have been resolved
14 to the satisfaction of the United States;

15 (5) factors that have been barriers to the reso-
16 lution of these cases; and

17 (6) information on the number of United States
18 citizens whose extradition has been sought by other
19 countries during the past 5 years, a list of those
20 countries seeking extradition, and the outcomes of
21 those requests.

22 (b) FORM.—The report required by subsection (a)
23 shall be submitted in unclassified form, but may include
24 a classified annex if necessary.

1 (e) DEFINITION.—In this section, the term “appro-
2 priate congressional committees” means—

3 (1) the Committee on Foreign Affairs and the
4 Committee on the Judiciary of the House of Rep-
5 resentatives; and

6 (2) the Committee on Foreign Relations and
7 the Committee on the Judiciary of the Senate.

114TH CONGRESS
1ST SESSION

H. R. 3833

To require a regional strategy to address the threat posed by Boko Haram.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2015

Ms. WILSON of Florida introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require a regional strategy to address the threat posed
by Boko Haram.

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

3 **SECTION 1. REGIONAL STRATEGY TO ADDRESS THE**
4 **THREAT POSED BY BOKO HARAM.**

5 (a) STRATEGY REQUIRED.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of State and the Secretary of Defense shall
9 jointly develop and submit to the appropriate com-

1 mittees of Congress a 5-year strategy to help enable
2 the Government of Nigeria, members of the Multi-
3 national Joint Task Force to Combat Boko Haram
4 (MNJTF) authorized by the African Union, and rel-
5 evant partners to counter the regional threat of
6 Boko Haram and assist the Government of Nigeria
7 and its neighbors to accept and address legitimate
8 grievances of vulnerable populations in areas af-
9 fected by Boko Haram.

10 (2) ELEMENTS.—At a minimum, the strategy
11 shall address the following elements:

12 (A) Enhance, pursuant to existing authori-
13 ties and restrictions, the institutional capacity,
14 including military capabilities, of the Govern-
15 ment of Nigeria and partner nations in the re-
16 gion, as appropriate, to counter the threat
17 posed by Boko Haram.

18 (B) Provide humanitarian support to civil-
19 ian populations impacted by Boko Haram's ac-
20 tivity.

21 (C) Specific activities through which the
22 United States Government intends to improve
23 and enhance the capacity of MNJTF member
24 nations to investigate and prosecute human

1 rights abuses by security forces and promote re-
2 spect for the rule of law within the military.

3 (D) A means for assisting Nigeria, and as
4 appropriate, MNJTF member nations, to
5 counter violent extremism, including efforts to
6 address underlying societal factors shown to
7 contribute to the ability of Boko Haram to
8 radicalize and recruit individuals.

9 (E) A plan to strengthen and promote the
10 rule of law, including by improving the capacity
11 of the civilian police and judicial system in Ni-
12 geria, enhancing public safety, and responding
13 to crime (including gender-based violence),
14 while respecting human rights and strength-
15 ening accountability measures, including meas-
16 ures to prevent corruption.

17 (F) Strengthen the long-term capacity of
18 the Government of Nigeria to enhance security
19 for schools such that children are safer and
20 girls seeking an education are better protected,
21 and to combat gender-based violence and gen-
22 der inequality.

23 (G) Identify and develop mechanisms for
24 coordinating the implementation of the strategy
25 across the interagency and with the Govern-

1 ment of Nigeria, regional partners, and other
2 relevant foreign partners.

3 (H) Identify the resources required to
4 achieve the strategy's objectives.

5 (b) ASSESSMENT.—The Director of National Intel-
6 ligence shall submit, to the appropriate committees of
7 Congress, an assessment regarding—

8 (1) the willingness and capability of the Govern-
9 ment of Nigeria and regional partners to implement
10 the strategy developed under subsection (a), includ-
11 ing the capability gaps, if any, of the Government
12 and military forces of Nigeria that would need to be
13 addressed to enable the Government of Nigeria and
14 the governments of its partner countries in the re-
15 gion—

16 (A) to counter the threat of Boko Haram;
17 and

18 (B) to address the legitimate grievances of
19 vulnerable populations in areas affected by
20 Boko Haram; and

21 (2) significant United States intelligence gaps
22 concerning Boko Haram or on the willingness and
23 capacity of the Government of Nigeria and regional
24 partners to implement the strategy developed under
25 subsection (a).

1 (c) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that lack of economic opportunity and access to edu-
3 cation, justice, and other social services contributes to the
4 ability of Boko Haram to radicalize and recruit individ-
5 nals.

6 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
7 FINED.—In this section, the term “appropriate commit-
8 tees of Congress” means—

9 (1) the Committee on Armed Services, the
10 Committee on Foreign Relations, the Committee on
11 Appropriations, and the Select Committee on Intel-
12 ligence of the Senate; and

13 (2) the Committee on Armed Services, the
14 Committee on Foreign Affairs, the Committee on
15 Appropriations, and the Permanent Select Com-
16 mittee on Intelligence of the House of Representa-
17 tives.

Mr. SMITH. The Chair moves that H.R. 2189, the Walter Patterson and Werner Foerster Justice and Extradition Act, be adopted as introduced. All those in favor say aye. Aye. All those opposed say no.

Ms. BASS. No.

Mr. SMITH. The ayes have it, in the opinion of the Chair. The item is adopted. Did you want to record a vote?

Ms. BASS. Yes.

Mr. SMITH. Ms. Bass requests to record a vote.

Ms. BASS. Thank you, Mr. Chair, and thank you for holding this markup.

In the unusual situation, with all due respect, I did want to verbalize my opposition to H.R. 2189 and specifically my concern is that this legislation could undermine what I believe has been considerable progress regarding the bilateral relationship between the U.S. and Cuba since the normalization of relations was announced by President Barack Obama on December 17, 2014.

The United States and Cuba are currently conducting a full spectrum of bilateral negotiations with which to further establish working relations between the two countries.

With the resumption of full diplomatic ties following the reopening of the respective Embassies in Washington and Havana, we have seen a number of announcements from the administration and travel to Cuba by U.S. Government officials.

The State Department has emphasized and reiterated the historical significance of this progress following the more than 50 years during which there was no official communication between the U.S. and Cuba.

The State Department has also emphasized the critical importance of these bilateral negotiations in terms of an ongoing dialogue crucial to furthering cooperation between Washington and Havana on a range of issues such as extradition—critical to both capitals.

The issue of extradition is indeed important to both Washington and Havana. Regarding the latter, the Cuban Government continues to question the acquittal in the U.S. of Luis Posada Carriles for the 1976 suitcase bombing of Cubana Airlines.

For the U.S., the issue of U.S. fugitives living in Cuba remains a key issue, which is why it is part of the ongoing dialogue.

To date, the U.S. has held two law enforcement dialogues with Cuba in November 2015 and in May 2016 and a third round is currently being scheduled.

The dialogues have included a discussion on a wide range of law enforcement cooperation including the issue of U.S. fugitives from justice living in Cuba.

As such, it appears that H.R. 2189 could circumvent this newly established process of negotiations agreed on by the U.S. and Cuba and in doing so creates a dangerous precedent that not only could potentially undermine the bilateral relationship but also challenges the administration's new dialogue with Cuba's Government and its citizens.

Further, H.R. 2189 may also serve to raise questions on the part of the Cuban Government with regard to the real intent of the U.S. administration's ongoing bilateral negotiations and my concern is

that it could contribute to lessening cooperation between our two countries.

With that, I thank you, Mr. Chair, for allowing me to state my opinion and for your leadership on this issue.

Mr. SMITH. Would you like a recorded vote?

Ms. BASS. I would like a recorded vote.

Mr. SMITH. The clerk will call the roll.

Mr. KEARNEY. Ms. Bass.

Ms. BASS. No.

Mr. KEARNEY. Mr. DesJarlais.

Mr. DESJARLAIS. Yes.

Mr. KEARNEY. Mr. Donovan.

Mr. DONOVAN. Yes.

Mr. KEARNEY. Mr. Meadows.

Mr. MEADOWS. Yes.

Mr. KEARNEY. Mr. Smith.

Mr. SMITH. Yes.

Mr. KEARNEY. The recorded vote is four yeas, one nay.

Mr. SMITH. The ayes have it and the bill is agreed to.

I'd now like to move H.R. 3833, to require a regional strategy to address the threat by Boko Haram, be adopted as introduced. All those in favor, say aye. Aye. All those opposed say no. The ayes have it. In the opinion of the Chair, the item is adopted.

Without objection, the measures are reported favorably to the full committee. The staff is directed to make technical and conforming changes.

I'd note that we have completed our formal consideration, again, out of deference to our members' schedules.

But anyone who would like to stay for any comments on the two measures just passed please stick around and I would recognize myself and the ranking member for those purposes and anyone else who would like to speak on the measures just adopted.

Let me speak first on H.R. 2189. In 1963, Walter Patterson, a decorated World War II veteran and Bronze Star recipient, was shot to death and savagely beaten during a robbery committed by George Wright.

Mr. Wright was subsequently convicted of the murder and sentenced to 15 to 30 years but in 1970 escaped from Leesburg State Prison, now renamed Bayside State Prison, located in New Jersey.

For 41 years George Wright's whereabouts were unknown though he was also sought for hijacking a passenger jet during this period. He hijacked it to Algiers and he built a life based on lies and on deception.

When George Wright was located in Portugal in 2010, the Patterson family naturally thought that as a convicted felon and prison escapee he would be speedily returned to the United States to finish serving his sentence.

Portugal, after all, is a friend of the U.S., committed to the rule of law, and has a longstanding extradition agreement with the United States.

Shockingly, a Portuguese court rejected the U.S. extradition request in 2011 and efforts to reverse that decision by the U.S. Government ceased in 2012.

The Patterson family, so deeply wounded by the murder of their beloved family member and then by the murderer's escape, have had their wounds reopened by the Portuguese Government's refusal to extradite George Wright.

I point out that I chaired, a few years back, a hearing where we heard from members of the family who spoke very eloquently and very much in pain about the loss of their husband, father and, others, their friend.

And the now retired FBI agent who tracked him down also spoke and, again, made a very, very strong representation as to how important it was that he be brought back to the United States to complete his sentence.

There is no closure whatsoever of that terrible, terrible murder. Not that there ever is fully for the family and the surviving friends, and especially family, but to know that he is living in Portugal free and clear is unconscionable.

This failure of U.S. international extradition policy is not isolated. In 1973, Werner Foerster, a New Jersey state trooper, was murdered by Joanne Chesimard during a routine traffic stop.

I know the exact spot. It's on the New Jersey Turnpike right near the New Brunswick exit. I have been to it. I've actually gone right where the murder took place.

In 1977, Ms. Chesimard was convicted of murder and sentenced to life in prison. She escaped in 1979 and fled to Cuba where she remains to this day an honored guest of the Cuban Government.

Many other fugitives are suspected of taking refuge in Cuba including infamous criminals Victor Manuel Gerena, wanted for armed robbery; Charles Hill, wanted for air piracy, kidnapping, and murder; William Morales, a prison escapee previously convicted of weapons charges; Cheri Dalton, wanted for a string of robberies; and Frank Terpil, a former CIA employee convicted in absentia on arms trafficking charges.

With or without an extradition treaty, to both allies of the United States and unfriendly governments, there are too many cases around the world where efforts to extradite convicted criminals have simply stalled, leaving surviving families without closure and our efforts to seek justice remains in limbo.

Instead of continuing to allow violent criminals to live openly abroad, apparently outside of our Government's reach, we must strengthen the executive branch's ability to take action to resolve failed extraditions.

In response to this problem, this bill requires the executive branch to provide Congress with an annual study on the various aspects of U.S. extradition policy such that Congress can take action to address outstanding issues in the extradition system.

It's broken. We need to fix it. Currently, the executive branch's management of the extradition system is largely opaque to congressional oversight and, hence, resistant to reform.

The bill requires the executive branch to provide Congress with an annual report on a number of aspects of—on a number of aspects of U.S. international extradition policy so that Congress can take appropriate action to address these outstanding issues.

These reports will also assist the executive branch by compiling all relevant data in one place and providing an overview on the success or lack thereof of international extradition efforts.

These reports will include, 1) the number of fugitives residing in other countries for whom the U.S. is seeking extradition or rendition and a list of those countries; 2) the diplomatic efforts by the U.S. and other efforts to secure the return of these fugitives; 3) the average length and time these cases have been outstanding; 4) the number of satisfactorily resolved cases; 5) factors that have been barriers to case resolution; and 6) information on the number of U.S. citizens whose extradition has been sought by other countries during the past 5 years—a list of those countries seeking extradition and the outcomes of those requests.

The Government of the United States is unable to adequately track and secure extradition of fugitives abroad and, as a result, enables countless criminals to escape justice.

This needs to change. The Walter Patterson and Werner Foerster Justice and Extradition Act is an important step toward strengthening the oversight role of Congress and giving the executive branch the tools it needs to successfully extradite wanted fugitives.

The bill has the support of a diverse coalition of advocacy organizations including Concerns of Police Survivors, the National Association of Police Organizations, the National Organization for Victim Assistance, the National Sheriffs Association, and the American Bail Coalition.

I'd like to just say a couple of remarks—and then I'll yield to my colleagues—on Boko Haram, the second bill, H.R. 3833.

For several years this subcommittee has pursued a more effective U.S. policy to address the threat posed by the terrorist group Boko Haram.

We urged the U.S. declaration of Boko Haram as a Foreign Terrorist Organization, or an FTO, and called on the administration for several years to use its authority under the declaration to investigate those providing material assistance to the terrorist group.

On the day that we went to markup on a bill that I had introduced to so designate it, I am happy to say, the State Department reversed course and announced that yes, Boko Haram is an FTO and they would begin tracking and trying to find its money supply flow, where they are getting weapons, and the like.

We have held numerous hearings in this subcommittee on various aspects of Boko Haram and I have made two trips within the last 2 years including to Jos, where many of the churches were firebombed by Boko Haram.

I met with Archbishop Kaigama, an unbelievable church cleric, who had nothing but compassion, even for those doing the killing. But he wanted justice.

And I was amazed that when I met with the imam and his top leadership in the Muslim community in Jos, the mutual admiration of the archbishop and the Muslim leadership there was extraordinary.

There was no distance between them on trying to stop the nefarious ways and the killing and the maiming and the raping of Boko Haram.

We have found that the impact of Boko Haram in Nigeria is complex and that's why I support H.R. 3833. It calls for a comprehensive regional strategy to support multilateral efforts, support for rescue efforts for all the women and girls including the Chibok girls who have been kidnapped.

I have met with many of those—there weren't many but a few—that had escaped in the early days of that. There were some Muslims among them. They were predominantly Christian and they had—and their parents, obviously, who still have not seen their children, continue to this moment to be in great agony.

Boko Haram is not just a Nigeria issue but poses a threat to the entire Lake Chad region including Chad, Niger, and Cameroon. That includes not only a direct threat from terrorism but the increase in humanitarian needs in the entire region. IDPs and refugees are exploding in number.

We have been involved in discussions regarding a Lake Chad Special Envoy. Regional problems require regional solutions and, again, a strategy like this, I think, would be extraordinarily helpful and I want to thank Ms. Wilson for her leadership on this.

I would like to yield to Ms. Bass for any comments she might make and then to my friend, Ms. Wilson.

Ms. BASS. Well, thank you, Mr. Chairman.

And as you mentioned in your comments, you have been taking up the charge against Boko Haram for as long as I have been on this subcommittee and we have had numerous hearings on it.

And so taking the time to do the markup on this piece of legislation, I think, is consistent with the leadership that you have had on this issue.

I want to commend my colleague, Frederica Wilson, because everyone out of 435 Members of Congress knows that Representative Wilson has been leading the charge to bring back the Chibok girls and against Boko Haram more than anyone else in the House of Representatives.

And so I am happy to support H.R. 3833 and, specifically, the bill calls for a regional strategy to address the threat posed by Boko Haram, and we know that Boko Haram has attested to its linkages with the Islamic State and the past and currently leadership of Boko Haram views the Lake Chad region as the Islamic State's west Africa province. That's a shame.

It should be noted and commended that our Government's support of the 8,000-troop multinational joint task force, which is composed of troops from Nigeria, Chad, Niger, Cameroon, and Benin, as commendable.

But much more needs to be done by our Government to develop an effective regional strategy to assist the task force in defeating Boko Haram and to help the region address the root causes as to why you have an organization like Boko Haram exist to begin with, and that is addressing the social and economic infrastructure that would really help address the conditions that lead to groups—terrorist organizations like Boko Haram.

I was recently in Nigeria in August and I met with the U.S. Government as well as Nigerian representatives and I am encouraged with the new administration in Nigeria that more is being done and I am encouraged that under the leadership of President Buhari

there seems to be more of an openness to cooperating with our military that really didn't exist under the last administration.

So I am hoping that our passage today of H.R. 3833 moves us in that direction, and I yield back my time.

Mr. SMITH. I yield to Ms. Wilson.

Ms. WILSON. Thank you, Chairman Smith. Thank you so very, very much, and thank you, Ranking Member Bass. Thank you.

This is a wonderful day and I am just so pleased to be here in this subcommittee hearing when we mark up this very important piece of legislation.

This is something, I think, that tugs at the hearts of all of the Members of Congress, regardless of party. We have our Independents and Republicans, Democrats joining with us and I am so pleased to see H.R. 3833 take this important step forward in the legislative process.

Senator Susan Collins of Maine has successfully passed a similar bill and now it is our turn. It is our turn to pass our bill.

Boko Haram entered the global radar 892 days ago when it kidnapped nearly 300 Nigerian girls from their dormitory rooms in the dead of night. Several of the girls escaped that night. Another found her way out of of captivity earlier this year. But 218 are still being held captive.

The good news is that the Nigerian Government is attempting to negotiate with Boko Haram for the girls' release, and I need to find out from the committee, what is your opinion on this whole negotiation piece and how do you see it and has anyone had any discussion about how it is moving forward?

I know Mr. Buhari was here and he met with the President and the United Nations, and I am really concerned about it and I am really concerned because each time I read the newspaper I see another step.

Like, today—2 days ago they said this was the—this would be the actual fourth time that the President has tried to negotiate a prisoner swap and that the prisoners that he would release that he would not just allow them to go back to Boko Haram but that they were going to set up training and jobs for these young men so that they would be—want to become contributing citizens of Nigeria.

And then we also heard that the girls were scattered and it would be impossible for this to happen. So we were just—I was just thinking in my mind that maybe the committee had some answers for me and I know—I know Ms. Bass has been to Nigeria recently as to—is this true about these—is this true?

Ms. BASS. Well, I was there in August and we didn't hear anything about the Nigerian Government doing direct negotiations with Boko Haram. What we heard about was their stepped-up efforts to eradicate Boko Haram.

Ms. WILSON. This—uh-huh. This is—this is the last—it says the New York Times—Nigeria describes three failed negotiations with Boko Haram on the kidnapped girls. Did you all see this article?

Ms. BASS. Yes, but what is not clear from this article is that when those negotiations were underway and when they failed. So when I was there—it says they opened negotiations July 2015 right after Buhari was sworn in.

But when I was there in August, there were not discussions of negotiations. It was eradication. So it might have been after the three failed negotiations.

Ms. WILSON. It was——

Ms. BASS. It might have been.

Ms. WILSON. Okay. So as we move forward, we have all these IDPs and, hopefully, when we say bring back our girls that we are not just talking about the Chibok girls but we are talking about all of the people that have been displaced, all of the girls and women that have been raped and kidnapped.

And I am hoping that with the passage of this bill, this resolution, that the Congress will be sensitized to what we are trying to do and perhaps as we move forward they will press for the passage of this on the floor.

So how do we make that happen, Chairman Smith?

Mr. SMITH. Well, it needs to pass the full committee first and this is the first and, I think, important step because the text has been very thoroughly vetted and so that's why we are doing the markup.

I would hope as our next markup, although it could be waived by Chairman Royce if he so desired and go directly to the floor. It does have a number of cosponsors—what, 45 I think is the number. Whatever it is, it is good.

And your question on the kidnapped girls, today the Secretary-General and Buhari—on a sidebar meeting at the United Nations, Buhari put out a statement that he would welcome U.N. intervention, any one of its bodies, to try to negotiate with Boko Haram to release all, hopefully, of those Chibok girls.

And I would note it is not just the Chibok girls. As we all know, they have abducted many more young women since and killed many more young men. They kill the men and abduct the women.

But I think if the U.N. could put together a negotiating team as has been asked by Buhari that might be a means to the end.

There have—even under Goodluck Jonathan there were negotiations and they never went anywhere, unfortunately, given who Boko Haram actually is. But hope springs eternal that we will get some action by the United Nations.

Ms. WILSON. When we had the opportunity to go to Abuja, we met a gentleman who was an activist at the time and now he's a Senator in Nigeria, and he was a part of the first approach of negotiation under Mr. Goodluck Jonathan.

And since that time, he has been elected to the Senate and they have come to visit with me and they talk of this. So that's why I want to really just try to see what's happening on the ground because to me I just have to live every day thinking until someone just shows me a mass grave that these girls are still alive.

And even if they are scattered, I am good. I just don't want them to be killed or miserable or being raped every day and every night or sold into prostitution or to be trafficked or that is what I want to know and want to find out. So anyone who goes to Nigeria I try to question them and try to find out what are they hearing on the ground.

And we have some Nigerians that we talk to on the phone to bring back our girls in Nigeria, that segment of them, and they are

constantly concerned about the killing of Christians in the area and that is—I just want to thank you for doing this.

I want to thank you for supporting this, because this is just phenomenal for this world, and I think that a lot of people are sleeping on this issue and it has been proven that we have ISIS and we have all these others terrorist groups.

But Boko Haram is the most vicious and they have killed more people and displaced more people. So this is phenomenal that you're doing this today and I want you to know that I believe that we are all on the right side of history.

Thank you. Thank you so much.

Mr. SMITH. Thank you very much for your very eloquent remarks and your leadership. And thank you, Karen Bass. The markup is adjourned.

Ms. WILSON. Thank you.

[Whereupon, at 2:30 p.m., the subcommittee was adjourned.]

APPENDIX



MATERIAL SUBMITTED FOR THE RECORD

**SUBCOMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

**Subcommittee on Africa, Global Health, Global Human Rights, and International
Organizations
Christopher H. Smith (R-NJ), Chairman**

September 22, 2016

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, to be held in Room 2200 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Thursday, September 22, 2016

TIME: 2:00 p.m.

MARKUP OF: H.R. 2189, Walter Patterson and Werner Foerster Justice and Extradition Act; and

H.R. 3833, To require a regional strategy to address the threat posed by Boko Haram.

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 SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and Inte MARKUP

Day Thursday Date September 22, 2016 Room 2200 Rayburn HOB

Starting Time 2:03 p.m. Ending Time 2:30 p.m.

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

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

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

H.R. 2189, Walter Patterson and Werner Foerster Justice and Extradition Act

H.R. 3833, To require a regional strategy to address the threat posed by Boko Haram

COMMITTEE MEMBERS PRESENT:

Rep. Mark Meadows, Rep. Scott DesJarlais, Rep. Karen Bass, Rep. Dan Donovan

NON-COMMITTEE MEMBERS PRESENT:

Rep. Frederica Wilson

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

ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)

H.R. 2189 passed 4-1 and was referred to the full committee without amendment.

H.R. 3833 passed by voice vote was referred to the full committee without amendment.

RECORDED VOTES TAKEN (FOR MARKUP): (Attach final vote tally sheet listing each member.)

| <u>Subject</u> | <u>Yeas</u> | <u>Nays</u> | <u>Present</u> | <u>Not Voting</u> |
|------------------|-------------|-------------|----------------|-------------------|
| <i>H.R. 2189</i> | <i>4</i> | <i>1</i> | <i>0</i> | <i>3</i> |

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 2:30 p.m.



Subcommittee Staff Associate

**Africa, Global Health, Global Human Rights, and International Organizations
Committee on Foreign Affairs
U.S. House of Representatives
114th Congress**

Date: September 22, 2016

Record Vote Description: H.R. 2189

| Member | Yes | No | Present |
|--------------------------------------|-----|----|---------|
| Christopher Smith, R-NJ, Chairman | X | | |
| Mark Meadows, R-NC | X | | |
| Curt Clawson, R-FL | | | |
| Scott DesJarlais, R-TN | X | | |
| Daniel Donovan, R-NY | X | | |
| Karen Bass, D-CA, Ranking Member | | X | |
| David Cicilline, D-RI | | | |
| Ami Bera, D-CA | | | |
| Total | 4 | 1 | 0 |

Clerk's Initials: *ML*

9/22/16 Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations Markup Summary

The Chair called the markup to order and called up H.R. 2189.

- 1) H.R. 2189 (Smith, NJ), Walter Patterson and Werner Foerster Justice and Extradition Act.

H.R. 2189 was agreed to by a roll call vote: 4 ayes; 1 no.

The Chair called up H.R. 3833.

- 2) H.R. 3833 (Wilson, FL), To require a regional strategy to address the threat posed by Boko Haram.

H.R. 3833 was agreed to by voice vote.

H.R. 2189 and H.R. 3833 were ordered favorably reported to the Full Committee.

The subcommittee adjourned.