



HELSINKI COMMISSION REPORT

May 18, 2017

IN BRIEF

Helsinki-Related Legislation in the 115th Congress

Between January 1 and May 15, 2017, U.S. Helsinki Commissioners introduced more than a dozen bills and resolutions on issues relating to the Commission's mandate to monitor and encourage compliance with the Helsinki Final Act and other commitments undertaken by the 57 participating countries of the Organization for Security and Cooperation in Europe (OSCE).

Senator Roger Wicker (MS), the Commission's Chairman, and Senator Ben Cardin (MD), Ranking Senate Commissioner, have been particularly active. Representative Chris Smith (NJ), the Commission's Co-Chairman, and Representative Alcee Hastings (FL), Ranking House Commissioner, have also introduced several pieces of legislation. Other Commissioners, both House and Senate, have contributed to the effort.

The bills and resolutions cover a wide range of issues, from ensuring the Helsinki Principles are defended and promoted in U.S. foreign policy to encouraging improved U.S. implementation of Helsinki commitments at home. Several have been introduced in response to Russia's threat to its neighbors and European security, while others address broader concerns about developments in Europe and the OSCE Partner countries of the Mediterranean region.

A Commission History of Legislative Action

Legislation is one of many ways in which the Helsinki Commission's mandate is implemented, but it is not the most frequently utilized, as the Commission is not, strictly speaking, a congressional body with any formal legislative au-

thority. Commission efforts more often take the form of statements from the floor in one or the other chamber of Congress, or the release of other public statements.

Commissioners frequently meet and correspond either with U.S. officials or with representatives of the governments or civil societies of other OSCE countries. The Commission is also well known to Washington-based policy community for its public hearings and briefings, and it regularly organizes congressional delegations to OSCE Parliamentary Assembly meetings, as well as to other participating and partner countries. Moreover, because it is not a legislative body, the Helsinki Commission has the added ability to be integrated into official, diplomatic U.S. representation to the OSCE, giving it a unique ability to shape U.S. policy.

Nevertheless, 18 of the 21 Helsinki Commissioners are also Members of Congress, whose legislative initiatives frequently coincide with their Commission interests and activities. In many cases, Members consult with Commission staff on the substance of the issues for which they are preparing bills and resolutions, and relationships developed among Helsinki Commissioners can lead to partnerships in fielding legislation on a bipartisan basis. Whatever the merits of a particular piece of legislation, the intent – sometimes explicitly stated – is to improve compliance with the letter and spirit of the Helsinki Final Act and subsequent OSCE commitments.



Recourse to legislative action is most frequent when there is a strong desire to influence U.S. policy related to high-profile international events. Shaping the U.S. response to the conflicts associated with Yugoslavia's collapse throughout the 1990s is a past example, similar to the current efforts to respond to Russia's illegal seizure of Crimea and ongoing aggression against Ukraine since 2014. Legislation in the current Congress responding to recent war crimes, crimes against humanity, and genocide in war-torn Iraq and the Syrian civil war find precedent in earlier Helsinki Commission efforts, both in terms of providing emergency relief to victims and calling for accountability for perpetrators of serious atrocities.

Helsinki Commissioners have also undertaken legislative efforts to ensure that global issues like trafficking in persons, threats to religious liberty, and the lack of transparency in extractive industries become stronger elements of U.S. foreign policy. Past legislation by Helsinki Commission leaders, particularly by Representative Smith, also ensure policy support for human rights and democratic development in countries where they are facing particularly severe and dangerous threats, such as Serbia in the 1990s, Belarus in the 2000s, and, most recently, Azerbaijan.

In the past, Commission-inspired legislation has also recalled or welcomed positive events like the signing of the Helsinki Final Act in August 1975 or successfully conducted elections in various countries transitioning to democracy. It also recalled tragic events in history, such as the pivotal Kristallnacht escalation of violent attacks on Jews in Germany of November 1938, the Chernobyl nuclear disaster in the Soviet Union of April 1985, or the Srebrenica genocide in Bosnia and Herzegovina of July 1995. However, legislative activity of this nature has been less frequent over the last two decades.

The introduction of legislation is itself an important action: a formally stated and public expression of the interest of the Member(s) of Congress concerned, and their views on what U.S. policy should be. Those that are actually reported by the committees to which they were referred and see floor action indicate an even higher priority. An average of just under 12,000 bills and resolutions were introduced in each of the last 10 Congresses (a Congress convenes for a two-year period), but only about 17 percent of them ever see action beyond the committee level.ⁱ

Why So Much Now?

Why so many pieces of legislation now, in the 115th Congress? The answer may lie in a significant political transition in Washington coming at a time of great unease throughout the OSCE region. The European core of the region lacks unity and confidence in response to the threat of terrorism, a continuing migration and refugee crisis, economic stagnation, doubts about European integration, and an increasingly assertive Russia willing to meddle in the political processes of other countries to the detriment of their democracy. In such circumstances, the United States is viewed as a strong and committed partner, making abrupt policy shifts in Washington of enormous concern.

Through legislative initiatives, Helsinki Commissioners can assure friends of allies of the U.S. commitment to European security and cooperation, and help ensure consistency in U.S. policy toward that end. Related to this concern was the overwhelming March 28 Senate approval of a protocol allowing Montenegro to join the NATO Alliance. The Commission's Senate leadership, both Senators Wicker and Cardin (who is also the Ranking Democrat on the Senate Foreign Relations Committee) strongly supported the measure and helped with its passage.

In addition, previously passed laws often need to be updated. For example, several Helsinki Commissioners have introduced or co-sponsored legislation to maintain trafficking-in-persons as a priority concern, and to improve U.S. efforts globally to combat it.

Commissioners also frequently contribute to the ongoing appropriations process. In the recently passed Consolidated Appropriations Act, Senator Cardin included provisions in supporting civil society efforts to combat anti-Semitism, racism, and intolerance in Europe, including through OSCE initiatives. Representative Hastings included language in the same legislation directing USAID to report on efforts to address the needs of persons of African descent around the world.

In some cases, Commissioners may perceive a new or increased need to address domestic issues reflecting U.S. compliance with its OSCE commitments, such as the conduct of elections; community law enforcement; restrictions on immigration; ensuring the continuing vitality of Native American languages; respecting tribal sovereignty; upholding protections on freedom of the press; strengthening diversity and inclusion in the national security workforce; and addressing homelessness in America. Congressional concern about U.S. compliance adds to credibility when raising concerns in other countries.

Other Members of Congress sometimes seek the support of the Helsinki Commission leadership to their own legislative initiatives, particularly on human rights. One example is Representative Smith's original co-sponsorship of a resolution introduced by Representative Lee Zeldin (NY) calling on Serbian authorities to bring to justice those Interior Ministry officials responsible for the 1999 execution-style murder of the three American-citizen Bytyqi brothers.

Whatever the specific cause, the high degree of legislative activity reflects continued interest in the Congress in the European security and political issues central to the Helsinki Commission's work. It remains to be seen which bills and resolution will gather the momentum necessary for passage by the end of 2018. In addition, in a time of extreme fiscal restraint, the most important question is whether the United States can devote the personnel and resources necessary to turn this interest into concrete action.

Examples of Legislative Activity

While not an exhaustive list, relevant examples of legislative initiatives introduced by Helsinki Commissioners between January 1 and May 15, 2017, include the following:

Committing to European Security and Cooperation

S. Con. Res 13 – Introduced on April 26 by Senator Wicker and co-sponsored by Senator Cardin and all seven other Senators serving on the Commission – Marco Rubio (FL), Jeanne Shaheen (NH), Thom Tillis (NC), Sheldon Whitehouse (RI), John Boozman (AR), Cory Gardner (CO), and Tom Udall (NM) – the resolution calls upon the President of the United States to formally recognize the abiding importance of the Helsinki Final Act and its relevance to the national security of the United States. It lists the 10 Helsinki Principles and recommends that a presidential proclamation include a call for all states to respect all these principles and a condemnation of the clear, gross, and uncorrected violation of them by the Russian Federation.

H. Res. 256 – Introduced on April 6 by Representative Steve Cohen (TN), a House Commissioner, the resolution expresses support for the countries of Eastern Europe and the North Atlantic Treaty Organization, recognizes the strong commitment of the United States to the independence, sovereignty territorial integrity, and democratic development of the countries which have emerged from the former Soviet Union, and supports the aspiration of those countries that are eligible and desire to join the NATO Alliance. It condemns Russian violations of the Helsinki Principles. The legislation is co-sponsored by Representative Hastings, among other Members of the House of Representatives.

S. 864 – Introduced on April 6 by Senators Shaheen and Wicker, the Balkan Economic Partnership Act promotes development goals and the strengthening of the private sector in Bosnia and Herzegovina. In particular, it supports economic opportunity and political progress in that country through the creation of an enterprise fund providing financial investment and technical assistance to small- and medium-sized enterprises.

S. Res. 106 – Introduced on March 30 by Senators Wicker and Cardin, the resolution expresses the sense of the Senate to support the territorial integrity of the country of Georgia. It urges that the United States never recognize Russian de jure or de facto sovereignty over any part of Georgia, including Abkhazia and Tskhinvali Re-

Legislation Primer	
“H.Res.” or “S.Res.”	A simple resolution considered by the chamber in which it is introduced. Neither to be signed by the President, nor to have the force of law.
“H.Con.Res.” or “S.Con.Res.”	A concurrent resolution for consideration first by the chamber in which it was introduced and, if passed, the other. Neither to be signed by the President, nor to have the force of law.
“H.J.Res.” or “S.J.Res.”	A joint resolution dealing with limited matters, for consideration first by the chamber in which it was introduced and, if passed, the other. To be signed by the President, then to have the force of law.
“H.R.” or “S.”	A bill dealing with general matters, for consideration first by the chamber in which it was introduced and, if passed, the other. To be signed by the President, then to have the force of law.

gion/South Ossetia. Senators Shaheen and Boozman, among other Senators, co-sponsored the resolution.

S. 94 – Introduced on January 11 by Senator Cardin, the Counteracting Russian Hostilities Act includes a Countering Russian Aggression Act, and Europe and Eurasia Democracy and Anti-Corruption Initiative, and the Russian Cyber Intrusions Act. It would impose sanctions countering Russian aggression and cyber intrusion. Senators Shaheen, Rubio, Gardner and Whitehouse have co-sponsored the bill, among other Senators.

Responding to Discrimination and Intolerance

H. Res. 319 – Introduced on May 11 by Representative Randy Hultgren (IL), a Helsinki Commissioner, the resolution reaffirms the United States' commitment to promoting religious freedom globally. In addition to urging the swift appointment of an Ambassador-at-Large for International Religious Freedom at the Department of State, the resolution calls for the Administration to implement provisions of the Frank R. Wolf International Religious Freedom Act and develop strategic plans to integrate international religious freedom at all levels of diplomacy, development and national security.

H.R. 1911 – Introduced by Representative Smith on April 5 and co-sponsored by Representative Cohen, among other Members of the House of Representatives, the Special Envoy to Monitor and Combat Anti-Semitism Act elevates the position to the rank of Ambassador and requires that Special Envoy report directly to the Secretary of State. Rep. Smith wrote the provisions of law that created in 2004 the position and Office to Monitor and Combat Anti-Semitism that it leads in the State Department. The bill notes an increased frequency, scope, violence and deadliness of anti-Semitic acts in some countries.

H.R. 1570 – Introduced on March 16 by Representative Hastings, the African Descent Affairs Act models previous State Department efforts focusing on vulnerable populations worldwide. It calls for establishing an Office of Global African Descent Affairs within the Department of State that would monitor and encourage improved respect for the human rights of people of African descent around the world. The Helsinki Commission has organized hearings and other initiatives on discrimination against Europeans of African descent in response to growing racism and xenophobia in the OSCE region. Representatives Cohen and Representative Sheila Jackson Lee (TX), also a House Commissioner, are cosponsors on the bill.

S. 198 – Introduced on January 24 by Senator Rubio, the Combating European Anti-Semitism Act expresses the sense of Congress that it is in the U.S. national interest to combat anti-Semitism at home and abroad and to ensure the security of European Jewish communities, including synagogues, schools, and cemeteries. It asserts the United States should continue to emphasize the importance of combating anti-Semitism by multilateral bodies, including the OSCE. The bill is co-sponsored by Senators Gardner and Boozman, among other Senators.

Combatting Human Trafficking and Other Abuses

H.R. 2200 – Introduced on April 27 by Representative Smith, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act reauthorizes the original Trafficking Victims Protection Act of 2000 to combat trafficking-in-persons in the United States through prosecution of traffickers and buyers of trafficking victims; programs to rehabilitate victims; oversight of U.S. government procurement to avoid purchasing products made with human trafficking; accountability for foreign missions and diplomatic staff in the United States who perpetrate domestic servitude; and enhanced accountability for countries that persistently fail to adopt the minimum standards for the elimination of human trafficking. It also includes a section that limits U.S. military aid to countries using child soldiers. The bill is co-sponsored by Representative Jackson Lee, among other House Members.

H.R. 1095 – Introduced on February 15 by Representative Smith, the Torture Victims Relief Reauthorization Act would amend the Torture Victims Relief Act to authorize assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for the provision of social and legal services.

Helsinki Commissioners beyond the Commission

House and Senate Members of Congress frequently rely on interest and experience gained through participation on the Helsinki Commission to shape their subsequent foreign policy work elsewhere. Currently, former Commission Chairman **Ben Cardin** of Maryland is the Ranking Democrat on the Senate Foreign Relations Committee, while current Chairman **Roger Wicker** (MS) and Co-Chairman **Christopher Smith** (NJ) are senior majority members of the Senate Armed Services and House Foreign Affairs Committees, respectively. Several Commissioners are also senior members of the Senate or House Appropriations Committees. All can and do raise OSCE-related concerns in these other capacities.

In the 115th Congress, Representative **Randy Hultgren** (IL) serves not only on the Helsinki Commission, but also as Republican co-chair of the Tom Lantos Human Rights Commission, replacing retired former Commissioner Representative **Joe Pitts** (PA). Senator **Marco Rubio** (FL) and Representative **Smith** co-chair the Congressional-Executive Commission on China. The creation of these Commissions was partly inspired or influenced by the Helsinki Commission's work.

Current Helsinki Commissioners also lead several of the more than 300 congressional "Caucuses," informal special-issue groups formed by Members primarily in the House, including the following focusing on Commission-related issues and countries: Representative **Smith** co-chairs the Bipartisan Task Force on Anti-Semitism, the Congressional Caucus on Bosnia, the Congressional Caucus on Poland, and the Congressional Human Trafficking Caucus; Representative **Alcee Hastings** (FL) co-chairs the Congressional Homelessness Caucus and the Tunisia Caucus; Representative **Robert Aderholt** (AL) co-chairs the Albanian Issues Caucus and the Friends of Kazakhstan Caucus; and Representative **Steve Cohen** (TN) co-chairs the Azerbaijan Caucus.

Past Commissioners from the U.S. Congress who have used their Helsinki experience and expertise as they moved to senior foreign policy positions in government include: Representative **Steny H. Hoyer** (MD), who has long served as a Democratic Party leader in the House; former Senator **Bob Dole** (KS), who was a Republican Party leader in the Senate; the late Representative **Dante B. Fascell** (FL) and late Senator **Claiborne Pell** (RI), who chaired the House Foreign Affairs and Senate Foreign Relations Committees, respectively; the late Representative **Millicent Fenwick** (NJ) and Senator **Wyche Fowler** (GA), who took ambassadorial posts after leaving Congress; former Representative **Bill Richardson** (NM), who served as U.S. Ambassador to the United Nations, among other senior posts; former Senator **Tim Wirth** (CO), who served as Under Secretary of State for Global Affairs; and former Senator **Hillary Clinton** (NY), who served as U.S. Secretary of State. The current Vice President of the United States, **Mike Pence** (IN), is also a former Helsinki Commissioner.

H.R. 466 – Introduced on January 12 by Representative Hultgren, the Sex Trafficking Demand Reduction Act encourages nations to clamp down on the demand for commercial sex within their borders. It adds a provision to the minimum standards section to the Trafficking Victims Protection Act of 2000, affirming that if the government of a country has the authority to restrict the purchase of commercial sex acts and fails to do so, that government will not be deemed by the State Department to have made a serious and sustained effort to reduce the demand for commercial sex acts, despite other efforts it may be undertaking to fight human trafficking. The bill is co-sponsored by Representative Smith, among other Members of the House of Representatives.

H.R. 436 – Introduced on January 11 by Representative Smith, the Human Trafficking Prioritization Act would elevate the Office to Monitor and Combat Trafficking at the State Department, currently led by an Ambassador-at-Large, to a full Bureau led by an Assistant Secretary.

H.R. 53 – Introduced on January 3 by Representative Jackson Lee, the Coordinated Assistance to Catch Human Traffickers (CATCH Traffickers) Act directs the Department of Homeland Security to establish and maintain a national database for human trafficking investigations, and requires trafficking investigating agencies at the federal, state and local levels to enter information into the database.

Supporting Mediterranean Partners and the Middle East

S. 905 – Introduced on April 4 by Senator Cardin, the Syrian War Crimes Accountability Act is a bill that would authorize technical assistance to facilitate accountability for war crimes, crimes against humanity, and genocide in Syria, as well as require a report on the matter. Senators Rubio and Shaheen, among other Senators, have cosponsored the bill. Syria is neither an OSCE states not a Mediterranean partner, but previous Helsinki Commission experience responding to crimes associated with the Balkan conflicts two decades earlier have encouraged similar types of responses to current conflicts.

H. Res. 231 – Introduced on March 27 by Representative Hastings, who has focused extensively on Mediterranean affairs as a Helsinki Commissioner, the resolution celebrates the importance of the 15th anniversary of the Arab Peace Initiative as a meaningful effort by Arab countries to the commitment of peace in the Middle East.

OSCE Mediterranean partners Jordan and Israel are mentioned specifically in the text.

H.R. 390 – Introduced on January 10 by Representative Smith, the Iraq and Syria Genocide Emergency Relief and Accountability Act provides emergency relief to religious and ethnic minority survivors of genocide, crimes against humanity, and war crimes in Iraq and Syria, and supports criminal investigations into perpetrators of atrocity crimes on those countries. Representative Hultgren and Representative Michael Burgess (TX) have joined other House members in co-sponsoring the bill.

H.R. 157 – Introduced on January 3 by Representative Hastings, the Combatting Terrorism in Tunisia Emergency Support Act would officially declare that it is the policy of the United States to assist the government of Tunisia in eliminating terrorist organizations operating in that country or neighboring Libya and preventing fighters in Syria from returning to Tunisia, an OSCE Mediterranean partner country.

About the Helsinki Commission

The Commission on Security and Cooperation in Europe, also known as the U.S. Helsinki Commission, is an independent agency of the Federal Government charged with monitoring compliance with the Helsinki Accords and advancing comprehensive security through promotion of human rights, democracy, and economic, environmental and military cooperation in 57 countries. The Commission consists of nine members from the U.S. Senate, nine from the House of Representatives, and one member each from the Departments of State, Defense, and Commerce.

Learn more at www.csce.gov.

Report Contributors

- Robert Hand, Policy Advisor, U.S. Helsinki Commission
- Anna Balance, Intern, U.S. Helsinki Commission
- Jackson Lines, Intern, U.S. Helsinki Commission

Editor

- Stacy Hope, Communications Director, U.S. Helsinki Commission

ⁱ Statistics derived from GovTrak.us