AN ACT

To establish an Office of Religious Persecution, and for other purposes.

H. R. 2431

105TH CONGRESS
AN ACT

To establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, 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 “Freedom From Religious Persecution Act of 1998”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress makes the following findings:

(1) Governments have a primary responsibility to promote, encourage, and protect respect for the fundamental and internationally recognized right to freedom of religion.

(2)(A) Since its inception, the United States Government has rested upon certain founding principles. One of those principles is that all people have the inalienable right to worship freely, which demands that religion be protected from unnecessary government intervention. The Founding Fathers of the United States incorporated that principle in the Declaration of Independence, which states that mankind has the inalienable right to “life, liberty, and the pursuit of happiness”, and in the United States Constitution, the first amendment to which states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”. Therefore, in accordance with this belief in the inalienable right of freedom of religion for all people, as expressed by the Declaration of Inde-
pendence, and the belief that religion should be pro-
tected from government interference, as expressed
by the United States Constitution, the Congress op-
poses international religious persecution and believes
that the policies of the United States Government
and its relations with foreign governments should be
consistent with the commitment to this principle.

(B) Numerous international agreements and
covenants also identify mankind’s inherent right to
freedom of religion. These include the following:

(i) Article 18 of the Universal Declaration
of Human Rights states that “Everyone has the
right to freedom of thought, conscience and re-
ligion; this right includes freedom to change his
religion or belief, and freedom, either alone or
in community with others and in public or pri-
ivate, to manifest his religion or belief in teach-
ing, practice, worship and observance”.

(ii) Article 18 of the Covenant on Civil and
Political Rights declares that “Everyone shall
have the right to freedom of thought, con-
science, and religion * * *”, and further delin-
cates the privileges under this right.

(iii) The Declaration on the Elimination of
All Forms of Intolerance and of Discrimination
Based on Religion and Belief, adopted by the United Nations General Assembly on November 25, 1981, declares that “religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life * * *” and that “freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination”.

(iv) The Concluding Document of the Third Follow-Up Meeting of the Organization for Security and Cooperation in Europe commits states to “ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief”.

(3) Persecution of religious believers, particularly Roman Catholic and evangelical Protestant Christians, in Communist countries persists and in some cases is increasing.

(4) In many countries and regions thereof, governments dominated by extremist movements persecute non-Muslims and religious converts from
Islam using means such as “blasphemy” and “apostasy” laws, and such movements seek to corrupt a historically tolerant Islamic faith and culture through the persecution of Baha’is, Christians, and other religious minorities.

(5) The extremist Government of Sudan is waging a self-described religious war against Christians, other non-Muslims, and moderate Muslims by using torture, starvation, enslavement, and murder.

(6) In Tibet, where Tibetan Buddhism is inextricably linked to the Tibetan identity, the Government of the People’s Republic of China has intensified its control over the Tibetan people by interfering in the selection of the Panchen Lama, propagandizing against the religious authority of the Dalai Lama, restricting religious study and traditional religious practices, and increasing the persecution of monks and nuns.

(7) In Xinjiang Autonomous Region of China, formerly the independent republic of East Turkistan, where the Muslim religion is inextricably linked to the dominant Uyghur culture, the Government of the People’s Republic of China has intensified its control over the Uyghur people by systematically repressing religious authority, restricting religious
study and traditional practices, destroying mosques, and increasing the persecution of religious clergy and practitioners.

(8) In countries around the world, Christians, Jews, Muslims, Hindus, and other religious believers continue to be persecuted on account of their religious beliefs, practices, and affiliations.

(9) The 104th Congress recognized the facts set forth in this section and stated clearly the sense of the Senate and the House of Representatives regarding these matters in approving—

(A) House Resolution 515, expressing the sense of the House of Representatives with respect to the persecution of Christians worldwide;

(B) S. Con. Res. 71, expressing the sense of the Senate with respect to the persecution of Christians worldwide;

(C) H. Con. Res. 102, concerning the emancipation of the Iranian Baha’i community; and

(10) The Department of State, in a report to Congress filed pursuant to House Report 104–863, accompanying the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208) set forth strong evidence that widespread and ongoing religious persecution is occurring in a number of countries around the world.

(11)(A)(i) In recent years there have been successive terrorist attempts to desecrate and destroy the premises of the Ecumenical Patriarchate in the Fanar area of Istanbul (Constantinople), Turkey.

(ii) Attempts against the Ecumenical Patriarchate have intensified, including the following:

(I) On September 30, 1996, a hand grenade was thrown into the headquarters of the Eastern Orthodox Patriarchate and exploded, causing damage to the physical structure of the grounds, most notably the Agios Georgios Church.

(II) On May 28, 1994, three powerful bombs were discovered in the living quarters of the Patriarch, and were subsequently defused only minutes before they were set to detonate.

(III) In July and August 1993, the Christian Orthodox cemetery in Yenikoy, near
Istanbul, was attacked by vandals and desecrated.

(iii) His All Holiness Patriarch Bartholomew and those associated with the Ecumenical Patriarchate are Turkish citizens and thus must be protected under Turkish law against blatant and unprovoked attacks toward ethnic minorities.

(iv) The Turkish Government arbitrarily closed the Halki Patriarchal School of Theology in 1971.

(v) The Ecumenical Patriarchate is the spiritual center for more than 250,000,000 Orthodox Christians worldwide, including approximately 5,000,000 in the United States.

(vi) It is in the best interest of the United States to prevent further incidents regarding the Ecumenical Patriarchate and in the overall goals of the United States to establish peaceful relations with and among the many important nations of the world that have substantial Orthodox Christian populations.

(B) It is the sense of the Congress that—

(i) the United States should use its influence with the Turkish Government and as a permanent member of the United Nations Secu-
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rity Council to suggest that the Turkish Gov-
ernment—

(I) ensure proper protection for the
Patriarchate and all of the Orthodox faith-
ful residing in Turkey;

(II) provide for the proper protection
and safety of the Ecumenical Patriarch
and Patriarchate personnel;

(III) establish conditions that would
prevent the recurrence of past terrorist ac-
tivities and vandalism and other personal
threats against the Patriarch;

(IV) establish conditions to ensure
that the Patriarchate is free to carry out
its religious mission; and

(V) do everything possible to find and
punish the perpetrators of any provocative
and terrorist acts against the Patriarchate;

(ii) the Secretary of State should report to
the Congress on an annual basis on the status
and progress of the concerns expressed in
clause (i).
(b) PURPOSE.—It is the purpose of this Act to reduce
and eliminate the widespread and ongoing religious perse-
cution taking place throughout the world today.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) DIRECTOR.—The term “Director” means
the Director of the Office of Religious Persecution
Monitoring established under section 5.

(2) LEGISLATIVE DAY.—The term “legislative
day” means a day on which both Houses of Con-
gress are in session.

(3) PERSECUTED COMMUNITY.—The term “per-
secuted community” means any religious group or
denomination whose members have been found to be
subject to category 1 or category 2 persecution in
the latest annual report submitted under section
6(a) or in any interim report submitted thereafter
under section 6(c) before the next annual report.

(4) PERSECUTION FACILITATING PRODUCTS.—
The term “persecution facilitating products” means
those crime control, detection, torture, and electro-
shock instruments and equipment (as determined
under section 6(n) of the Export Administration Act
of 1979) that are directly and substantially used or
intended for use in carrying out acts of persecution described in paragraphs (5) and (6).

(5) CATEGORY 1 PERSECUTION.—The term “category 1 persecution” means widespread and ongoing persecution of persons on account of their religious beliefs or practices, or membership in or affiliation with a religion or religious group or denomination, whether officially recognized or otherwise, when such persecution—

(A) includes abduction, enslavement, killing, imprisonment, forced mass relocation, rape, crucifixion or other forms of torture, or the systematic imposition of fines or penalties which have the purpose and effect of destroying the economic existence of persons on whom they are imposed; and

(B) is conducted with the involvement or support of government officials or agents, or pursuant to official government policy.

(6) CATEGORY 2 PERSECUTION.—The term “category 2 persecution” means widespread and ongoing persecution of persons on account of their religious beliefs or practices, or membership in or affiliation with a religion or religious group or denomina-
tion, whether officially recognized or otherwise, when such persecution—

(A) includes abduction, enslavement, killing, imprisonment, forced mass relocation, rape, crucifixion or other forms of torture, or the systematic imposition of fines or penalties which have the purpose and effect of destroying the economic existence of persons on whom they are imposed; and

(B) is not conducted with the involvement or support of government officials or agents, or pursuant to official government policy, but which the government fails to undertake serious and sustained efforts to eliminate, being able to do so.

(7) RESPONSIBLE ENTITIES.—The term “responsible entities” means the specific government units, as narrowly defined as practicable, which directly carry out the acts of persecution described in paragraphs (5) and (6).

(8) SANCTIONED COUNTRY.—The term “sanctioned country” means a country on which sanctions have been imposed under section 7.

(9) UNITED STATES ASSISTANCE.—The term “United States assistance” means—
(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

   (i) assistance under chapter 8 of part I of that Act;

   (ii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 of part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

   (iii) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

   (iv) antiterrorism assistance under chapter 8 of part II of that Act;

   (v) assistance which involves the provision of food (including monetization of food) or medicine;

   (vi) assistance for refugees; and
(vii) humanitarian and other develop-
ment assistance in support of programs of
nongovernmental organizations under
chapters 1 and 10 of that Act;

(B) sales, or financing on any terms, under
the Arms Export Control Act, other than sales
or financing provided for narcotics-related pur-
poses following notification in accordance with
the prior notification procedures applicable to
reprogrammings pursuant to section 634A of
the Foreign Assistance Act of 1961; and

(C) financing under the Export-Import
Bank Act of 1945.

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

(A) any United States citizen or alien law-
fully admitted for permanent residence into the
United States; and

(B) any corporation, partnership, or other
entity organized under the laws of the United
States or of any State, the District of Colum-
bia, or any territory or possession of the United
States.
SEC. 4. APPLICATION AND SCOPE.

The responsibility of the Secretary of State under section 5(g) to determine whether category 1 or category 2 persecution exists, and to identify persons and communities that are subject to such persecution, extends to—

(1) all foreign countries in which alleged violations of religious freedom have been set forth in the latest annual report of the Department of State on human rights under sections 116(d) and 502(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)); and

(2) such other foreign countries in which, either as a result of referral by an independent human rights group or nongovernmental organization in accordance with section 5(e)(2) or otherwise, the Director has reason to believe category 1 or category 2 persecution may exist.

SEC. 5. OFFICE OF RELIGIOUS PERSECUTION MONITORING.

(a) Establishment.—There shall be established in the Department of State the Office of Religious Persecution Monitoring (hereafter in this Act referred to as the “Office”).

(b) Appointment.—The head of the Office shall be a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall receive compensation at a rate of pay not to ex-
ceed the rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) REMOVAL.—The Director shall serve at the pleasure of the President.

(d) BARRED FROM OTHER FEDERAL POSITIONS.—No person shall serve as Director while serving in any other position in the Federal Government.

(e) RESPONSIBILITIES OF DIRECTOR.—The Director shall do the following:

(1) Consider information regarding the facts and circumstances of violations of religious freedom presented in the annual reports of the Department of State on human rights under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)).

(2) Make findings of fact on violations of religious freedom based on information—

(A) considered under paragraph (1); or

(B) presented by independent human rights groups, nongovernmental organizations, or other interested parties, at any stage of the process provided in this Act.

When appropriate, the Director may hold public hearings subject to notice at which such groups, or-
ganizations, or other interested parties can present testimony and evidence of acts of persecution occurring in countries being examined by the Office.

(3) On the basis of information and findings of fact described in paragraphs (1) and (2), make recommendations to the Secretary of State for consideration by the Secretary in making determinations of countries in which there is category 1 or category 2 persecution under subsection (g), identify the responsible entities within such countries, prepare and submit the annual report described in section 6, and transmit a copy of the report to the Commission on International Religious Persecution established under section 14.

(4) Maintain the lists of persecution facilitating products, and the responsible entities within countries determined to be engaged in persecution described in paragraph (3), revising the lists in accordance with section 6(c) as additional information becomes available. These lists shall be published in the Federal Register.

(5) In consultation with the Secretary of State, make policy recommendations to the President regarding the policies of the United States Govern-
ment toward governments which are determined to
be engaged in religious persecution.

(6) Report directly to the President and the
Secretary of State, and coordinate with the appro-
priate officials of the Department of State, the De-
partment of Justice, the Department of Commerce,
and the Department of the Treasury, to ensure that
the provisions of this Act are fully and effectively
implemented.

(7) In consultation with the Secretary of State,
make policy recommendations to the President that
would make a priority of promoting and developing
legal protections and cultural respect for religious
freedom, including by—

(A) ensuring that funds made available for
development assistance are used, among other
things, to encourage and promote increased ad-
herence to the right to free religious belief and
practice;

(B) ensuring that United States inter-
national broadcasting is designed to promote re-
spect for human rights, including freedom of re-
ligion, among other broadcasting goals; and

(C) ensuring that United States cultural
and educational exchanges promote, among
other goals, respect for and guarantees of religious freedom abroad, including through interchanges and visits between the United States and other countries of religious leaders, scholars, and religious and legal experts in the field of religious freedom.

(8) Assist the Secretary of State in establishing a program of granting awards to members of the Foreign Service who have provided distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to religious freedom.

(f) ADMINISTRATIVE MATTERS.—

(1) PERSONNEL.—The Director may appoint such personnel as may be necessary to carry out the functions of the Office.

(2) SERVICES OF OTHER AGENCIES.—The Director may use the personnel, services, and facilities of any other department or agency, on a reimbursable basis, in carrying out the functions of the Office.

(g) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, in time for inclusion in the annual report described in subsections (a) and (b) of section 6, shall determine with respect to each country de-
scribed in section 4 whether there is category 1 or category 2 persecution, and shall include in each such determination the communities against which such persecution is directed. Any determination in any interim report described in subsection (c) of section 6 that there is category 1 or category 2 persecution in a country shall be made by the Secretary of State.

SEC. 6. REPORTS TO CONGRESS.

(a) Annual Reports.—Not later than April 30 of each year, the Director shall submit to the Committees on Foreign Relations, the Judiciary, Appropriations, and Banking, Housing, and Urban Affairs of the Senate and to the Committees on International Relations, the Judiciary, Appropriations, and Banking and Financial Services of the House of Representatives a report described in subsection (b).

(b) Contents of Annual Report.—The annual report of the Director shall include the following:

(1) Determination of Religious Persecution.—A copy of the determinations of the Secretary of State pursuant to subsection (g) of section 5.

(2) Identification of Persecution Facilitating Products.—With respect to each country in which the Secretary of State has determined that
there is either category 1 or category 2 persecution, the Director, in consultation with the Secretary of Commerce, shall identify and list the items on the list established under section 6(n) of the Export Administration Act of 1979 that are directly and substantially used or intended for use in carrying out acts of religious persecution in such country.

(3) Identification of Responsible Entities.—With respect to each country in which the Secretary of State has determined that there is category 1 persecution, the Director shall identify and list the responsible entities within that country that are engaged in such persecution. Such entities shall be defined as narrowly as possible.

(4) Other Reports.—The Director shall include the reports submitted to the Director by the Attorney General under section 9 and by the Secretary of State under section 10.

(c) Interim Reports.—The Director may submit interim reports to the Congress containing such matters as the Director considers necessary, including revisions to the lists issued under paragraphs (2) and (3) of subsection (b). The Director shall submit an interim report in the case of a determination by the Secretary of State under section 5(g), other than in an annual report of the Direc-
tor, that category 1 or category 2 persecution exists, or in the case of a determination by the Secretary of State under section 11(a) that neither category 1 or category 2 persecution exists.

(d) **Persecution in Regions of a Country.**—In determining whether category 1 or category 2 persecution exists in a country, the Secretary of State shall include such persecution that is limited to one or more regions within the country, and shall indicate such regions in the reports described in this section.

**SEC. 7. SANCTIONS.**

(a) **Prohibition on Exports Relating to Religious Persecution.**—

(1) **Actions by Responsible Departments and Agencies.**—With respect to any country in which—

(A) the Secretary of State finds the occurrence of category 1 persecution, the Director shall so notify the relevant United States departments and agencies, and such departments and agencies shall—

(i) prohibit all exports to the responsible entities identified in the lists issued under subsections (b)(3) and (c) of section 6; and
(ii) prohibit the export to such country of the persecution facilitating products identified in the lists issued under subsections (b)(2) and (c) of section 6; or

(B) the Secretary of State finds the occurrence of category 2 persecution, the Director shall so notify the relevant United States departments and agencies, and such departments and agencies shall prohibit the export to such country of the persecution facilitating products identified in the lists issued under subsections (b)(2) and (c) of section 6.

(2) PROHIBITIONS ON U.S. PERSONS.—(A) With respect to any country in which the Secretary of State finds the occurrence of category 1 persecution, no United States person may—

(i) export any item to the responsible entities identified in the lists issued under subsections (b)(3) and (c) of section 6; and

(ii) export to that country any persecution facilitating products identified in the lists issued under subsections (b)(2) and (c) of section 6.

(B) With respect to any country in which the Secretary of State finds the occurrence of category
2 persecution, no United States person may export
to that country any persecution facilitating products
identified in the lists issued under subsections (b)(2)
and (e) of section 6.

(3) Penalties.—Any person who knowingly
violates the provisions of paragraph (2) shall be sub-
ject to the penalties set forth in subsections (a) and
(b)(1) of section 16 of the Trading With the Enemy
Act (50 U.S.C. App. 16 (a) and (b)(1)) for viola-
tions under that Act.

(4) Effective Date of Prohibitions.—The
prohibitions on exports under paragraphs (1) and
(2) shall take effect with respect to a country 90
days after the date on which—

(A) the country is identified in a report of
the Director under section 6 as a country in
which category 1 or category 2 persecution ex-
ists;

(B) responsible entities are identified in
that country in a list issued under subsection
(b)(3) or (c) of section 6; or

(C) persecution facilitating products are
identified in a list issued under subsection
(b)(2) or (c) of section 6,
as the case may be.
(b) United States Assistance.—

(1) Category 1 persecution.—No United States assistance may be provided to the government of any country which the Secretary of State determines is engaged in category 1 persecution, effective 90 days after the date on which the Director submits the report in which the determination is included.

(2) Category 2 persecution.—No United States assistance may be provided to the government of any country in which the Secretary of State determines that there is category 2 persecution, effective 1 year after the date on which the Director submits the report in which the determination is included, if the Secretary of State, in the next annual report of the Director under section 6, determines that the country is engaged in category 1 persecution or that category 2 persecution exists in that country.

(c) Multilateral Assistance.—

(1) Category 1 persecution.—With respect to any country which the Secretary of State determines is engaged in category 1 persecution, the President shall instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against,
and use his or her best efforts to deny, any loan or other utilization of the funds of their respective institutions to that country (other than for humanitarian assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit on the government of that country), effective 90 days after the Director submits the report in which the determination is included.

(2) Category 2 persecution.—With respect to any country in which the Secretary of State determines there is category 2 persecution, the President shall instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and use his or her best efforts to deny, any loan or other utilization of the funds of their respective institutions to that country (other than for humanitarian assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit on the government of that country), effective 1 year after the date on which the Director submits the report in which the determina-
tion is included, if the Secretary of State, in the next annual report of the Director under section 6, determines that the country is engaged in category 1 persecution or that category 2 persecution exists in that country.

(3) REPORTS TO CONGRESS.—If a country described in paragraph (1) or (2) is granted a loan or other utilization of funds notwithstanding the objection of the United States under this subsection, the Secretary of the Treasury shall report to the Congress on the efforts made to deny loans or other utilization of funds to that country, and shall include in the report specific and explicit recommendations designed to ensure that such loans or other utilization of funds are denied to that country in the future.

(4) DEFINITION.—As used in this subsection, the term “multilateral development bank” means any of the multilateral development banks as defined in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)).

(d) RELATIONSHIP TO OTHER PROVISIONS.—The effective dates of the sanctions provided in this section are subject to sections 8 and 11.
(e) Duly Authorized Intelligence Activities.—The prohibitions and restrictions of this section shall not apply to the conduct of duly authorized intelligence activities of the United States Government.

(f) Effect on Existing Contracts.—The imposition of sanctions under this section shall not affect any contract that is entered into by the Overseas Private Investment Corporation, the Trade and Development Agency, or the Export Import Bank of the United States before the sanctions are imposed, is in force on the date on which the sanctions are imposed, and is enforceable in a court of law on such date.

(g) Effect of Waivers.—Any sanction under this section shall not take effect during the period after the President has notified the Congress of a waiver of that sanction under section 8 and before the waiver has taken effect under that section.

SEC. 8. WAIVER OF SANCTIONS.

(a) Waiver Authority.—Subject to subsection (b), the President may waive the imposition of any sanction against a country under section 7 for periods of not more than 12 months each, if the President, for each waiver—

(1) determines—

(A) that the national security interests of the United States justify such a waiver; or
(B) that such a waiver will substantially promote the purposes of this Act as set forth in section 2; and

(2) provides to the Committees on Foreign Relations, Finance, the Judiciary, and Appropriations of the Senate and to the Committees on International Relations, the Judiciary, and Appropriations of the House of Representatives a written notification of the President’s intention to waive any such sanction.

The notification shall contain an explanation of the reasons why the President considers the waiver to be necessary, the type and amount of goods, services, or assistance to be provided pursuant to the waiver, and the period of time during which such a waiver will be effective. When the President considers it appropriate, the explanation under the preceding sentence, or any part of the explanation, may be submitted in classified form.

(b) ADDITIONAL INFORMATION.—In the case of a waiver under subsection (a)(1)(B), the notification shall contain a detailed statement of the facts particular to the country subject to the waiver which justifies the President’s determination, and of the alternative measures the President intends to implement in order to achieve the objectives of this Act.
(c) **Taking Effect of Waiver.**—

1. **In General.**—Subject to paragraph (2), a waiver under subsection (a) shall take effect 45 days after its submission to the Congress, or on the day after the 15th legislative day after such submission, whichever is later.

2. **In Emergency Conditions.**—The President may waive the imposition of sanctions against a country under subsection (b) or (c) of section 7 to take effect immediately if the President, in the written notification of intention to waive the sanctions, certifies that emergency conditions exist that make an immediate waiver necessary.

(d) **Sense of the Congress.**—It is the sense of the Congress that in order to achieve the objectives of this Act, the waiver authority provided in this section should be used only in extraordinary circumstances.

**SEC. 9. MODIFICATION OF IMMIGRATION POLICY.**

(a) **Inadmissibility of Certain Participants in Religious Persecution.**—

1. **In General.**—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

   “(F) **Participants in Religious Persecution.**—Any alien who carried out or directed
the carrying out of category 1 persecution (as defined in section 3 of the Freedom from Religious Persecution Act of 1998) or category 2 persecution (as so defined) is inadmissible.’’.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to persecution occurring before, on, or after the date of the enactment of this Act.

(b) REFUGEES.—

(1) GUIDELINES FOR ADDRESSING BIAS AFFECTING REFUGEES.—Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of State shall jointly promulgate and implement guidelines for identifying and addressing improper biases, affecting the treatment of persons who may be eligible for admission into the United States as a refugee based upon a claim of persecution or a well-founded fear of persecution on account of religion, on the part of—

(A) immigration officers adjudicating applications for admission as a refugee submitted by such persons and interpreters assisting immigration officers in adjudicating such applications; and
(B) individuals and entities assisting in the identification of such persons and the preparation of such applications.

(2) ADMISSION PRIORITY.—For purposes of section 207(a)(3) of the Immigration and Nationality Act, an individual who is a member of a persecuted community, and is determined by the Attorney General to be a refugee within the meaning of section 101(a)(42)(A) of the Immigration and Nationality Act, shall be considered a refugee of special humanitarian concern to the United States. In carrying out such section 207(a)(3), applicants for refugee status who are members of a persecuted community shall be given priority status equal to that given to applicants who are members of other specific groups of special concern to the United States. This paragraph shall be construed only to require that members of a persecuted community be accorded equal consideration in determining admissions under section 207(a) of such Act, and shall not be construed to require that any particular individual or group be admitted under that section.

(3) NO EFFECT ON OTHERS’ RIGHTS.—Nothing in this section, or any amendment made by this section, shall be construed to deny any applicant for
asylum or refugee status (including any applicant
who is not a member of a persecuted community but
whose claim is based on race, religion, nationality,
membership in a particular social group, or political
opinion) any right, privilege, protection, or eligibility
otherwise provided by law.

(4) No displacement of other refugees.—Refugees admitted to the United States as
a result of the procedures set forth in this section
shall not displace other refugees in need of resettlement who would otherwise have been admitted in ac-
cordance with existing law and procedures.

(5) Period for public comment and review.—Section 207(d) of the Immigration and Na-
tionality Act is amended by adding at the end the
following:

“(4)(A) Notwithstanding any other provision of law,
prior to each annual determination regarding refugee ad-
missions under this subsection, there shall be a period of
public review and comment, particularly by appropriate
nongovernmental organizations, churches, and other reli-
gious communities and organizations, and the general
public.

“(B) Nothing in this paragraph may be construed to
apply subchapter II of chapter 5 of title 5, United States
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(c) ASYLEES.—

(1) GUIDELINES FOR ADDRESSING BIAS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall develop and implement guidelines for identifying and addressing improper biases, affecting the treatment of persons who may be eligible for asylum in the United States, based upon a claim of persecution or a well-founded fear of persecution on account of religion, on the part of immigration officers carrying out functions under section 208 or 235 of the Immigration and Nationality Act and interpreters assisting immigration officers in carrying out such functions.

(2) STUDIES OF EFFECT OF EXPEDITED REMOVAL PROVISIONS ON ASYLUM CLAIMS.—

(A) STUDIES.—

(i) PARTICIPATION BY UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.—The Attorney General shall invite the United Nations High Commissioner for Refugees to conduct a study, alone or in cooperation with the Comptroller General of the United States (as determined in the
discretion of the United Nations High
Commissioner for Refugees), to determine
whether immigration officers described in
clause (ii) are engaging in any of the con-
duct described in such clause.

(ii) Duties of Comptroller General.—The Comptroller General of the
United States shall conduct a study, alone
or, upon request by the United Nations
High Commissioner for Refugees, in co-
operation with the United Nations High
Commissioner for Refugees, to determine
whether immigration officers performing
duties under section 235(b) of the Immi-
gration and Nationality Act with respect to
aliens who may be eligible to be granted
asylum are engaging in any of the follow-
ing conduct:

(I) Improperly encouraging such
aliens to withdraw their applications
for admission.

(II) Incorrectly failing to refer
such aliens for an interview by an asy-

lum officer for a determination of
whether they have a credible fear of
persecution (within the meaning of section 235(b)(1)(B)(v) of such Act).

(III) Incorrectly removing such aliens to a country where they may be persecuted.

(IV) Detaining such aliens improperly or in inappropriate conditions.

(B) Reports.—

(i) Participation by United Nations High Commissioner for Refugees.—The United Nations High Commissioner for Refugees may submit to the committees described in clause (ii) a report containing the results of a study conducted under subparagraph (A)(i) or, if the United Nations High Commissioner for Refugees elected to participate in the study conducted under subparagraph (A)(ii), may submit with the Comptroller General of the United States a report under clause (ii).

(ii) Duties of Comptroller General.—Not later than September 30, 1999, the Comptroller General of the
United States shall submit to the Commis-

tees on the Judiciary of the House of Rep-

resentatives and the Senate, the Commit-

tee on International Relations of the

House of Representatives, and the Com-

mittee on Foreign Relations of the Senate

a report containing the results of the study

conducted under subparagraph (A)(ii). If

the United Nations High Commissioner for

Refugees requests to participate with the

Comptroller General in the preparation

and submission of the report, the Com-
troller General shall grant the request.

(C) ACCESS TO PROCEEDINGS.—

(i) IN GENERAL.—Except as provided

in clause (ii), to facilitate the studies and

reports, the Attorney General shall permit

the United Nations High Commissioner for

Refugees and the Comptroller General of

the United States to have unrestricted ac-

cess to all stages of all proceedings con-
ducted under section 235(b).

(ii) EXCEPTIONS.—Clause (i) shall

not apply in cases in which the alien ob-
jects to such access, or the Attorney Gen-
eral determines that the security of a particular proceeding would be threatened by such access, so long as any restrictions on the United Nations High Commissioner for Refugees’ access under this subparagraph do not contravene international law.

(D) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 1999 to carry out this paragraph not to exceed $1,000,000 to the Attorney General (for a United States contribution to the Office of the United Nations High Commission for Refugees for the activities of the United Nations High Commissioner for Refugees under this paragraph) and not to exceed $1,000,000 to the Comptroller General of the United States.

(d) Training.—

(1) Training on Religious Persecution.—The Attorney General shall provide training regarding religious persecution to all immigration officers and immigration judges adjudicating applications for admission as a refugee or asylum applications, including—
(A) country-specific instruction on the practices and beliefs of religious groups, and on the methods of governmental and nongovernmental persecution employed on account of religious practices and beliefs; and

(B) other relevant information contained in the most recent annual report submitted by the Director to the Congress under section 6.

(2) INSTRUCTION BY NONGOVERNMENTAL EXPERTS.—It is the sense of the Congress that the Attorney General, in carrying out paragraph (1)(A), should include in the training under the paragraph, where practicable, instruction by nongovernmental experts on religious persecution.

(3) TRAINING FOR IMMIGRATION OFFICERS ADJUDICATING REFUGEE APPLICATIONS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended by adding at the end the following:

“(f) The Attorney General shall provide training in country conditions, refugee law, and interview techniques, comparable to that provided to full-time adjudicators of applications under section 208, to all immigration officers adjudicating applications for admission as a refugee under this section.”.
(e) REPORTING.—Not later than March 30 of each year, the Attorney General shall provide to the Director, for inclusion in the Director’s annual report under section 6(b)(4), a report containing the following:

(1) With respect to the year that is the subject of the report, the number of applicants for asylum or refugee status whose applications were based, in whole or in part, on religious persecution.

(2) In the case of such applications, the number that were proposed to be denied, and the number that were finally denied.

(3) In the case of such applications, the number that were granted.

(4) A description of other developments with respect to the adjudication of applications for asylum or refugee status that were based, in whole or in part, on religious persecution.

(5) A description of the training conducted for immigration officers and immigration judges under subsection (d)(1), including a list of speakers and materials used in such training and the number of immigration officers and immigration judges who received such training.
(6) A description of the development and implementation of anti-bias guidelines under subsections (b)(1) and (c)(1).

SEC. 10. STATE DEPARTMENT HUMAN RIGHTS REPORTS.

(a) ANNUAL HUMAN RIGHTS REPORT.—In preparing the annual reports of the State Department on human rights under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)), the Secretary of State shall, in the section on religious freedom—

(1) consider the facts and circumstances of the violation of the right to freedom of religion presented by independent human rights groups and nongovernmental organizations;

(2) report on the extent of the violations of the right to freedom of religion, specifically including whether the violations arise from governmental or nongovernmental sources, and whether the violations are encouraged by the government or whether the government fails to exercise satisfactory efforts to control such violations;

(3) report on whether freedom of religion violations occur on a nationwide, regional, or local level; and
(4) identify whether the violations are focused on an entire religion or on certain denominations or sects.

(b) TRAINING.—The Secretary of State shall—

(1) institute programs to provide training for chiefs of mission as well as Department of State officials having reporting responsibilities regarding the freedom of religion, which shall include training on—

(A) the fundamental components of the right to freedom of religion, the variation in beliefs of religious groups, and the governmental and nongovernmental methods used in the violation of the right to freedom of religion; and

(B) the identification of independent human rights groups and nongovernmental organizations with expertise in the matters described in subparagraph (A); and

(2) submit to the Director, not later than January 1 of each year, a report describing all training provided to Department of State officials with respect to religious persecution during the preceding 1-year period, including a list of instructors and materials used in such training and the number and rank of individuals who received such training.
SEC. 11. TERMINATION OF SANCTIONS.

(a) Termination.—The sanctions described in section 7 shall cease to apply with respect to a sanctioned country 45 days, or the day after the 15th legislative day, whichever is later, after the Director, in an annual report described in section 6(b), does not include a determination by the Secretary of State that the sanctioned country is among those in which category 1 or category 2 persecution continues to exist, or in an interim report under section 6(c), includes a determination by the Secretary of State that neither category 1 nor category 2 persecution exists in such country.

(b) Withdrawal of Finding.—Any determination of the Secretary of State under section 5(g) may be withdrawn before taking effect if the Secretary makes a written determination, on the basis of a preponderance of the evidence, that the country substantially eliminated any category 1 or category 2 persecution that existed in that country. The Director shall submit to the Congress each determination under this subsection.

SEC. 12. SANCTIONS AGAINST SUDAN.

(a) Extension of Sanctions Under Existing Law.—Any sanction imposed on Sudan because of a determination that the government of that country has provided support for acts of international terrorism, including—
(1) export controls imposed pursuant to the Export Administration Act of 1979;

(2) prohibitions on transfers of munitions under section 40 of the Arms Export Control Act;

(3) the prohibition on assistance under section 620A of the Foreign Assistance Act of 1961;

(4) section 2327(b) of title 10, United States Code;

(5) section 6 of the Bretton Woods Agreements Act Amendments, 1978 (22 U.S.C. 286e–11); and

(6) section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (as contained in Public Law 105–118),

shall continue in effect after the enactment of this Act until the Secretary of State determines that Sudan has substantially eliminated religious persecution in that country, or the determination that the government of that country has provided support for acts of international terrorism is no longer in effect, whichever occurs later.

(b) ADDITIONAL SANCTIONS ON SUDAN.—Effective 90 days after the date of the enactment of this Act, the following sanctions (to the extent not covered under subsection (a)) shall apply with respect to Sudan:
(1) **Prohibition on financial transactions with government of Sudan.**—

(A) **Offense.**—Any United States person who knowingly engages in any financial transaction, including any loan or other extension of credit, directly or indirectly, with the Government of Sudan shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years, or both.

(B) **Definitions.**—As used in this paragraph:

(i) **Financial transaction.**—The term “financial transaction” has the meaning given that term in section 1956(c)(4) of title 18, United States Code.

(ii) **United States person.**—The term “United States person” means—

(I) any United States citizen or national;

(II) any alien lawfully admitted into the United States for permanent residence;

(III) any juridical person organized under the laws of the United States; and
(IV) any person in the United States.

(2) Prohibitions on United States Exports to Sudan.—

(A) Prohibition on Computer Exports.—No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use of the Government of Sudan.

(B) Regulations of the Secretary of Commerce.—The Secretary of Commerce may prescribe such regulations as may be necessary to carry out subparagraph (A).

(C) Penalties.—Any person who violates this paragraph shall be subject to the penalties provided in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) for violations under that Act.

(3) Prohibition on New Investment in Sudan.—

(A) Prohibition.—No United States person may, directly or through another person, make any new investment in Sudan that is not prohibited by paragraph (1).
(B) REGULATIONS.—The Secretary of Commerce may prescribe such regulations as may be necessary to carry out subparagraph (A).

(C) PENALTIES.—Any person who violates this paragraph shall be subject to the penalties provided in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) for violations under that Act.

(4) AVIATION RIGHTS.—

(A) AIR TRANSPORTATION RIGHTS.—The Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned or controlled, directly or indirectly, by the Government of Sudan or operating pursuant to a contract with the Government of Sudan from engaging in air transportation with respect to the United States, except that such aircraft shall be allowed to land in the event of an emergency for which the safety of an aircraft’s crew or passengers is threatened.

(B) TAKEOFFS AND LANDINGS.—The Secretary of Transportation shall prohibit the takeoff and landing in Sudan of any aircraft by an air carrier owned, directly or indirectly, or con-
trolled by a United States person, except that
such aircraft shall be allowed to land in the
event of an emergency for which the safety of
an aircraft’s crew or passengers is threatened,
or for humanitarian purposes.

(C) TERMINATION OF AIR SERVICE AGREEMENTS.—To carry out subparagraphs (A) and
(B), the Secretary of State shall terminate any
agreement between the Government of Sudan
and the Government of the United States relating
to air services between their respective territories.

(D) DEFINITIONS.—For purposes of this
paragraph, the terms “aircraft”, “air transportation”, and “foreign air carrier” have the
meanings given those terms in section 40102 of
title 49, United States Code.

(5) PROHIBITION ON PROMOTION OF UNITED
STATES TOURISM.—None of the funds appropriated
or otherwise made available by any provision of law
may be available to promote United States tourism
in Sudan.

(6) GOVERNMENT OF SUDAN BANK ACCOUNTS.—
(A) PROHIBITION.—A United States de-
pository institution may not accept, receive, or
hold a deposit account from the Government of
Sudan, except for such accounts which may be
authorized by the President for diplomatic or
consular purposes.

(B) ANNUAL REPORTS.—The Secretary of
the Treasury shall submit annual reports to the
Congress on the nature and extent of assets
held in the United States by the Government of
Sudan.

(C) DEFINITION.—For purposes of this
paragraph, the term “depository institution”
has the meaning given that term in section
19(b)(1) of the Act of December 23, 1913 (12
U.S.C. 461(b)(1)).

(7) PROHIBITION ON UNITED STATES GOVERN-
MENT PROCUREMENT FROM SUDAN.—

(A) PROHIBITION.—No department, agen-
cy, or any other entity of the United States
Government may enter into a contract for the
procurement of goods or services from
parastatal organizations of Sudan, except for
items necessary for diplomatic or consular pur-
poses.
(B) DEFINITION.—As used in this paragraph, the term “parastatal organization of Sudan” means a corporation, partnership, or entity owned, controlled, or subsidized by the Government of Sudan.

(8) PROHIBITION ON UNITED STATES APPROPRIATIONS FOR USE AS INVESTMENTS IN OR TRADE SUBSIDIES FOR SUDAN.—None of the funds appropriated or otherwise made available by any provision of law may be available for any new investment in, or any subsidy for trade with, Sudan, including funding for trade missions in Sudan and for participation in exhibitions and trade fairs in Sudan.

(9) PROHIBITION ON COOPERATION WITH ARMED FORCES OF SUDAN.—No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of Sudan, except for activities which are reasonably necessary to facilitate the collection of necessary intelligence. Each such activity shall be considered as significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 413).

(10) PROHIBITION ON COOPERATION WITH INTELLIGENCE SERVICES OF SUDAN.—
(A) SANCTION.—No agency or entity of the United States involved in intelligence activities may engage in any form of cooperation, direct or indirect, with the Government of Sudan, except for activities which are reasonably designed to facilitate the collection of necessary intelligence.

(B) POLICY.—It is the policy of the United States that no agency or entity of the United States involved in intelligence activities may provide any intelligence information to the Government of Sudan which pertains to any internal group within Sudan. Any change in such policy or any provision of intelligence information contrary to this policy shall be considered a significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 413).

The sanctions described in this subsection shall apply until the Secretary of State determines that Sudan has substantially eliminated religious persecution in that country.

(c) MULTILATERAL EFFORTS TO END RELIGIOUS PERSECUTION IN SUDAN.—

(1) EFFORTS TO OBTAIN MULTILATERAL MEASURES AGAINST SUDAN.—It is the policy of the
United States to seek an international agreement with the other industrialized democracies to bring about an end to religious persecution by the Government of Sudan. The net economic effect of such international agreement should be measurably greater than the net economic effect of the other measures imposed by this section.

(2) Commencement of negotiations to initiate multilateral sanctions against Sudan.—It is the sense of the Congress that the President or, at his direction, the Secretary of State should convene an international conference of the industrialized democracies in order to reach an international agreement to bring about an end to religious persecution in Sudan. The international conference should begin promptly and should be concluded not later than 180 days after the date of the enactment of this Act.

(3) Presidential report.—Not less than 210 days after the date of the enactment of this Act, the President shall submit to the Congress a report containing—

(A) a description of efforts by the United States to negotiate multilateral measures to
bring about an end to religious persecution in Sudan; and

(B) a detailed description of economic and other measures adopted by the other industrialized countries to bring about an end to religious persecution in Sudan, including an assessment of the stringency with which such measures are enforced by those countries.

(4) Conformity of United States Measures to International Agreement.—If the President successfully concludes an international agreement described in paragraph (2), the President may, after such agreement enters into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of this section to conform with such agreement.

(5) Procedures for Agreement to Enter into Force.—Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if—

(A) the President, not less than 30 days before the day on which the President enters into such agreement, notifies the House of Representatives and the Senate of the President’s intention to enter into such an agreement, and
promptly thereafter publishes notice of such intention in the Federal Register;

(B) after entering into the agreement, the President transmits to the House of Represen-
tatives and to the Senate a document containing a copy of the final text of such agreement, to-
gether with—

(i) a description of any administrative action proposed to implement such agree-
ment and an explanation as to how the proposed administrative action would change or affect existing law; and

(ii) a statement of the President’s rea-
sons regarding—

(I) how the agreement serves the interest of United States foreign pol-
icy; and

(II) why the proposed adminis-
trative action is required or appro-
priate to carry out the agreement; and

(C) a joint resolution approving such agreement has been enacted.

(6) UNITED NATIONS SECURITY COUNCIL IMPO-
SION OF SAME MEASURES AGAINST SUDAN.—It is the sense of the Congress that the President should
instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council, pursuant to Article 41 of the United Nations Charter, impose measures against Sudan of the same type as are imposed by this section.

(d) ADDITIONAL MEASURES AND REPORTS; RECOMMENDATIONS OF THE PRESIDENT.—

(1) UNITED STATES POLICY TO END RELIGIOUS PERSECUTION.—It shall be the policy of the United States to impose additional measures against the Government of Sudan if its policy of religious persecution has not ended on or before December 25, 1998.

(2) REPORT TO CONGRESS.—The Director shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on or before February 1, 1999, and every 12 months thereafter, a report containing a determination by the Secretary of State of whether the policy of religious persecution by the Government of Sudan has ended.

(3) RECOMMENDATION FOR IMPOSITION OF ADDITIONAL MEASURES.—If the Secretary of State determines that the policy of religious persecution by
the Government of Sudan has not ended, the President shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on or before March 1, 1999, and every 12 months thereafter, a report setting forth such recommendations for such additional measures and actions against the Government of Sudan as will end that government’s policy of religious persecution.

(e) DEFINITIONS.—As used in this section:

(1) GOVERNMENT OF SUDAN.—The term “Government of Sudan” includes any agency or instrumentality of the Government of Sudan.

(2) NEW INVESTMENT IN SUDAN.—The term “new investment in Sudan”—

(A) means—

(i) a commitment or contribution of funds or other assets; or

(ii) a loan or other extension of credit, that is made on or after the effective date of this subsection; and

(B) does not include—

(i) the reinvestment of profits generated by a controlled Sudanese entity into that same controlled Sudanese entity, or
the investment of such profits in a Sudanese entity;

(ii) contributions of money or other assets where such contributions are necessary to enable a controlled Sudanese entity to operate in an economically sound manner, without expanding its operations; or

(iii) the ownership or control of a share or interest in a Sudanese entity or a controlled Sudanese entity or a debt or equity security issued by the Government of Sudan or a Sudanese entity before the date of the enactment of this Act, or the transfer or acquisition of such a share or interest, or debt or equity security, if any such transfer or acquisition does not result in a payment, contribution of funds or assets, or credit to a Sudanese entity, a controlled Sudanese entity, or the Government of Sudan.

(3) CONTROLLED SUDANESE ENTITY.—The term “controlled Sudanese entity” means—

(A) a corporation, partnership, or other business association or entity organized in
Sudan and owned or controlled, directly or indirectly, by a United States person; or

(B) a branch, office, agency, or sole proprietorship in Sudan of a United States person.

(4) Sudanese entity.—The term “Sudanese entity” means—

(A) a corporation, partnership, or other business association or entity organized in Sudan; or

(B) a branch, office, agency, or sole proprietorship in Sudan of a person that resides or is organized outside Sudan.

(5) Sudan.—The term “Sudan” means any area controlled by the Government of Sudan or by any entity allied with the Government of Sudan, and does not include any area in which effective control is exercised by an entity engaged in active resistance to the Government of Sudan.

(f) Waiver Authority.—The President may waive the imposition of any sanction against Sudan under this section for periods of not more than 12 months each, if the President, for each waiver—

(1) determines that the national security interests of the United States justify such a waiver; and
(2) provides to the Committees on Foreign Relations, Finance, the Judiciary, and Appropriations of the Senate and to the Committees on International Relations, the Judiciary, and Appropriations of the House of Representatives a written notification of the President’s intention to waive any such sanction.

The notification shall contain an explanation of the reasons why the President considers the waiver to be necessary, the type and amount of goods, services, or assistance to be provided pursuant to the waiver, and the period of time during which such a waiver will be effective. When the President considers it appropriate, the explanation under the preceding sentence, or any part of the explanation, may be submitted in classified form.

(g) Duly Authorized Intelligence Activities.—The prohibitions and restrictions contained in paragraphs (1), (2), (3), and (7) of subsection (b) shall not apply to the conduct of duly authorized intelligence activities of the United States Government.

SEC. 13. PROMOTION OF RELIGIOUS FREEDOM.

(a) Establishment of a Religious Freedom Internet Site.—In order to facilitate access by nongovernmental organizations (NGOs) and by the public around the world to international documents on the pro-
tection of religious freedom, the Director shall establish and maintain an Internet site containing major international documents relating to religious freedom, each annual report submitted under section 6, and any other documentation or references to other sites as deemed appropriate or relevant by the Director.

(b) TRAINING FOR FOREIGN SERVICE OFFICERS.—Chapter 7 of title I of the Foreign Service Act of 1980 is amended by adding at the end the following new section:

"SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

"The Secretary of State and the Director of the Office of Religious Persecution Monitoring established under section 5 of the Freedom From Religious Persecution Act of 1998, acting jointly, shall establish as part of the standard training for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such instruction shall include—

"(1) standards for proficiency in the knowledge of international documents and United States policy in human rights, and shall be mandatory for all members of the Service having reporting responsibilities relating to human rights, and for chiefs of mission; and

"(2) instruction on the international right to freedom of religion, the nature, activities, and beliefs
of different religions, and the various aspects and manifestations of religious persecution.”.

(c) High-Level Contacts with NGOs.—United States chiefs of mission shall seek out and contact religious nongovernmental organizations to provide high-level meetings with religious nongovernmental organizations where appropriate and beneficial. United States chiefs of mission and Foreign Service officers abroad shall seek to meet with imprisoned religious leaders where appropriate and beneficial.

(d) Programs and Allocations of Funds by United States Missions Abroad.—It is the sense of the Congress that—

(1) United States diplomatic missions in countries the governments of which engage in or tolerate religious persecution should develop, as part of annual program planning, a strategy to promote the respect of the internationally recognized right to freedom of religion; and

(2) in allocating or recommending the allocation of funds or the recommendation of candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those pro-
grams and candidates deemed to assist in the pro-
motion of the right to religious freedom.

(c) **Equal Access to United States Missions Abroad For Conducting Religious Activities.**—

(1) **In General.**—Subject to this subsection,
the Secretary of State shall permit, on terms no less
favorable than that accorded other nongovernmental
activities, access to the premises of any United
States diplomatic mission or consular post by any
United States citizen seeking to conduct an activity
for religious purposes.

(2) **Timing and Location.**—The Secretary of
State shall make reasonable accommodations with
respect to the timing and location of such access in
light of—

(A) the number of United States citizens
requesting the access (including any particular
religious concerns regarding the time of day,
date, or physical setting for services);

(B) conflicts with official activities and
other nonofficial United States citizen requests;

(C) the availability of openly conducted, or-
organized religious services outside the premises
of the mission or post; and

(D) necessary security precautions.
(3) DISCRETIONARY ACCESS FOR FOREIGN NATIONALS.—The Secretary of State may permit access to the premises of a United States diplomatic mission or consular post to foreign nationals for the purpose of attending or participating in religious activities conducted pursuant to this Act.

(f) PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS PERSECUTION CONCERNS.—

(1) SENSE OF THE CONGRESS.—To encourage involvement with religious persecution concerns at every possible opportunity and by all appropriate representatives of the United States Government, it is the sense of the Congress that officials of the executive branch of the United States Government should promote increased advocacy on such issues during meetings between executive branch and congressional leaders and foreign dignitaries.

(2) RELIGIOUS PERSECUTION PRISONER LISTS AND ISSUE BRIEFS.—The Secretary of State, in consultation with United States chiefs of mission abroad, regional experts, the Director, and nongovernmental human rights and religious groups, shall prepare and maintain issue briefs on religious freedom, on a country-by-country basis, consisting of lists of persons believed to be imprisoned for their
religious faith, together with brief evaluations and critiques of policies of the respective country restricting religious freedom. The Secretary of State shall exercise appropriate discretion regarding the safety and security concerns of prisoners in considering the inclusion of their names on the lists.

(3) Availability of Information.—The Secretary of State shall provide these religious freedom issue briefs to executive branch and congressional officials and delegations in anticipation of bilateral contacts with foreign leaders, both in the United States and abroad.

(g) Assistance for Promoting Religious Freedom.—

(1) Findings.—The Congress makes the following findings:

(A) In many nations where severe violations of religious freedom occur, there is not sufficient statutory legal protection for religious minorities or there is not sufficient cultural and social understanding of international norms of religious freedom.

(B) Accordingly, in its foreign assistance already being disbursed, the United States should make a priority of promoting and develop-
oping legal protections and cultural respect for
religious freedom.

(2) ALLOCATION OF FUNDS FOR INCREASED
PROMOTION OF RELIGIOUS FREEDOMS.—Section
116(e) of the Foreign Assistance Act of 1961 is
amended by inserting “and the right to free religious
belief and practice” after “adherence to civil and po-
itical rights”.

(h) INTERNATIONAL BROADCASTING.—

(1) Section 302(1) of the United States Inter-
national Broadcasting Act of 1994 is amended by
inserting “and of conscience (including freedom of
religion)” after “freedom of opinion and expression”.

(2) Section 303(a) of the United States Inter-
national Broadcasting Act of 1994 is amended—

(A) by striking “and” at the end of para-
graph (6);

(B) by striking the period at the end of
paragraph (7) and inserting “; and”; and

(C) by adding at the end the following:
“(8) promote respect for human rights, includ-
ing freedom of religion.”.

(i) INTERNATIONAL EXCHANGES.—Section 102(b) of
the Mutual Educational and Cultural Exchange Act of
1961 is amended—
(1) by striking “and” after paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting “; and”; and

(3) by adding at the end the following:

“(12) promoting respect for and guarantees of religious freedom abroad by interchanges and visits between the United States and other nations of religious leaders, scholars, and religious and legal experts in the field of religious freedom.”.

(j) FOREIGN SERVICE AWARDS.—

(1) PERFORMANCE PAY.—Section 405(d) of the Foreign Service Act of 1980 is amended by inserting after the first sentence the following: “Such service in the promotion of internationally recognized human rights, including the right to religious freedom, shall serve as a basis for granting awards under this section.”.

(2) FOREIGN SERVICE AWARDS.—Section 614 of the Foreign Service Act of 1980 is amended by adding at the end the following new sentence: “Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to religious freedom, shall serve as a basis for granting awards under this section.”.
SEC. 14. COMMISSION ON INTERNATIONAL RELIGIOUS PERSECUTION.

(a) Establishment and Composition.—

(1) Generally.—There is established the United States Commission on International Religious Persecution (hereinafter referred to as the “Commission”).

(2) Membership.—

(A) Appointment.—The Commission shall be composed of—

(i) the Director; and

(ii) four other members, who shall be appointed as follows:

(I) Two Senators, one of whom shall be appointed by the President pro tempore of the Senate upon the recommendations of the Majority Leader, and one of whom shall be appointed by the Minority Leader.

(II) Two Members of the House of Representatives, one of whom shall be appointed by the Speaker of the House of Representatives upon the recommendations of the Majority Leader, and one of whom shall be appointed by the Minority Leader.
(B) CHAIR.—The Commission shall elect one of its members as chair.

(C) TIME OF APPOINTMENT.—The appointments required by subparagraph (A) shall be made not later than 120 days after the date of the enactment of this Act.

(3) TERMS.—The term of office of each member of the Commission shall be 2 years, except that an individual may not serve more than 2 terms.

(4) QUORUM.—Three members of the Commission constitute a quorum of the Commission.

(5) MEETINGS.—Not more than 15 days after the issuance of an annual report under section 6, the Commission shall convene.

(6) ADMINISTRATIVE SUPPORT.—The Director shall provide to the Commission such staff and administrative services of the Office as may be necessary for the Commission to perform its functions. The Secretary of State shall assist the Director and the Commission by detailing staff resources as needed and as appropriate.

(7) COMPENSATION.—

(A) TRAVEL EXPENSES.—Members of the Commission shall receive no pay for services performed as such a member, but shall be al-
lowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employ-
ees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commiss-

(B) NO COMPENSATION FOR GOVERNMENT EMPLOYEES.—Any member of the Commission who is an officer or employee of the United States shall receive no additional compensation for services performed as a member of the Com-

(b) DUTIES OF THE COMMISSION.—

(1) In general.—The Commission shall have as its primary responsibility the consideration of the facts and circumstances of category 1 or category 2 persecution presented in each annual report issued under section 6 and the consideration of United States Government policies to promote religious free-

dom and prevent religious persecution, and to make appropriate policy recommendations to the Presi-
dent, the Secretary of State, and the Congress.

(2) POLICY REVIEW AND RECOMMENDATIONS IN RESPONSE TO VIOLATIONS.—The Commission, in
evaluating United States Government policies, shall consider and recommend policy options to further enhance the effectiveness of sanctions related to religious persecution and human rights.

(3) POLICY REVIEW AND RECOMMENDATIONS IN RESPONSE TO PROGRESS.—The Commission shall make and provide an assessment of—

(A) the progress of sanctions imposed under section 7 on a country or responsible entity toward achieving termination of religious persecution, as well as the potential deterrence of religious persecution as a result of this Act in countries on which sanctions have not been imposed under this Act;

(B) diplomatic and other steps the United States has taken or should take to further accomplish the intended objectives of the sanctions, including the promotion of multilateral adoption of comparable measures;

(C) comparable measures undertaken by other countries;

(D) additional policy options to promote the objectives of this Act and an assessment of their potential effectiveness;
(E) any obligations of the United States under international treaties or trade agreements with which sanctions imposed under section 7 have conflicted or proposed policy options under paragraph (2) may conflict;

(F) any retaliation resulting from sanctions imposed under section 7 and the likelihood that a proposed policy option under paragraph (2) will lead to retaliation against United States interests, including agricultural interests; and

(G) the estimated impact from sanctions imposed under section 7 and proposed policy options under paragraph (2) on United States foreign policy, national security, economic, and humanitarian interests, including benefit or harm to United States businesses, agriculture, and consumers, the competitiveness of United States businesses, and the international reputation of the United States as a reliable supplier of products, technology, agricultural commodities, and services.

(4) EFFECTS ON RELIGIOUS COMMUNITIES AND INDIVIDUALS.—Together with specific policy recommendations provided under paragraphs (2) and (3), the Commission shall also indicate its evaluation
of the potential effects of such policies, if implemented, on the religious communities and individuals whose rights are found to be violated in the country in question.

(5) MONITORING.—The Commission shall, on an ongoing basis, monitor facts and circumstances of religious persecution, in consultation with independent human rights groups and nongovernmental organizations, including churches and other religious communities, and make such recommendations as may be necessary to the appropriate agencies and officials of the United States Government.

(c) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than March 1 of each year, the Commission shall submit a report to the President and the Congress setting forth its recommendations for changes in United States policy based on its evaluations under subsection (b).

(2) CLASSIFIED FORM OF REPORT.—The report may be submitted in classified form, together with a public summary of recommendations.

(3) INDIVIDUAL OR DISSenting VIEWS.—Each member of the Commission may include the individual or dissenting views of the member.
(d) TERMINATION.—The Commission shall terminate 8 years after the initial appointment of its members.

SEC. 15. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsections (b) and (c), this Act and the amendments made by this Act shall take effect 120 days after the date of the enactment of this Act.

(b) APPOINTMENT OF DIRECTOR.—The Director shall be appointed not later than 60 days after the date of the enactment of this Act.

(c) REGULATIONS.—Each Federal department or agency responsible for carrying out any of the sanctions under section 7 shall issue all necessary regulations to carry out such sanctions within 120 days after the date of the enactment of this Act.


Attest:

Clerk.