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S. 1868

To express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 1998

Mr. NICKLES (for himself, Mr. MACK, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. CRAIG, Mr. HUTCHINSON, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “International Religious Freedom Act of 1998”.

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

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

TITLE I—DEPARTMENT OF STATE ACTIVITIES

- Sec. 101. Office on International Religious Freedom; Ambassador at Large for International Religious Freedom.
- Sec. 102. Reports.
- Sec. 103. Establishment of a religious freedom Internet site.
- Sec. 104. Training for Foreign Service officers.
- Sec. 105. High-level contacts with NGOs.
- Sec. 106. Programs and allocations of funds by United States missions abroad.
- Sec. 107. Equal access to United States missions abroad for conducting religious activities.
- Sec. 108. Prisoner lists and issue briefs on religious persecution concerns.

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS
PERSECUTION

- Sec. 201. Establishment and composition.
- Sec. 202. Duties of the Commission.
- Sec. 203. Report of the Commission.
- Sec. 204. Termination.

TITLE III—NATIONAL SECURITY COUNCIL

- Sec. 301. Special Adviser on Religious Persecution.

TITLE IV—SANCTIONS

Subtitle I—Targeted Responses to Religious Persecution Abroad

- Sec. 401. Executive measures and sanctions in response to findings made in the Annual Report on Religious Persecution.
- Sec. 402. Presidential determinations of gross violations of the right to religious freedom.
- Sec. 403. Consultations.
- Sec. 404. Report to Congress.
- Sec. 405. Description of Executive measures and sanctions.
- Sec. 406. Contract sanctity.
- Sec. 407. Presidential waiver.

- Sec. 408. Publication in Federal Register.
- Sec. 409. Congressional review.
- Sec. 410. Termination of sanctions.

Subtitle II—Strengthening Existing Law

- Sec. 421. United States assistance.
- Sec. 422. Multilateral assistance.
- Sec. 423. Exports of items relating to religious persecution.

TITLE V—PROMOTION OF RELIGIOUS FREEDOM

- Sec. 501. Assistance for promoting religious freedom.
- Sec. 502. International broadcasting.
- Sec. 503. International exchanges.
- Sec. 504. Foreign Service awards.

TITLE VI—REFUGEE, ASYLUM, AND CONSULAR MATTERS

- Sec. 601. Use of Annual Report.
- Sec. 602. Reform of refugee policy.
- Sec. 603. Reform of asylum policy.
- Sec. 604. Inadmissibility of foreign government officials who have engaged in gross violations of the right to religious freedom.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Business codes of conduct.
- Sec. 702. International Criminal Court.

1 SEC. 2. FINDINGS; POLICY.

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) Freedom of religious belief and practice is
5 a fundamental human right articulated in numerous
6 international agreements and covenants, including
7 the Universal Declaration of Human Rights, the
8 International Covenant on Civil and Political Rights,
9 the Helsinki Accords, the Declaration on the Elimina-
10 tion of All Forms of Intolerance and Discrimina-
11 tion Based on Religion or Belief, the United Nations
12 Charter, and the European Convention for the Pro-

1 tection of Human Rights and Fundamental Free-
2 doms.

3 (2) The right to freedom of religion undergirds
4 the very origin and existence of the United States.
5 Many of our Nation’s founders fled religious perse-
6 cution abroad, cherishing in their hearts and minds
7 the ideal of religious freedom. They established in
8 law, as a fundamental right and as a pillar of our
9 Nation, the right to freedom of religion. From its
10 birth to this day, the United States has prized this
11 legacy of religious freedom and honored this heritage
12 by standing for religious freedom and offering refuge
13 to those suffering religious persecution.

14 (3) Article 18 of the Universal Declaration of
15 Human Rights recognizes that “Everyone has the
16 right to freedom of thought, conscience, and religion.
17 This right includes freedom to change his religion or
18 belief, and freedom, either alone or in community
19 with others and in public or private, to manifest his
20 religion or belief in teaching, practice, worship, and
21 observance.”. Article 18(1) of the International Cov-
22 enant on Civil and Political Rights recognizes that
23 “Everyone shall have the right to freedom of
24 thought, conscience, and religion. This right shall in-
25 clude freedom to have or to adopt a religion or belief

1 of his choice, and freedom, either individually or in
2 community with others and in public or private, to
3 manifest his religion or belief in worship, observance,
4 practice, and teaching”. Governments have the re-
5 sponsibility to protect the fundamental rights of
6 their citizens and to pursue justice for all. Religious
7 freedom is a fundamental right of every individual,
8 regardless of race, country, creed, or nationality, and
9 should never be arbitrarily abridged by any govern-
10 ment.

11 (4) The right to freedom of religion is under re-
12 newed and, in some cases, increasing assault in
13 many countries around the world. More than one-
14 half of the world’s population lives under regimes
15 that severely restrict or prohibit the freedom of their
16 citizens to study, believe, observe, and freely practice
17 the religious faith of their choice. Religious believers
18 and communities suffer both government-sponsored
19 and government-tolerated violations of their rights to
20 religious freedom. Among the many forms of such
21 violations are state-sponsored slander campaigns,
22 confiscations of property, surveillance by security po-
23 lice, including by special divisions of “religious po-
24 lice”, severe prohibitions against construction and
25 repair of places of worship, denial of the right to as-

1 semble and relegation of religious communities to il-
2 legal status through arbitrary registration laws, pro-
3 hibitions against the pursuit of education or public
4 office, and prohibitions against publishing, distribut-
5 ing, or possessing religious literature and materials.

6 (5) Even more abhorrent, religious believers in
7 many countries face such severe and violent forms of
8 religious persecution as detention, torture, beatings,
9 forced marriage, rape, imprisonment, enslavement,
10 mass resettlement, and death merely for the peaceful
11 belief in, change of or practice of their faith. In
12 many countries, religious believers are forced to
13 meet secretly, and religious leaders are targeted by
14 national security forces and hostile mobs.

15 (6) Though not confined to a particular region
16 or regime, religious persecution is often particularly
17 widespread, systematic, and heinous under totali-
18 tarian governments and in countries with militant,
19 politicized religious majorities.

20 (7) Congress has recognized and denounced
21 acts of religious persecution through the adoption of
22 the following resolutions:

23 (A) House Resolution 515 (104th), ex-
24 pressing the sense of the House of Representa-

1 tives with respect to the persecution of Chris-
2 tians worldwide.

3 (B) Senate Concurrent Resolution 71
4 (104th), expressing the sense of the Senate re-
5 garding persecution of Christians worldwide.

6 (C) House Concurrent Resolution 102,
7 concerning the emancipation of the Iranian
8 Baha'i community.

9 (b) POLICY.—It shall be the policy of the United
10 States, as follows:

11 (1) To condemn religious persecution, and to
12 promote, and to assist other governments in the pro-
13 motion of, the fundamental right to religious free-
14 dom.

15 (2) To seek to channel United States security
16 and development assistance to governments other
17 than those found to be engaged in gross violations
18 of human rights, including the right to religious
19 freedom, as set forth in the Foreign Assistance Act
20 of 1961, in the International Financial Institutions
21 Act of 1977, and in other formulations of United
22 States human rights policy.

23 (3) To be vigorous and flexible, reflecting both
24 the unwavering commitment of the United States to
25 religious freedom and the desire of the United

1 States for the most effective and principled response,
2 in light of the range of violations of religious free-
3 dom by a variety of persecuting regimes, and the
4 status of the relations of the United States with dif-
5 ferent nations.

6 (4) To work with foreign governments that af-
7 firm and protect religious freedom, in order to de-
8 velop multilateral documents and initiatives to com-
9 bat religious persecution and promote the right to
10 religious freedom abroad.

11 (5) Standing for liberty and standing with the
12 persecuted, to use and implement appropriate tools
13 in the United States foreign policy apparatus, in-
14 cluding diplomatic, political, commercial, charitable,
15 educational, and cultural channels, to promote re-
16 spect for religious freedom by all governments and
17 peoples.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) **AMBASSADOR AT LARGE.**—The term “Am-
21 bassador at Large” means the Ambassador at Large
22 on International Religious Freedom appointed under
23 section 101(b).

24 (2) **ANNUAL REPORT ON RELIGIOUS PERSECU-**
25 **TION.**—The term “Annual Report on Religious Per-

1 secution” means the report described in section
2 102(b).

3 (3) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means the Committee on Foreign Relations
6 of the Senate and the Committee on International
7 Relations of the House of Representatives and, in
8 the case of any determination made with respect to
9 the imposition of a sanction under paragraphs (9)
10 through (16) of section 405, the term “appropriate
11 congressional committees” includes those commit-
12 tees, together with the Committee on Ways and
13 Means and the Committee on Banking and Finan-
14 cial Services of the House of Representatives and
15 the Committee on Finance of the Senate.

16 (4) COMMISSION.—The term “Commission”
17 means the United States Commission on Inter-
18 national Religious Persecution established in section
19 201(a).

20 (5) GOVERNMENT OR FOREIGN GOVERN-
21 MENT.—The term “government” or “foreign govern-
22 ment” includes any agency or instrumentality of the
23 government.

24 (6) GROSS VIOLATIONS OF THE RIGHT TO
25 FREEDOM OF RELIGION.—The term “gross viola-

1 tions of the right to freedom of religion” means a
2 consistent pattern of gross violations of the right to
3 freedom of religion that include torture or cruel, in-
4 human, or degrading treatment or punishment, pro-
5 longed detention without charges, causing the dis-
6 appearance of persons by the abduction or clandes-
7 tine detention of those persons, or other flagrant de-
8 nial of the right to life, liberty, or the security of
9 persons, within the meaning of section 116(a) of the
10 Foreign Assistance Act of 1961 (22 U.S.C.
11 2151n(a)).

12 (7) HUMAN RIGHTS REPORTS.—The term
13 “Human Rights Reports” means the reports submit-
14 ted by the Department of State to Congress under
15 sections 116 and 502B of the Foreign Assistance
16 Act of 1961.

17 (8) OFFICE.—The term “Office” means the Of-
18 fice on International Religious Freedom established
19 in section 101(a).

20 (9) RELIGIOUS PERSECUTION.—The term “reli-
21 gious persecution” means any violation of the inter-
22 nationally recognized right to freedom of religion, as
23 defined in Article 18 of the Universal Declaration of
24 Human Rights and Article 18 of the International

1 Covenant on Civil and Political Rights, including
2 violations such as—

3 (A) arbitrary prohibitions on, restrictions
4 of, or punishment for—

5 (i) assembling for peaceful religious
6 activities such as worship, preaching, and
7 prayer, including arbitrary registration re-
8 quirements,

9 (ii) speaking freely about one's reli-
10 gious beliefs,

11 (iii) changing one's religious beliefs
12 and affiliation,

13 (iv) possession and distribution of reli-
14 gious literature, including Bibles, or

15 (v) raising one's children in the reli-
16 gious teachings and practices of one's
17 choice,

18 as well as arbitrary prohibitions or restrictions
19 on the grounds of religion on holding public of-
20 fice, or pursuing educational or professional op-
21 portunities; and

22 (B) any of the following acts if committed
23 on account of an individual's religious belief or
24 practice: detention, interrogation, harassment,
25 imposition of an onerous financial penalty,

1 forced labor, forced mass resettlement, impris-
2 onment, beating, torture, mutilation, rape, en-
3 slavement, murder, and execution.

4 (10) SPECIAL ADVISER.—The term “Special
5 Adviser” means the Special Adviser to the President
6 on Religious Persecution established in section
7 101(i) of the National Security Act of 1947, as
8 added by section 301 of this Act.

9 **TITLE I—DEPARTMENT OF**
10 **STATE ACTIVITIES**

11 **SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREE-**
12 **DOM; AMBASSADOR AT LARGE FOR INTER-**
13 **NATIONAL RELIGIOUS FREEDOM.**

14 (a) ESTABLISHMENT OF OFFICE.—There is estab-
15 lished within the Department of State an Office on Inter-
16 national Religious Freedom that shall be headed by the
17 Ambassador at Large on International Religious Freedom
18 appointed under subsection (b).

19 (b) APPOINTMENT.—The Ambassador at Large shall
20 be appointed by the President, by and with the advice and
21 consent of the Senate.

22 (c) DUTIES.—The Ambassador at Large shall have
23 the following responsibilities:

24 (1) IN GENERAL.—The primary responsibility
25 of the Ambassador at Large shall be to advance the

1 right to freedom of religion abroad, to denounce the
2 violation of that right, and to recommend appro-
3 priate responses by the United States Government
4 when this right is violated.

5 (2) ADVISORY ROLE.—The Ambassador at
6 Large shall be the principal adviser to the President
7 and the Secretary of State regarding matters affect-
8 ing religious freedom abroad and, with advice from
9 the Commission on International Religious Persecu-
10 tion, shall make recommendations regarding the
11 policies of the United States Government toward
12 governments that violate the freedom of religion or
13 that fail to ensure the individual’s right to religious
14 belief and practice.

15 (3) DIPLOMATIC REPRESENTATION.—The Am-
16 bassador at Large is authorized to represent the
17 United States in matters and cases relevant to reli-
18 gious persecution in—

19 (A) contacts with foreign governments,
20 international organizations, intergovernmental
21 organizations, and specialized agencies of the
22 United Nations, the Organization on Security
23 and Cooperation in Europe, and other organiza-
24 tions of which the United States is a member;
25 and

1 (B) multilateral conferences and meetings
2 relevant to religious persecution.

3 (4) REPORTING RESPONSIBILITIES.—The Am-
4 bassador at Large shall have the reporting respon-
5 sibilities described in section 102.

6 (d) FUNDING.—The Secretary of State shall provide
7 the Ambassador at Large with such funds as may be nec-
8 essary for the hiring of staff for the Office, for the conduct
9 of investigations by the Office, and for necessary travel
10 to carry out the provisions of this section.

11 **SEC. 102. REPORTS.**

12 (a) PORTIONS OF ANNUAL HUMAN RIGHTS RE-
13 PORTS.—The Ambassador at Large shall assist the Sec-
14 retary of State in preparing those portions of the Human
15 Rights Reports that relate to freedom of religion and dis-
16 crimination based on religion and those portions of other
17 information provided Congress under sections 116 and
18 502B of the Foreign Assistance Act of 1961 (22 U.S.C.
19 2151m, 2304) that relate to the right to religious freedom.

20 (b) ANNUAL REPORT ON RELIGIOUS PERSECU-
21 TION.—

22 (1) IN GENERAL.—

23 (A) DEADLINE FOR SUBMISSION.—Not
24 later than May 1 of each year, the Ambassador
25 at Large shall submit to the appropriate con-

1 gressional committees an Annual Report on Re-
2 ligious Persecution, expanding upon the most
3 recent Human Rights Reports. Each Annual
4 Report on Religious Persecution shall contain
5 the following:

6 (i) An identification of each foreign
7 country the government of which engages
8 in or tolerates acts of religious persecution.

9 (ii) An assessment and description of
10 the nature and extent of religious persecu-
11 tion, including persecution of one religious
12 group by another religious group, religious
13 persecution by governmental and non-
14 governmental entities, persecution targeted
15 at individuals or particular denominations
16 or entire religions, and the existence of
17 government policies violating religious free-
18 dom.

19 (iii) A description of United States
20 policies in support of religious freedom, in-
21 cluding a description of the measures and
22 policies implemented during the preceding
23 12 months by the United States under title
24 IV of this Act in opposition to religious

1 persecution and in support of religious
2 freedom.

3 (iv) A description of any binding
4 agreement with a foreign government en-
5 tered into by the United States under sec-
6 tion 402(c).

7 (B) CLASSIFIED ADDENDUM.—If the Am-
8 bassador determines that it is in the national
9 security interests of the United States or is nec-
10 essary for the safety of individuals to be identi-
11 fied in the Annual Report, any information re-
12 quired by subparagraph (A), including meas-
13 ures taken by the United States, may be sum-
14 marized in the Annual Report and submitted in
15 more detail in a classified addendum to the An-
16 nual Report.

17 (C) DESIGNATION OF REPORT.—Each re-
18 port submitted under this subsection may be re-
19 ferred to as the “Annual Report on Religious
20 Persecution”.

21 (2) FOREIGN GOVERNMENT INPUT.—Prior to
22 submission of each report under this subsection, the
23 Secretary of State may offer the government of any
24 country concerned an opportunity to respond to the
25 relevant portions of the report. If the Secretary of

1 State determines that doing so would further the
2 purposes of this Act, the Secretary shall request the
3 Ambassador at Large to include the country's re-
4 sponse as an addendum to the Annual Report on
5 Religious Persecution.

6 (c) PREPARATION OF REPORTS REGARDING RELI-
7 GIOUS PERSECUTION.—

8 (1) STANDARDS AND INVESTIGATIONS.—The
9 Secretary of State shall ensure that United States
10 missions abroad maintain a consistent reporting
11 standard and thoroughly investigate reports of reli-
12 gious persecution.

13 (2) CONTACTS WITH NGOS.—In compiling data
14 and assessing the respect of the right to religious
15 freedom for the Human Rights Reports and the An-
16 nual Report on Religious Persecution, United States
17 mission personnel shall seek out and maintain con-
18 tacts with religious and human rights nongovern-
19 mental organizations, with the consent of those or-
20 ganizations, including receiving reports and updates
21 from such organizations and, when appropriate, in-
22 vestigating such reports.

23 (d) AMENDMENTS TO THE FOREIGN ASSISTANCE
24 ACT.—

1 (1) CONTENT OF HUMAN RIGHTS REPORTS FOR
2 COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—
3 Section 116(d) of the Foreign Assistance Act of
4 1961 (22 U.S.C. 2151n(d)) is amended—

5 (A) by striking “and” at the end of para-
6 graph (4);

7 (B) by striking the period at the end of
8 paragraph (5) and inserting “; and ”; and

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

10 “(6) wherever applicable, the practice of reli-
11 gious persecution, including gross violations of the
12 right to religious freedom.”.

13 (2) CONTENTS OF HUMAN RIGHTS REPORTS
14 FOR COUNTRIES RECEIVING SECURITY ASSIST-
15 ANCE.—Section 502B(b) of the Foreign Assistance
16 Act of 1961 (22 U.S.C. 2304(b)) is amended—

17 (A) by inserting “and with the assistance
18 of the Ambassador at Large for Religious Free-
19 dom” after “Labor”; and

20 (B) by inserting after the second sentence
21 the following new sentence: “Such report shall
22 also include, wherever applicable, information
23 on religious persecution, including gross viola-
24 tions of the right to religious freedom.”.

1 **SEC. 103. ESTABLISHMENT OF A RELIGIOUS FREEDOM**
2 **INTERNET SITE.**

3 In order to facilitate access by nongovernmental orga-
4 nizations (NGOs) and by the public around the world to
5 international documents on the protection of religious
6 freedom, the Ambassador at Large shall establish and
7 maintain an Internet site containing major international
8 documents relating to religious freedom, the Annual Re-
9 port on Religious Persecution, and any other documenta-
10 tion or references to other sites as deemed appropriate or
11 relevant by the Ambassador at Large.

12 **SEC. 104. TRAINING FOR FOREIGN SERVICE OFFICERS.**

13 Chapter 2 of title I of the Foreign Service Act of
14 1980 is amended by adding at the end the following new
15 section:

16 **“SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.**

17 “The Secretary of State and the Ambassador at
18 Large on International Religious Freedom, appointed
19 under section 101(b) of the International Religious Free-
20 dom Act of 1998, acting jointly, shall establish as part
21 of the standard training for officers of the Service, includ-
22 ing chiefs of mission, instruction in the field of inter-
23 nationally recognized human rights. Such instruction shall
24 include—

25 “(1) standards for proficiency in the knowledge
26 of international documents and United States policy

1 in human rights, and shall be mandatory for all
2 members of the Service having reporting responsibil-
3 ities relating to human rights, and for chiefs of mis-
4 sion; and

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

9 **SEC. 105. HIGH-LEVEL CONTACTS WITH NGOS.**

10 United States chiefs of mission shall seek out and
11 contact religious nongovernmental organizations to pro-
12 vide high-level meetings with religious nongovernmental
13 organizations where appropriate and beneficial. United
14 States chiefs of mission and Foreign Service officers
15 abroad shall seek to meet with imprisoned religious leaders
16 where appropriate and beneficial.

17 **SEC. 106. PROGRAMS AND ALLOCATIONS OF FUNDS BY**
18 **UNITED STATES MISSIONS ABROAD.**

19 It is the sense of Congress that—

20 (1) United States diplomatic missions in coun-
21 tries the governments of which engage in or tolerate
22 religious persecution should develop, as part of an-
23 nual program planning, a strategy to promote the
24 respect of the internationally recognized right to
25 freedom of religion; and

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

8 **SEC. 107. EQUAL ACCESS TO UNITED STATES MISSIONS**
9 **ABROAD FOR CONDUCTING RELIGIOUS AC-**
10 **TIVITIES.**

11 (a) **IN GENERAL.**—Subject to this section, the Sec-
12 retary of State shall permit, on terms no less favorable
13 than that accorded other nongovernmental activities, ac-
14 cess to the premises of any United States diplomatic mis-
15 sion or consular post by any United States citizen seeking
16 to conduct an activity for religious purposes.

17 (b) **TIMING AND LOCATION.**—The Secretary of State
18 shall make reasonable accommodations with respect to the
19 timing and location of such access in light of—

20 (1) the number of United States citizens re-
21 questing the access (including any particular reli-
22 gious concerns regarding the time of day, date, or
23 physical setting for services);

24 (2) conflicts with official activities and other
25 nonofficial United States citizen requests;

1 maintain issue briefs on religious freedom, on a country-
2 by-country basis, consisting of lists of persons believed to
3 be imprisoned for their religious faith, together with brief
4 evaluations and critiques of policies of the respective coun-
5 try restricting religious freedom. The Secretary of State
6 shall exercise appropriate discretion regarding the safety
7 and security concerns of prisoners in considering the inclu-
8 sion of their names on the lists.

9 (c) AVAILABILITY OF INFORMATION.—The Secretary
10 shall provide these religious freedom issue briefs to execu-
11 tive branch and congressional officials and delegations in
12 anticipation of bilateral contacts with foreign leaders, both
13 in the United States and abroad.

14 **TITLE II—COMMISSION ON**
15 **INTERNATIONAL RELIGIOUS**
16 **PERSECUTION**

17 **SEC. 201. ESTABLISHMENT AND COMPOSITION.**

18 (a) GENERALLY.—There is established the United
19 States Commission on International Religious Persecu-
20 tion.

21 (b) MEMBERSHIP.—

22 (1) APPOINTMENT.—The Commission shall be
23 composed of—

24 (A) the Ambassador at Large, who shall
25 serve as Chair; and

1 (B) 6 other members, who shall be ap-
2 pointed as follows:

3 (i) 2 members of the Commission
4 shall be appointed by the President.

5 (ii) 2 members of the Commission
6 shall be appointed by the President pro
7 tempore of the Senate, upon the rec-
8 ommendations of the Majority Leader and
9 the Minority Leader.

10 (iii) 2 members of the Commission
11 shall be appointed by the Speaker of the
12 House of Representatives upon the rec-
13 ommendations of the Majority Leader and
14 the Minority Leader.

15 (2) SELECTION.—Members of the Commission
16 shall be selected among distinguished individuals
17 noted for their knowledge and experience in fields
18 relevant to the issue of international religious perse-
19 cution, including foreign affairs, human rights, and
20 international law.

21 (3) TIME OF APPOINTMENT.—The appoint-
22 ments required by paragraph (1) shall be made not
23 later than 120 days after the date of enactment of
24 this Act.

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

4 (d) QUORUM.—Four members of the Commission
5 constitute a quorum of the Commission.

6 (e) MEETINGS.—No more than 15 days after the
7 issuance of the Annual Report on Religious Persecution,
8 the Commission shall convene.

9 (f) ADMINISTRATIVE SUPPORT.—The Ambassador at
10 Large shall provide to the Commission such staff and ad-
11 ministrative services of the Office as may be necessary for
12 the Commission to perform its functions. The Secretary
13 of State shall assist the Ambassador at Large and the
14 Commission by detailing staff resources as needed and as
15 appropriate.

16 (g) FUNDING.—

17 (1) TRAVEL EXPENSES.—Members of the Com-
18 mission shall be allowed travel expenses, including
19 per diem in lieu of subsistence at rates authorized
20 for employees of agencies under subchapter I of
21 chapter 57 of title 5, United States Code, while
22 away from their homes or regular places of business
23 in the performance of services for the Commission.

24 (2) NO COMPENSATION FOR GOVERNMENT EM-
25 PLOYEES.—Any member of the Commission who is

1 an officer or employee of the United States shall not
2 be paid compensation for services performed as a
3 member of the Commission.

4 **SEC. 202. DUTIES OF THE COMMISSION.**

5 (a) IN GENERAL.—The Commission shall have as its
6 primary responsibility the consideration of the facts and
7 circumstances of religious persecution presented in the
8 Annual Report on Religious Persecution, as well as infor-
9 mation from other sources as appropriate, and to make
10 appropriate policy recommendations to the President, the
11 Secretary of State, and Congress.

12 (b) POLICY REVIEW AND RECOMMENDATIONS IN RE-
13 SPONSE TO VIOLATIONS.—The Commission, in evaluating
14 the United States Government policies in response to reli-
15 gious persecution, shall consider and recommend policy
16 options, including diplomatic inquiries, diplomatic protest,
17 official public protest, demarche of protest, condemnation
18 within multilateral fora, cancellation of cultural or sci-
19 entific exchanges, or both, cancellation of state visits, re-
20 duction of certain assistance funds, termination of certain
21 assistance funds, imposition of targeted trade sanctions,
22 imposition of broad trade sanctions, and withdrawal of the
23 chief of mission.

24 (c) POLICY REVIEW AND RECOMMENDATIONS IN RE-
25 SPONSE TO PROGRESS.—The Commission, in evaluating

1 the United States Government policies with respect to
2 countries found to be taking deliberate steps and making
3 significant improvement in respect for religious freedom,
4 shall consider and recommend policy options, including
5 private commendation, diplomatic commendation, official
6 public commendation, commendation within multilateral
7 fora, an increase in cultural or scientific exchanges, or
8 both, termination or reduction of existing sanctions, an in-
9 crease in certain assistance funds, and invitations for offi-
10 cial state visits.

11 (d) EFFECTS ON RELIGIOUS COMMUNITIES AND IN-
12 DIVIDUALS.—Together with specific policy recommenda-
13 tions provided under subsections (b) and (c), the Commis-
14 sion shall also indicate its evaluation of the potential ef-
15 fects of such policies, if implemented, on the religious com-
16 munities and individuals whose rights are found to be vio-
17 lated in the country in question.

18 (e) MONITORING.—The Commission shall, on an on-
19 going basis, monitor facts and circumstances of religious
20 persecution, in consultation with independent human
21 rights groups and nongovernmental organizations, includ-
22 ing churches and other religious communities, and make
23 such recommendations as may be necessary to the appro-
24 priate officials and offices in the United States Govern-
25 ment.

1 **SEC. 203. REPORT OF THE COMMISSION.**

2 (a) IN GENERAL.—Not later than August 1 of each
3 year, the Commission shall submit a report to the Presi-
4 dent and to Congress setting forth its recommendations
5 for changes in United States policy based on its evalua-
6 tions under section 202.

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

10 (c) INDIVIDUAL OR DISSENTING VIEWS.—Each
11 member of the Commission may include the individual or
12 dissenting views of the member.

13 **SEC. 204. TERMINATION.**

14 The Commission shall terminate 4 years after the ini-
15 tial appointment of Commissioners.

16 **TITLE III—NATIONAL SECURITY**
17 **COUNCIL**

18 **SEC. 301. SPECIAL ADVISER ON RELIGIOUS PERSECUTION.**

19 Section 101 of the National Security Act of 1947 (50
20 U.S.C. 402) is amended by adding at the end the following
21 new subsection:

22 “(i) It is the sense of the Congress that there should
23 be within the staff of the National Security Council a Spe-
24 cial Adviser to the President on Religious Persecution,
25 whose position should be comparable to that of a director
26 within the Executive Office of the President. The Special

1 Adviser should serve as a resource for executive branch
 2 officials, compiling and maintaining information on the
 3 facts and circumstances of religious persecution and viola-
 4 tions of religious freedom, and making policy rec-
 5 ommendations. The Special Adviser should serve as liaison
 6 with the Ambassador at Large on International Religious
 7 Freedom, the United States Commission on International
 8 Religious Persecution, Congress and, as advisable, reli-
 9 gious nongovernmental organizations.”.

10 **TITLE IV—SANCTIONS**

11 **Subtitle I—Targeted Responses to** 12 **Religious Persecution Abroad**

13 **SEC. 401. EXECUTIVE MEASURES AND SANCTIONS IN RE-** 14 **SPONSE TO FINDINGS MADE IN THE ANNUAL** 15 **REPORT.**

16 (a) **IN GENERAL.**—For each foreign country the gov-
 17 ernment of which engages in or tolerates religious persecu-
 18 tion, as described in the Annual Report on Religious Per-
 19 secution, the President shall oppose such persecution and
 20 promote the right to freedom of religion in that country
 21 through the actions described in subsection (b).

22 (b) **PRESIDENTIAL ACTIONS.**—As expeditiously as
 23 practicable, but not later than one year after the date of
 24 submission of each Annual Report on Religious Persecu-
 25 tion, the President, in consultation with the Ambassador

1 at Large, the Special Advisor, and the Commission, shall
2 take one or more of the actions described in paragraphs
3 (1) through (16) of section 405(a) with respect to a for-
4 eign government described in subsection (a).

5 (c) EXECUTIVE MEASURES.—The President shall no-
6 tify the appropriate congressional committees and, as ap-
7 propriate, the Commission, of any measure or measures
8 taken by the President under paragraphs (1) through (8)
9 of section 405(a).

10 (d) SANCTIONS.—Any measure imposed under para-
11 graphs (9) through (16) of section 405(a) may only be
12 imposed in accordance with the procedures set forth in
13 section 409 after the requirements of sections 403 and
14 404 have been satisfied.

15 (e) IMPLEMENTATION.—

16 (1) IN GENERAL.—In carrying out subsection
17 (b), the President shall—

18 (A) take the action or actions that most
19 appropriately respond to the nature and sever-
20 ity of the religious persecution;

21 (B) seek to the fullest extent possible to
22 target action as narrowly as practicable with re-
23 spect to the agency or instrumentality of the
24 foreign government, or specific officials thereof,
25 that are responsible for such persecution; and

1 (C) make every reasonable effort to con-
2 clude a binding agreement concerning the ces-
3 sation of such persecution.

4 (2) GUIDELINES FOR SANCTIONS.—In addition
5 to the guidelines under paragraph (1), the Presi-
6 dent, in determining whether to impose a sanction
7 under paragraphs (9) through (16) of section 405(a)
8 or commensurate action under section 405(b), shall
9 seek to minimize any adverse impact on—

10 (A) the population of the country whose
11 government is targeted by the sanction or sanc-
12 tions; and

13 (B) the humanitarian activities of United
14 States and foreign nongovernmental organiza-
15 tions in such country.

16 **SEC. 402. PRESIDENTIAL DETERMINATIONS OF GROSS VIO-**
17 **LATIONS OF THE RIGHT TO RELIGIOUS FREE-**
18 **DOM.**

19 (a) DETERMINATION OF GROSS VIOLATIONS OF THE
20 RIGHT TO RELIGIOUS FREEDOM.—Not more than 30
21 days after transmittal of the Annual Report on Religious
22 Persecution to the appropriate congressional committees,
23 the President, in consultation with the Ambassador at
24 Large, the Special Advisor, and the Commission shall de-
25 termine whether any of the governments of the countries

1 described in the Annual Report on Religious Persecution
2 have engaged in a consistent pattern of gross violations
3 of the right to religious freedom.

4 (b) DETERMINATION OF RESPONSIBLE PARTIES.—

5 The President shall at the same time as the determination
6 under subsection (a) identify, to the extent practicable for
7 each foreign government under that subsection, the re-
8 sponsible agency or instrumentality thereof and specific
9 officials thereof that are responsible for such gross viola-
10 tions, in order to appropriately target sanctions in re-
11 sponse.

12 (c) SANCTIONS AGAINST GOVERNMENTS ENGAGED
13 IN GROSS VIOLATIONS OF RELIGIOUS FREEDOM.—

14 (1) IN GENERAL.—Subject to paragraph (2) of
15 this subsection, in the case of a determination under
16 subsection (a) with respect to a foreign government,
17 unless Congress enacts a joint resolution of dis-
18 approval in accordance with section 409, the Presi-
19 dent shall carry out one or more of the following ac-
20 tions after the requirements of sections 403 and 404
21 have been satisfied:

22 (A) SANCTIONS.—One or more of the sanc-
23 tions described in paragraphs (9) through (16)
24 of section 405(a), to be determined by the
25 President.

1 (B) COMMENSURATE ACTIONS.—Commensurate action, as described in section 405(b).

2
3 (2) SUBSTITUTION OF BINDING AGREEMENTS.—In lieu of carrying out action under paragraph (1), the President may conclude a binding agreement with the respective foreign government concerning the cessation of such violations. The existence of a binding agreement under this paragraph with a foreign government shall be considered by the President prior to making any determination under section 401 or this section.

12 **SEC. 403. CONSULTATIONS.**

13 (a) DUTY TO CONSULT WITH FOREIGN GOVERNMENTS PRIOR TO IMPOSITION OF SANCTIONS.—

15 (1) IN GENERAL.—The President shall—

16 (A) as soon as practicable after a determination is made under section 402(a) or a sanction is proposed to be taken under section 401(d), request consultation with each respective foreign government regarding the violations determined under those sections; and

22 (B) if agreed to, enter into such consultations, privately or publicly.

24 (2) USE OF MULTILATERAL FORA.—If the President determines it to be appropriate, such con-

1 sultations may be sought and may occur in a multi-
2 lateral forum.

3 (3) ELECTION OF NONDISCLOSURE OF NEGOTIATIONS TO PUBLIC.—If negotiations are undertaken or an agreement is reached with a foreign government regarding steps to alter the pattern of violations by that government, and if public disclosure of such negotiations or agreement would jeopardize the negotiations or the implementation of such agreement, as the case may be, the President may refrain from disclosing such negotiations and such agreement to the public, except that the President shall inform the appropriate congressional committees of the nature and extent of such negotiations and any agreement reached.

16 (b) DUTY TO CONSULT WITH HUMANITARIAN ORGANIZATIONS.—The President shall consult with appropriate humanitarian and religious organizations concerning the potential impact of the intended sanctions.

20 (c) DUTY TO CONSULT WITH UNITED STATES INTERESTED PARTIES.—The President shall consult with United States interested parties as to the potential impact of the intended sanctions on the economic or other interests of the United States. The President shall provide the opportunity for consultation with, and the submission of

1 comments by, those United States interested parties likely
2 to be affected by intended United States measures.

3 **SEC. 404. REPORT TO CONGRESS.**

4 (a) IN GENERAL.—Subject to subsection (b), not
5 later than September 1 of any year in which a determina-
6 tion is made under section 402(a) with respect to a foreign
7 country, or not later than 90 days after the President may
8 determine to take action under section 401(d) with respect
9 to a foreign country, as the case may be, the President
10 shall submit a report to Congress containing the following:

11 (1) IDENTIFICATION OF SANCTIONS.—An iden-
12 tification of the sanction or sanctions described in
13 paragraphs (9) through (16) of section 405(a) pro-
14 posed to be taken against the foreign country.

15 (2) DESCRIPTION OF VIOLATIONS.—A descrip-
16 tion of the violations giving rise to the sanction or
17 sanctions proposed to be taken.

18 (3) PURPOSES OF SANCTIONS.—A description
19 of the purpose of the sanction.

20 (4) EVALUATION.—An evaluation, in consulta-
21 tion with the Ambassador at Large, the Commission,
22 the Special Advisor, and the parties described in sec-
23 tion 403 (b) and (c) of (A) the impact upon the for-
24 eign government, (B) the impact upon the popu-
25 lation of the country, and (C) the impact upon the

1 United States economy and other interested parties.
2 The President may withhold part or all of such eval-
3 uation from the public but shall provide the entire
4 evaluation to the appropriate congressional commit-
5 tees.

6 (5) EXHAUSTION OF POLICY OPTIONS.—A
7 statement that other policy options designed to bring
8 about alteration of the gross violations of the right
9 to religious freedom have reasonably been exhausted,
10 including the consultations required in section 403.

11 (6) DESCRIPTION OF MULTILATERAL NEGOTIA-
12 TIONS.—A description of multilateral negotiations
13 sought or carried out, if appropriate and applicable.

14 (b) DELAY IN TRANSMITTAL OF REPORT FOR THE
15 PURPOSE OF CONTINUING NEGOTIATIONS.—If, on or be-
16 fore the date that the President would (but for this sub-
17 section) submit a proposal under subsection (a) to Con-
18 gress to impose any sanction under paragraphs (9)
19 through (16) of section 405(a) against a foreign country—

20 (1) negotiations are still taking place with the
21 government of that country, and

22 (2) the President determines and certifies to
23 Congress that a single, additional period of time not
24 to exceed 90 days is necessary for such negotiations
25 to continue, then the President shall not be required

1 to submit the proposal to Congress until the expira-
2 tion of that period of time.

3 **SEC. 405. DESCRIPTION OF EXECUTIVE MEASURES AND**
4 **SANCTIONS.**

5 (a) DESCRIPTION OF MEASURES AND SANCTIONS.—

6 Except as provided in subsection (d), the Executive meas-
7 ures and sanctions referred to in this subsection are the
8 following:

9 (1) A private demarche.

10 (2) An official public demarche.

11 (3) A public condemnation.

12 (4) A public condemnation within one or more
13 multilateral fora.

14 (5) The cancellation of one or more scientific
15 exchanges.

16 (6) The cancellation of one or more cultural ex-
17 changes.

18 (7) The denial of one or more state visits.

19 (8) The cancellation of one or more state visits.

20 (9) The withdrawal, limitation, or suspension of
21 United States development assistance in accordance
22 with the provisions of section 116 of the Foreign As-
23 sistance Act of 1961.

24 (10) Directing the Export-Import Bank of the
25 United States, the Overseas Private Investment Cor-

1 poration, or the Trade and Development Agency not
2 to approve the issuance of any (or a specified num-
3 ber of) guarantees, insurance, extensions of credit,
4 or participations in the extension of credit with re-
5 spect to the specific government, agency, instrumen-
6 tality, or official determined by the President to be
7 responsible for gross violations of the right to reli-
8 gious freedom.

9 (11) The withdrawal, limitation, or suspension
10 of United States security assistance in accordance
11 with the provisions of section 502B of the Foreign
12 Assistance Act of 1961.

13 (12) The withdrawal, limitation, or suspension
14 of preferential tariff treatment accorded under—

15 (A) title V of the Trade Act of 1974 (relat-
16 ing to the Generalized System of Preferences);

17 (B) the Caribbean Basin Economic Recov-
18 ery Act;

19 (C) the Andean Trade Preference Act; or

20 (D) any other law providing preferential
21 tariff treatment.

22 (13) Consistent with section 701 of the Inter-
23 national Financial Institutions Act of 1977, direct-
24 ing the United States executive directors of inter-
25 national financial institutions to vote against loans

1 primarily benefiting the specific foreign government,
2 agency, instrumentality, or official determined by the
3 President to be responsible for such persecution.

4 (14) Ordering the heads of the appropriate
5 United States agencies not to issue any (or a speci-
6 fied number of) specific licenses and not to grant
7 any other specific authority (or a specified number
8 of authorities) to export any goods or technology to
9 the specific foreign government, agency, instrumen-
10 tality, or official determined by the President to be
11 responsible for such persecution under—

12 (A) the Export Administration Act of
13 1979;

14 (B) the Arms Export Control Act;

15 (C) the Atomic Energy Act of 1954; or

16 (D) any other statute that requires the
17 prior review and approval of the United States
18 Government as a condition for the export or re-
19 export of goods or services.

20 (15) Prohibiting any United States financial in-
21 stitution from making loans or providing credits to-
22 taling more than \$10,000,000 in any 12-month pe-
23 riod to the specific foreign government, agency, in-
24 strumentality, or official determined by the Presi-
25 dent to be responsible for the violations.

1 (16) Prohibiting the United States Government
2 from procuring, or entering into any contract for the
3 procurement of, any goods or services from the for-
4 eign government, entities, or officials determined by
5 the President to be responsible for the violations.

6 (b) COMMENSURATE ACTION.—Except as provided in
7 subsection (d), the President may substitute any other ac-
8 tion authorized by law for any action described in para-
9 graphs (1) through (16) of subsection (a) if such action
10 is commensurate in effect to the action substituted and
11 if the action would further the policy of the United States
12 set forth in section 2 of this Act. The President shall seek
13 to take all appropriate and feasible actions authorized by
14 law to obtain the cessation of the violations. In the case
15 of the development of commensurate action as a substitute
16 for any sanction described in paragraphs (9) through (16)
17 of subsection (a), the President shall conduct all consulta-
18 tions described in section 403 prior to taking such action.
19 If commensurate action is taken, the President shall re-
20 port such action, together with an explanation for taking
21 such action, to the appropriate congressional committees.

22 (c) BINDING AGREEMENTS.—The President may ne-
23 gotiate and enter into a binding agreement with a foreign
24 government that obligates such government to cease, or
25 take substantial steps to address and phase out, the act,

1 policy, or practice constituting the religious persecution.
2 The entry into force of a binding agreement for the ces-
3 sation of the violations shall be a primary objective for
4 the President in responding to a foreign government that
5 engages in a consistent pattern of gross violations of the
6 right to religious freedom.

7 (d) EXCEPTIONS.—Any action taken pursuant to
8 subsection (a) or (b) may not—

9 (1) prohibit or restrict the provision of medi-
10 cine, medical equipment or supplies, food, or other
11 humanitarian assistance; or

12 (2) impede any action taken by the United
13 States Government to enforce the right to maintain
14 intellectual property rights.

15 **SEC. 406. CONTRACT SANCTITY.**

16 The President shall not be required to apply or main-
17 tain any sanction under this subtitle—

18 (1) in the case of procurement of defense arti-
19 cles or defense services—

20 (A) under existing contracts or sub-
21 contracts, including the exercise of options for
22 production quantities to satisfy requirements
23 essential to the national security of the United
24 States;

1 (B) if the President determines in writing
2 that the person or other entity to which the
3 sanction would otherwise be applied is a sole
4 source supplier of the defense articles or serv-
5 ices, that the defense articles or services are es-
6 sential, and that alternative sources are not
7 readily or reasonably available; or

8 (C) if the President determines in writing
9 that such articles or services are essential to the
10 national security under defense coproduction
11 agreements; or

12 (2) to products or services provided under con-
13 tracts entered into before the date on which the
14 President publishes his intention to impose the sanc-
15 tion.

16 **SEC. 407. PRESIDENTIAL WAIVER.**

17 The President may waive the requirement to take an
18 action under this subtitle with respect to a country, if—

19 (1) the President determines and so reports to
20 the appropriate congressional committees that—

21 (A) the respective foreign government has
22 ceased or taken substantial steps to cease the
23 violations giving rise to the imposition of the
24 measure or sanction;

1 (B) the exercise of such waiver authority
2 would better further the purposes of this Act;
3 or

4 (C) the national security of the United
5 States requires the exercise of such waiver au-
6 thority; and

7 (2) the requirements of congressional review
8 under section 409 have been satisfied.

9 **SEC. 408. PUBLICATION IN FEDERAL REGISTER.**

10 The President shall cause to be published in the Fed-
11 eral Register the following:

12 (1) DETERMINATIONS OF VIOLATOR GOVERN-
13 MENTS, OFFICIALS, AND ENTITIES.—Consistent with
14 section 654(c) of the Foreign Assistance Act of
15 1961, any determination that a government has en-
16 gaged in gross violations of the right to religious
17 freedom, together with, when applicable and pos-
18 sible, the officials or entities determined to be re-
19 sponsible for the violations. Such a determination
20 shall include a notification to all interested parties
21 to provide consultation and submit comments con-
22 cerning sanctions that may be taken by the United
23 States in response to the violations.

24 (2) SANCTIONS.—A description of any sanction
25 that takes effect pursuant to section 409, and the

1 effective date of the sanction. A description of the
2 sanction may be withheld if disclosure is deemed to
3 jeopardize national security.

4 (3) DELAYS IN TRANSMITTAL OF SANCTION RE-
5 PORTS.—Any delay in transmittal of a sanction re-
6 port, as described in section 404(b).

7 (4) WAIVERS.—Any waiver under section 407.

8 **SEC. 409. CONGRESSIONAL REVIEW.**

9 (a) IN GENERAL.—

10 (1) PROPOSALS SUBJECT TO CONGRESSIONAL
11 REVIEW.—Each of the following proposals shall take
12 effect 30 session days of Congress after the Presi-
13 dent transmits the proposal to Congress unless,
14 within such period, Congress enacts a joint resolu-
15 tion disapproving the sanction, waiver, or termi-
16 nation of a sanction, as the case may be, in accord-
17 ance with subsection (b):

18 (A) Any sanction proposed under section
19 404(a).

20 (B) Any waiver proposed under section
21 407(2).

22 (C) Any proposed termination of a sanc-
23 tion under section 410(2).

24 (2) SUBMISSION OF REVISED PROPOSALS TO
25 CONGRESS.—In the event that Congress enacts a

1 joint resolution of disapproval under paragraph (1),
2 the President shall, within 30 days of the date of
3 any override of the President’s veto of that resolu-
4 tion, revise the proposed sanction, waiver, or termi-
5 nation of sanction and submit the revised proposal
6 to Congress for consideration in accordance with
7 subsection (b).

8 (b) CONGRESSIONAL PRIORITY PROCEDURES.—

9 (1) JOINT RESOLUTION DEFINED.—

10 (A) DISAPPROVAL RESOLUTIONS FOR
11 SANCTION PROPOSALS.—For the purpose of
12 subsection (a)(1)(A), the term “joint resolu-
13 tion” means only a joint resolution introduced
14 after the date on which the report of the Presi-
15 dent under section 404 is received by Congress,
16 the matter after the resolving clause of which is
17 as follows: “That Congress disapproves the
18 sanction or sanctions proposed by the President
19 in the report transmitted under section 404(a)
20 of the International Religious Freedom Act of
21 1998 on .”, with the blank filled in
22 with the appropriate date.

23 (B) DISAPPROVAL RESOLUTIONS FOR
24 PRESIDENTIAL WAIVERS.—For the purpose of
25 subsection (a)(1)(B), the term “joint resolu-

1 tion” means only a joint resolution introduced
2 after the date on which the report of the Presi-
3 dent under section 407(1) is received by Con-
4 gress, the matter after the resolving clause of
5 which is as follows: “That Congress disapproves
6 the waiver proposed by the President in the re-
7 port transmitted under section 407(1) of the
8 International Religious Freedom Act of 1998
9 on .”, with the blank filled in with the
10 appropriate date.

11 (C) DISAPPROVAL RESOLUTIONS FOR PRO-
12 POSALS TO TERMINATE SANCTIONS.—For the
13 purpose of subsection (a)(1)(C), the term “joint
14 resolution” means only a joint resolution intro-
15 duced after the date on which the certification
16 of the President under section 410(2) is re-
17 ceived by Congress, the matter after the resolv-
18 ing clause of which is as follows: “That Con-
19 gress disapproves the termination of sanction or
20 sanctions proposed by the President in the cer-
21 tification transmitted under section 410(2) of
22 the International Religious Freedom Act of
23 1998 on .”, with the blank filled in
24 with the appropriate date.

1 (2) DEFINITION.—In this section, the term
2 “session day” means a day on which either House
3 of Congress is in session.

4 (3) REFERRAL TO COMMITTEE.—A resolution
5 described in paragraph (1) introduced in the House
6 of Representatives shall be referred to the Commit-
7 tee on International Relations of the House of Rep-
8 resentatives. A resolution described in paragraph (1)
9 introduced in the Senate shall be referred to the
10 Committee on Foreign Relations of the Senate. Such
11 a resolution may not be reported before the eighth
12 day after its introduction.

13 (4) DISCHARGE FROM COMMITTEE.—If the
14 committee to which is referred a resolution described
15 in paragraph (1) has not reported such resolution
16 (or an identical resolution) at the end of fifteen cal-
17 endar days after its introduction, such committee
18 shall be discharged from further consideration of
19 such resolution and such resolution shall be placed
20 on the appropriate calendar of the House involved.

21 (5) FLOOR CONSIDERATION.—

22 (A) MOTION TO PROCEED.—When the
23 committee to which a resolution is referred has
24 reported, or has been deemed to be discharged
25 (under paragraph (4)) from further consider-

1 ation of, a resolution described in paragraph
2 (1), notwithstanding any rule or precedent of
3 the Senate, including Rule 22, it is at any time
4 thereafter in order (even though a previous mo-
5 tion to the same effect has been disagreed to)
6 for any Member of the respective House to
7 move to proceed to the consideration of the res-
8 olution, and all points of order against the reso-
9 lution (and against consideration of the resolu-
10 tion) are waived. The motion is highly privi-
11 leged in the House of Representatives and is
12 privileged in the Senate and is not debatable.
13 The motion is not subject to amendment, or to
14 a motion to postpone, or to a motion to proceed
15 to the consideration of other business. A motion
16 to reconsider the vote by which the motion is
17 agreed to or disagreed to shall not be in order.
18 If a motion to proceed to the consideration of
19 the resolution is agreed to, the resolution shall
20 remain the unfinished business of the respective
21 House until disposed of.

22 (B) DEBATE ON THE RESOLUTION.—De-
23 bate on the resolution, and on all debatable mo-
24 tions and appeals in connection therewith, shall
25 be limited to not more than ten hours, which

1 shall be divided equally between those favoring
2 and those opposing the resolution. A motion
3 further to limit debate is in order and not de-
4 batable. An amendment to, or a motion to post-
5 pone, or a motion to proceed to the consider-
6 ation of other business, or a motion to recom-
7 mit the resolution is not in order. A motion to
8 reconsider the vote by which the resolution is
9 agreed to or disagreed to is not in order.

10 (C) VOTE ON FINAL PASSAGE.—Imme-
11 diately following the conclusion of the debate on
12 a resolution described in paragraph (1), and a
13 single quorum call at the conclusion of the de-
14 bate if requested in accordance with the rules of
15 the appropriate House, the vote on final pas-
16 sage of the resolution shall occur.

17 (D) APPEALS OF RULINGS.—Appeals from
18 the decisions of the Chair relating to the appli-
19 cation of the rules of the Senate or the House
20 of Representatives, as the case may be, to the
21 procedure relating to a resolution described in
22 paragraph (1) shall be decided without debate.

23 (6) TREATMENT OF OTHER HOUSE'S RESOLU-
24 TION.—If, before the passage by one House of Con-
25 gress of a resolution of that House described in

1 paragraph (1), that House receives from the other
2 House a resolution described in paragraph (1), then
3 the following procedures shall apply:

4 (A) REFERRAL OF RESOLUTIONS OF SEND-
5 ING HOUSE.—The resolution of the sending
6 House shall not be referred to a committee in
7 the receiving House.

8 (B) PROCEDURES IN RECEIVING HOUSE.—
9 With respect to a resolution of the House re-
10 ceiving the resolution—

11 (i) the procedure in that House shall
12 be the same as if no resolution had been
13 received from the sending House; but

14 (ii) the vote on final passage shall be
15 on the resolution of the sending House.

16 (C) DISPOSITION OF RESOLUTIONS OF RE-
17 CEIVING HOUSE.—Upon disposition of the reso-
18 lution received from the other House, it shall no
19 longer be in order to consider the resolution
20 originated in the receiving House.

21 (7) PROCEDURES AFTER ACTION BY BOTH THE
22 HOUSE AND SENATE.—If the House receiving a reso-
23 lution from the other House after the receiving
24 House has disposed of a resolution originated in that
25 House, the action of the receiving House with regard

1 to the disposition of the resolution originated in that
2 House shall be deemed to be the action of the receiv-
3 ing House with regard to the resolution originated
4 in the other House.

5 (8) RULES OF THE SENATE AND THE
6 HOUSE.—This subsection is enacted by Congress—

7 (A) as an exercise of the rulemaking power
8 of the Senate and House of Representatives, re-
9 spectively, and as such it is deemed a part of
10 the rules of each House, respectively, but appli-
11 cable only with respect to the procedure to be
12 followed in that House in the case of a resolu-
13 tion described in paragraph (1), and it super-
14 sedes other rules only to the extent that it is in-
15 consistent with such rules; and

16 (B) with full recognition of the constitu-
17 tional right of either House to change the rules
18 (so far as relating to the procedure of that
19 House) at any time, in the same manner and
20 to the same extent as in the case of any other
21 rule of that House.

22 **SEC. 410. TERMINATION OF SANCTIONS.**

23 Any sanction imposed under section 409 with respect
24 to a foreign country shall terminate on the earlier of the
25 following dates:

1 (1) **TERMINATION DATE.**—Within 2 years of
2 the effective date of the sanction unless expressly re-
3 authorized by law.

4 (2) **FOREIGN GOVERNMENT ACTIONS.**—Upon
5 the determination by the President and certification
6 to Congress that the foreign government has ceased
7 or taken substantial steps to cease the gross viola-
8 tions of religious freedom, subject to the congres-
9 sional review procedures described in section 409.

10 **Subtitle II—Strengthening Existing** 11 **Law**

12 **SEC. 421. UNITED STATES ASSISTANCE.**

13 (a) **IMPLEMENTATION OF PROHIBITION ON ECO-**
14 **NOMIC ASSISTANCE.**—Section 116(c) of the Foreign As-
15 sistance Act of 1961 (22 U.S.C. 2151n(c)) is amended—

16 (1) in the text above paragraph (1), by insert-
17 ing “and in consultation with the Ambassador at
18 Large for Religious Freedom” after “Labor”.

19 (2) by striking “and” at the end of paragraph
20 (1);

21 (3) by striking the period at the end of para-
22 graph (2) and inserting “; and”; and

23 (4) by adding at the end the following new
24 paragraph:

25 “(3) whether the government—

1 “(A) has engaged in gross violations of the
2 right to freedom of religion; or

3 “(B) has failed to undertake serious and
4 sustained efforts to combat gross violations of
5 the right to freedom of religion, when such ef-
6 forts could have been reasonably undertaken.”.

7 (b) IMPLEMENTATION OF PROHIBITION ON MILITARY
8 ASSISTANCE.—Section 502B(a) of the Foreign Assistance
9 Act of 1961 (22 U.S.C. 2304(a)) is amended by adding
10 at the end the following new paragraph:

11 “(4) In determining whether the government of a
12 country engages in a consistent pattern of gross violations
13 of internationally recognized rights, the President shall
14 give particular consideration to whether the government—

15 “(A) has engaged in gross violations of the
16 right to freedom of religion; or

17 “(B) has failed to undertake serious and sus-
18 tained efforts to combat gross violations of the right
19 to freedom of religion, when such efforts could have
20 been reasonably undertaken.”.

21 **SEC. 422. MULTILATERAL ASSISTANCE.**

22 Section 701 of the International Financial Institu-
23 tions Act (22 U.S.C. 262d) is amended by adding at the
24 end the following new subsection:

1 “(g) In determining whether a country is in gross vio-
2 lation of internationally recognized human rights stand-
3 ards, as described in subsection (a), the President, in con-
4 sultation with the Ambassador at Large, shall give par-
5 ticular consideration to whether a foreign government—

6 “(1) has engaged in gross violations of the right
7 to freedom of religion; or

8 “(2) has failed to undertake serious and sus-
9 tained efforts to combat gross violations of the right
10 to freedom of religion, when such efforts could have
11 been reasonably undertaken.”.

12 **SEC. 423. EXPORTS OF ITEMS RELATING TO RELIGIOUS**
13 **PERSECUTION.**

14 (a) MANDATORY LICENSING.—Notwithstanding any
15 other provision of law, the Secretary of Commerce, with
16 the concurrence of the Secretary of State, the Ambassador
17 at Large, and the Special Adviser, shall include on the
18 list of crime control and detection instruments or equip-
19 ment controlled for export and reexport under section 6(n)
20 of the Export Administration Act of 1979 (22 U.S.C. App.
21 2405(n)), or under any other provision of law, items that
22 the Secretary of State, in consultation with the Amba-
23 sador at Large and the Special Adviser, determines are
24 being used or are intended for use directly and in signifi-

1 cant measure to carry out gross violations of the right to
2 freedom of religion.

3 (b) LICENSING BAN.—The prohibition on the
4 issuance of a license for export of crime control and detec-
5 tion instruments or equipment under section 502B(a)(2)
6 of the Foreign Assistance Act of 1961 (22 U.S.C.
7 2304(a)(2)) shall apply to the export and reexport of any
8 item included pursuant to subsection (a) on the list of
9 crime control instruments.

10 **TITLE V—PROMOTION OF** 11 **RELIGIOUS FREEDOM**

12 **SEC. 501. ASSISTANCE FOR PROMOTING RELIGIOUS FREE-** 13 **DOM.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) In many nations where severe violations of
17 religious freedom occur, there is not sufficient statu-
18 tory legal protection for religious minorities or there
19 is not sufficient cultural and social understanding of
20 international norms of religious freedom.

21 (2) Accordingly, in its foreign assistance al-
22 ready being disbursed, the United States should
23 make a priority of promoting and developing legal
24 protections and cultural respect for religious free-
25 dom.

1 (b) ALLOCATION OF FUNDS FOR INCREASED PRO-
2 MOTION OF RELIGIOUS FREEDOMS.—Section 116(e) of
3 the Foreign Assistance Act of 1961 is amended by insert-
4 ing “and the right to free religious belief and practice”
5 after “adherence to civil and political rights”.

6 **SEC. 502. INTERNATIONAL BROADCASTING.**

7 (a) Section 302(1) of the International Broadcasting
8 Act of 1994 is amended by inserting “and of conscience
9 (including freedom of religion)” after “freedom of opinion
10 and expression”.

11 (b) Section 303(a) of the International Broadcasting
12 Act of 1994 is amended—

13 (1) by striking “and” at the end of paragraph

14 (6);

15 (2) by striking the period at the end of para-
16 graph (7) and inserting “; and”; and

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

18 “(8) promote respect for human rights, includ-
19 ing freedom of religion.”.

20 **SEC. 503. INTERNATIONAL EXCHANGES.**

21 Section 102(b) of the Mutual Educational and Cul-
22 tural Exchange Act of 1961 is amended—

23 (1) by striking “and” after paragraph (10);

24 (2) by striking the period at the end of para-
25 graph (11) and inserting “; and”; and

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

2 “(12) promoting respect for and guarantees of
3 religious freedom abroad by interchanges and visits
4 between the United States and other nations of reli-
5 gious leaders, scholars, and religious and legal ex-
6 perts in the field of religious freedom.”.

7 **SEC. 504. FOREIGN SERVICE AWARDS.**

8 (a) PERFORMANCE PAY.—Section 405(d) of the For-
9 eign Service Act of 1980 is amended by inserting after
10 the first sentence the following: “Such service in the pro-
11 motion of internationally recognized human rights, includ-
12 ing the right to religious freedom, shall serve as a basis
13 for granting awards under this section.”.

14 (b) FOREIGN SERVICE AWARDS.—Section 614 of the
15 Foreign Service Act of 1980 is amended by adding at the
16 end the following new sentence: “Distinguished, meritori-
17 ous service in the promotion of internationally recognized
18 human rights, including the right to religious freedom,
19 shall serve as a basis for granting awards under this sec-
20 tion.”.

21 **TITLE VI—REFUGEE, ASYLUM,**
22 **AND CONSULAR MATTERS**

23 **SEC. 601. USE OF ANNUAL REPORT.**

24 (a) DESCRIPTION OF TRAINING.—The Annual Re-
25 port on Religious Persecution shall include a description

1 of training described in subsection (b) on religious perse-
2 cution provided to immigration judges, consular, refugee,
3 and asylum officers.

4 (b) **USE OF THE ANNUAL REPORT.**—The Annual Re-
5 port on Religious Persecution, together with other relevant
6 documentation, shall serve as a resource for immigration
7 judges and consular, refugee, and asylum officers in cases
8 involving claims of persecution on the grounds of religion.
9 Absence of reference by the Annual Report on Religious
10 Persecution to conditions described by the alien shall not
11 constitute sole grounds for a denial of the alien’s claim.

12 **SEC. 602. REFORM OF REFUGEE POLICY.**

13 (a) **TRAINING.**—

14 (1) **IN GENERAL.**—The Attorney General, in
15 consultation with the Secretary of State, shall pro-
16 vide all United States officials adjudicating refugee
17 cases with the same training as that provided to offi-
18 cers adjudicating asylum cases.

19 (2) **CONTENT OF TRAINING.**—Such training
20 shall include country-specific conditions, instruction
21 on the right to religious freedom, methods of reli-
22 gious persecution, and applicable distinctions within
23 a country between the nature of and treatment of
24 various religious practices and believers.

1 (b) TRAINING FOR CONSULAR OFFICERS.—(1) Sec-
2 tion 708 of the Foreign Service Act of 1980, as added
3 by section 104 of this Act, is further amended—

4 (A) by inserting “(a)” before “The Secretary of
5 State”; and

6 (B) by adding at the end the following:

7 “(b) The Secretary of State shall provide sessions on
8 refugee law and adjudications and on religious persecu-
9 tion, to each individual seeking a commission as a United
10 States consular officer.”.

11 (2) Section 312(a) of the Foreign Service Act of 1980
12 is amended by inserting after the first sentence the follow-
13 ing: “In order to receive such a consular commission, a
14 member of the Service shall complete the training required
15 under section 708.”.

16 (c) GUIDELINES FOR REFUGEE-PROCESSING
17 POSTS.—

18 (1) GUIDELINES FOR ADDRESSING HOSTILE BI-
19 ASES.—The Attorney General and the Secretary of
20 State shall develop and implement guidelines that
21 address potential hostile biases in personnel of the
22 Immigration and Naturalization Service that are
23 hired abroad and involved with duties which could
24 constitute an effective barrier to a refugee claim if
25 such personnel carries a hostile bias toward the

1 claimant on the grounds of religion, race, national-
2 ity, membership in a particular social group or polit-
3 ical opinion.

4 (2) GUIDELINES FOR REFUGEE-PROCESSING
5 POSTS IN ESTABLISHING AGREEMENTS WITH JOINT
6 VOLUNTARY AGENCIES.—The Attorney General and
7 the Secretary of State shall develop guidelines to en-
8 sure uniform procedures to the extent possible with
9 Joint Voluntary Agencies, and to ensure that the
10 Joint Voluntary Agencies process is enhanced and
11 faulty preparation of claims does not result in the
12 failure of a genuine claim to refugee status.

13 (d) ANNUAL CONSULTATION.—In carrying out the
14 responsibilities of the Department of State under the ap-
15 propriate consultation requirement of section 207(e) of the
16 Immigration and Nationality Act (8 U.S.C. 1157(e)), the
17 Secretary of State shall specifically address religious per-
18 secution in the report provided by the Department of
19 State, and by providing testimony by the Ambassador at
20 Large. The Secretary of State shall also provide religious
21 nongovernmental organizations and human rights non-
22 governmental organizations the opportunity to testify.

23 **SEC. 603. REFORM OF ASYLUM POLICY.**

24 (a) GUIDELINES.—The Attorney General and the
25 Secretary of State shall develop guidelines to ensure that

1 interpreters with hostile biases, including personnel of air-
2 lines owned by governments known to be involved in prac-
3 tices which would meet the definition of persecution under
4 international refugee law, shall not in any manner be used
5 to interpret conversations between aliens and inspection
6 or asylum officers.

7 (b) TRAINING FOR ASYLUM OFFICERS.—The Attor-
8 ney General, in consultation with the Ambassador-at-
9 Large, shall provide training to all officers adjudicating
10 asylum cases on the nature of religious persecution
11 abroad, including country-specific conditions, instruction
12 on the right to religious freedom, methods of religious per-
13 secution, and applicable distinctions within a country in
14 the treatment of various religious practices and believers.

15 (c) TRAINING FOR IMMIGRATION JUDGES.—The Ex-
16 ecutive Office of Immigration Review of the Department
17 of Justice shall incorporate into its initial and ongoing
18 training of immigration judges training on the extent and
19 nature of religious persecution internationally, including
20 country-specific conditions, and including use of the An-
21 nual Report on Religious Persecution. Such training shall
22 include governmental and nongovernmental methods of
23 persecution employed, and differences in the treatment of
24 religious groups by such persecuting entities.

1 **SEC. 604. INADMISSIBILITY OF FOREIGN GOVERNMENT OF-**
2 **FICIALS WHO HAVE ENGAGED IN GROSS VIO-**
3 **LATIONS OF THE RIGHT TO RELIGIOUS FREE-**
4 **DOM.**

5 (a) INELIGIBILITY FOR VISAS OR ADMISSION.—Sec-
6 tion 212(a)(2) of the Immigration and Nationality Act (8
7 U.S.C. 1182(a)(2)) is amended by adding at the end the
8 following new subparagraph:

9 “(G) FOREIGN GOVERNMENT OFFICIALS
10 WHO HAVE ENGAGED IN GROSS VIOLATIONS OF
11 THE RIGHT TO RELIGIOUS FREEDOM.—

12 “(i) IN GENERAL.—Any alien who,
13 while serving as a foreign government offi-
14 cial, directly engaged in gross violations of
15 the right to religious freedom, as defined
16 in section 3 of the International Religious
17 Freedom Act of 1998, and the spouse and
18 children, if any, of the alien, are inadmis-
19 sible.

20 “(ii) WAIVER.—

21 “(I) IN GENERAL.—The Sec-
22 retary of State may waive the applica-
23 tion of clause (i) if the Secretary de-
24 termines that the exclusion of the
25 alien would jeopardize a compelling
26 United States foreign policy interest.

1 “(II) NONDELEGATION OF AU-
2 THORITY.—The Secretary of State
3 may not delegate the authority to
4 make a determination under subclause
5 (I).”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall apply to aliens seeking to enter the
8 United States on or after the date of enactment of this
9 Act.

10 **TITLE VII—MISCELLANEOUS** 11 **PROVISIONS**

12 **SEC. 701. BUSINESS CODES OF CONDUCT.**

13 (a) CONGRESSIONAL FINDING.—Congress recognizes
14 the increasing importance of transnational corporations as
15 global actors, and their potential for providing positive
16 leadership in their host countries in the area of human
17 rights.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that transnational corporations operating in coun-
20 tries the governments of which engage in gross violations
21 of the right to religious freedom, as identified in the An-
22 nual Report on Religious Persecution, should adopt codes
23 of conduct—

24 (1) upholding the right to religious freedom of
25 their employees; and

1 (2) ensuring that a worker's religious views and
2 peaceful practices of belief in no way affect, or be
3 allowed to affect, the status or terms of his or her
4 employment.

5 **SEC. 702. INTERNATIONAL CRIMINAL COURT.**

6 It is the sense of Congress that in negotiating the
7 definitions of crimes to be included in the subject matter
8 jurisdiction of the International Criminal Court, the Presi-
9 dent should pursue the inclusion in such jurisdiction of
10 gross violations of the right to religious freedom to the
11 extent such violations fall within the meaning in inter-
12 national law of crimes against humanity or genocide.

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