

In the Senate of the United States,

October 9 (legislative day, October 2), 1998.

Resolved, That the bill from the House of Representatives (H.R. 2431) entitled “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.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

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

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

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *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 nongovernmental organizations.
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 freedom concerns.

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

- Sec. 201. Establishment and composition.*
Sec. 202. Duties of the Commission.
Sec. 203. Report of the Commission.
Sec. 204. Applicability of other laws.
Sec. 205. Authorization of appropriations.
Sec. 206. Termination.

TITLE III—NATIONAL SECURITY COUNCIL

- Sec. 301. Special Adviser on International Religious Freedom.*

TITLE IV—PRESIDENTIAL ACTIONS

Subtitle I—Targeted Responses to Violations of Religious Freedom Abroad

- Sec. 401. Presidential actions in response to violations of religious freedom.*
Sec. 402. Presidential actions in response to particularly severe violations of religious freedom.
Sec. 403. Consultations.
Sec. 404. Report to Congress.
Sec. 405. Description of Presidential actions.
Sec. 406. Effects on existing contracts.
Sec. 407. Presidential waiver.
Sec. 408. Publication in Federal Register.
Sec. 409. Termination of Presidential actions.
Sec. 410. Preclusion of judicial review.

Subtitle II—Strengthening Existing Law

- Sec. 421. United States assistance.*
Sec. 422. Multilateral assistance.
Sec. 423. Exports of certain items used in particularly severe violations of religious freedom.

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 particularly severe violations of religious freedom.
Sec. 605. Studies on the effect of expedited removal provisions on asylum claims.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Business codes of conduct.

1 **SEC. 2. FINDINGS; POLICY.**

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

3 (1) *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 persecu-*
6 *tion abroad, cherishing in their hearts and minds the*
7 *ideal of religious freedom. They established in law, as*
8 *a fundamental right and as a pillar of our Nation,*
9 *the right to freedom of religion. From its birth to this*
10 *day, the United States has prized this legacy of reli-*
11 *gious freedom and honored this heritage by standing*
12 *for religious freedom and offering refuge to those suf-*
13 *fering religious persecution.*

14 (2) *Freedom of religious belief and practice is a*
15 *universal human right and fundamental freedom ar-*
16 *ticulated in numerous international instruments, in-*
17 *cluding the Universal Declaration of Human Rights,*
18 *the International Covenant on Civil and Political*
19 *Rights, the Helsinki Accords, the Declaration on the*
20 *Elimination of All Forms of Intolerance and Dis-*
21 *crimination Based on Religion or Belief, the United*
22 *Nations Charter, and the European Convention for*
23 *the Protection of Human Rights and Fundamental*
24 *Freedoms.*

1 (3) *Article 18 of the Universal Declaration of*
2 *Human Rights recognizes that “Everyone has the*
3 *right to freedom of thought, conscience, and religion.*
4 *This right includes freedom to change his religion or*
5 *belief, and freedom, either alone or in community*
6 *with others and in public or private, to manifest his*
7 *religion or belief in teaching, practice, worship, and*
8 *observance.”. Article 18(1) of the International Cov-*
9 *enant on Civil and Political Rights recognizes that*
10 *“Everyone shall have the right to freedom of thought,*
11 *conscience, and religion. This right shall include free-*
12 *dom to have or to adopt a religion or belief of his*
13 *choice, and freedom, either individually or in commu-*
14 *nity with others and in public or private, to manifest*
15 *his religion or belief in worship, observance, practice,*
16 *and teaching”. Governments have the responsibility to*
17 *protect the fundamental rights of their citizens and to*
18 *pursue justice for all. Religious freedom is a fun-*
19 *damental right of every individual, regardless of race,*
20 *sex, country, creed, or nationality, and should never*
21 *be arbitrarily abridged by any government.*

22 (4) *The right to freedom of religion is under re-*
23 *newed and, in some cases, increasing assault in many*
24 *countries around the world. More than one-half of the*
25 *world’s population lives under regimes that severely*

1 *restrict or prohibit the freedom of their citizens to*
2 *study, believe, observe, and freely practice the reli-*
3 *gious faith of their choice. Religious believers and*
4 *communities suffer both government-sponsored and*
5 *government-tolerated violations of their rights to reli-*
6 *gious freedom. Among the many forms of such viola-*
7 *tions are state-sponsored slander campaigns,*
8 *confiscations of property, surveillance by security po-*
9 *lice, including by special divisions of “religious po-*
10 *lice”, severe prohibitions against construction and re-*
11 *pair of places of worship, denial of the right to assem-*
12 *ble and relegation of religious communities to illegal*
13 *status through arbitrary registration laws, prohibi-*
14 *tions against the pursuit of education or public office,*
15 *and prohibitions against publishing, distributing, or*
16 *possessing religious literature and materials.*

17 (5) *Even more abhorrent, religious believers in*
18 *many countries face such severe and violent forms of*
19 *religious persecution as detention, torture, beatings,*
20 *forced marriage, rape, imprisonment, enslavement,*
21 *mass resettlement, and death merely for the peaceful*
22 *belief in, change of or practice of their faith. In many*
23 *countries, religious believers are forced to meet se-*
24 *cretly, and religious leaders are targeted by national*
25 *security forces and hostile mobs.*

1 (6) *Though not confined to a particular region*
2 *or regime, religious persecution is often particularly*
3 *widespread, systematic, and heinous under totali-*
4 *tarian governments and in countries with militant,*
5 *politicized religious majorities.*

6 (7) *Congress has recognized and denounced acts*
7 *of religious persecution through the adoption of the*
8 *following resolutions:*

9 (A) *House Resolution 515 of the One Hun-*
10 *dred Fourth Congress, expressing the sense of the*
11 *House of Representatives with respect to the per-*
12 *secution of Christians worldwide.*

13 (B) *Senate Concurrent Resolution 71 of the*
14 *One Hundred Fourth Congress, expressing the*
15 *sense of the Senate regarding persecution of*
16 *Christians worldwide.*

17 (C) *House Concurrent Resolution 102 of the*
18 *One Hundred Fourth Congress, expressing the*
19 *sense of the House of Representatives concerning*
20 *the emancipation of the Iranian Baha'i commu-*
21 *nity.*

22 (b) *POLICY.—It shall be the policy of the United*
23 *States, as follows:*

24 (1) *To condemn violations of religious freedom,*
25 *and to promote, and to assist other governments in*

1 *the promotion of, the fundamental right to freedom of*
2 *religion.*

3 (2) *To seek to channel United States security*
4 *and development assistance to governments other than*
5 *those found to be engaged in gross violations of the*
6 *right to freedom of religion, as set forth in the For-*
7 *oreign Assistance Act of 1961, in the International Fi-*
8 *nancial Institutions Act of 1977, and in other formu-*
9 *lations of United States human rights policy.*

10 (3) *To be vigorous and flexible, reflecting both*
11 *the unwavering commitment of the United States to*
12 *religious freedom and the desire of the United States*
13 *for the most effective and principled response, in light*
14 *of the range of violations of religious freedom by a va-*
15 *riety of persecuting regimes, and the status of the re-*
16 *lations of the United States with different nations.*

17 (4) *To work with foreign governments that af-*
18 *firm and protect religious freedom, in order to develop*
19 *multilateral documents and initiatives to combat vio-*
20 *lations of religious freedom and promote the right to*
21 *religious freedom abroad.*

22 (5) *Standing for liberty and standing with the*
23 *persecuted, to use and implement appropriate tools in*
24 *the United States foreign policy apparatus, including*
25 *diplomatic, political, commercial, charitable, edu-*

1 *ational, and cultural channels, to promote respect for*
2 *religious freedom by all governments and peoples.*

3 **SEC. 3. DEFINITIONS.**

4 *In this Act:*

5 (1) *AMBASSADOR AT LARGE.*—*The term “Ambas-*
6 *sador at Large” means the Ambassador at Large for*
7 *International Religious Freedom appointed under sec-*
8 *tion 101(b).*

9 (2) *ANNUAL REPORT.*—*The term “Annual Re-*
10 *port” means the Annual Report on International Re-*
11 *ligious Freedom described in section 102(b).*

12 (3) *APPROPRIATE CONGRESSIONAL COMMIT-*
13 *TEES.*—*The term “appropriate congressional commit-*
14 *tees” means—*

15 (A) *the Committee on Foreign Relations of*
16 *the Senate and the Committee on International*
17 *Relations of the House of Representatives; and*

18 (B) *in the case of any determination made*
19 *with respect to the taking of President action*
20 *under paragraphs (9) through (15) of section*
21 *405(a), the term includes the committees de-*
22 *scribed in subparagraph (A) and, where appro-*
23 *priate, the Committee on Banking and Financial*
24 *Services of the House of Representatives and the*

1 *Committee on Banking, Housing, and Urban Af-*
2 *airs of the Senate.*

3 (4) *COMMENSURATE ACTION.*—*The term “com-*
4 *mensurate action” means action taken by the Presi-*
5 *dent under section 405(b).*

6 (5) *COMMISSION.*—*The term “Commission”*
7 *means the United States Commission on Inter-*
8 *national Religious Freedom established in section*
9 *201(a).*

10 (6) *COUNTRY REPORTS ON HUMAN RIGHTS PRAC-*
11 *TICES.*—*The term “Country Reports on Human*
12 *Rights Practices” means the annual reports required*
13 *to be submitted by the Department of State to Con-*
14 *gress under sections 116(d) and 502B(b) of the For-*
15 *eign Assistance Act of 1961.*

16 (7) *EXECUTIVE SUMMARY.*—*The term “Executive*
17 *Summary” means the Executive Summary to the An-*
18 *nuual Report, as described in section 102(b)(1)(F).*

19 (8) *GOVERNMENT OR FOREIGN GOVERNMENT.*—
20 *The term “government” or “foreign government” in-*
21 *cludes any agency or instrumentality of the govern-*
22 *ment.*

23 (9) *HUMAN RIGHTS REPORTS.*—*The term*
24 *“Human Rights Reports” means all reports submitted*

1 *by the Department of State to Congress under sections*
2 *116 and 502B of the Foreign Assistance Act of 1961.*

3 (10) *OFFICE.*—*The term “Office” means the Of-*
4 *fice on International Religious Freedom established in*
5 *section 101(a).*

6 (11) *PARTICULARLY SEVERE VIOLATIONS OF RE-*
7 *LIGIOUS FREEDOM.*—*The term “particularly severe*
8 *violations of religious freedom” means systematic, on-*
9 *going, egregious violations of religious freedom, in-*
10 *cluding violations such as—*

11 (A) *torture or cruel, inhuman, or degrading*
12 *treatment or punishment;*

13 (B) *prolonged detention without charges;*

14 (C) *causing the disappearance of persons by*
15 *the abduction or clandestine detention of those*
16 *persons; or*

17 (D) *other flagrant denial of the right to life,*
18 *liberty, or the security of persons.*

19 (12) *SPECIAL ADVISER.*—*The term “Special Ad-*
20 *viser” means the Special Adviser to the President on*
21 *International Religious Freedom described in section*
22 *101(i) of the National Security Act of 1947, as added*
23 *by section 301 of this Act.*

24 (13) *VIOLATIONS OF RELIGIOUS FREEDOM.*—*The*
25 *term “violations of religious freedom” means viola-*

1 *tions of the internationally recognized right to free-*
2 *dom of religion and religious belief and practice, as*
3 *set forth in the international instruments referred to*
4 *in section 2(a)(2) and as described in section 2(a)(3),*
5 *including violations such as—*

6 *(A) arbitrary prohibitions on, restrictions*
7 *of, or punishment for—*

8 *(i) assembling for peaceful religious ac-*
9 *tivities such as worship, preaching, and*
10 *prayer, including arbitrary registration re-*
11 *quirements,*

12 *(ii) speaking freely about one's reli-*
13 *gious beliefs,*

14 *(iii) changing one's religious beliefs*
15 *and affiliation,*

16 *(iv) possession and distribution of reli-*
17 *gious literature, including Bibles, or*

18 *(v) raising one's children in the reli-*
19 *gious teachings and practices of one's*
20 *choice, or*

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

1 *conversion, beating, torture, mutilation, rape,*
2 *enslavement, murder, and execution.*

3 ***TITLE I—DEPARTMENT OF***
4 ***STATE ACTIVITIES***

5 ***SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREE-***
6 ***DOM; AMBASSADOR AT LARGE FOR INTER-***
7 ***NATIONAL RELIGIOUS FREEDOM.***

8 *(a) ESTABLISHMENT OF OFFICE.—There is established*
9 *within the Department of State an Office on International*
10 *Religious Freedom that shall be headed by the Ambassador*
11 *at Large for International Religious Freedom appointed*
12 *under subsection (b).*

13 *(b) APPOINTMENT.—The Ambassador at Large shall be*
14 *appointed by the President, by and with the advice and*
15 *consent of the Senate.*

16 *(c) DUTIES.—The Ambassador at Large shall have the*
17 *following responsibilities:*

18 *(1) IN GENERAL.—The primary responsibility of*
19 *the Ambassador at Large shall be to advance the right*
20 *to freedom of religion abroad, to denounce the viola-*
21 *tion of that right, and to recommend appropriate re-*
22 *sponses by the United States Government when this*
23 *right is violated.*

24 *(2) ADVISORY ROLE.—The Ambassador at Large*
25 *shall be a principal adviser to the President and the*

1 *Secretary of State regarding matters affecting reli-*
2 *gious freedom abroad and, with advice from the Com-*
3 *mission on International Religious Freedom, shall*
4 *make recommendations regarding—*

5 *(A) the policies of the United States Govern-*
6 *ment toward governments that violate the free-*
7 *dom of religion or that fail to ensure the individ-*
8 *ual's right to religious belief and practice; and*

9 *(B) policies to advance the right to religious*
10 *freedom abroad.*

11 *(3) DIPLOMATIC REPRESENTATION.—Subject to*
12 *the direction of the President and the Secretary of*
13 *State, the Ambassador at Large is authorized to rep-*
14 *resent the United States in matters and cases relevant*
15 *to religious freedom abroad in—*

16 *(A) contacts with foreign governments,*
17 *intergovernmental organizations, and specialized*
18 *agencies of the United Nations, the Organization*
19 *on Security and Cooperation in Europe, and*
20 *other international organizations of which the*
21 *United States is a member; and*

22 *(B) multilateral conferences and meetings*
23 *relevant to religious freedom abroad.*

1 (4) *REPORTING RESPONSIBILITIES.*—*The Ambassa-*
2 *sador at Large shall have the reporting responsibil-*
3 *ities described in section 102.*

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

9 **SEC. 102. REPORTS.**

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

19 (b) *ANNUAL REPORT ON INTERNATIONAL RELIGIOUS*
20 *FREEDOM.*—

21 (1) *DEADLINE FOR SUBMISSION.*—*On September*
22 *1 of each year or the first day thereafter on which the*
23 *appropriate House of Congress is in session, the Sec-*
24 *retary of State, with the assistance of the Ambassador*
25 *at Large, and taking into consideration the rec-*

1 *ommendations of the Commission, shall prepare and*
2 *transmit to Congress an Annual Report on Inter-*
3 *national Religious Freedom supplementing the most*
4 *recent Human Rights Reports by providing addi-*
5 *tional detailed information with respect to matters*
6 *involving international religious freedom. Each An-*
7 *nual Report shall contain the following:*

8 (A) *STATUS OF RELIGIOUS FREEDOM.—A*
9 *description of the status of religious freedom in*
10 *each foreign country, including—*

11 (i) *trends toward improvement in the*
12 *respect and protection of the right to reli-*
13 *gious freedom and trends toward deteriora-*
14 *tion of such right;*

15 (ii) *violations of religious freedom en-*
16 *gaged in or tolerated by the government of*
17 *that country; and*

18 (iii) *particularly severe violations of*
19 *religious freedom engaged in or tolerated by*
20 *the government of that country.*

21 (B) *VIOLATIONS OF RELIGIOUS FREEDOM.—*
22 *An assessment and description of the nature and*
23 *extent of violations of religious freedom in each*
24 *foreign country, including persecution of one re-*
25 *ligious group by another religious group, reli-*

1 *gious persecution by governmental and non-*
2 *governmental entities, persecution targeted at in-*
3 *dividuals or particular denominations or entire*
4 *religions, the existence of government policies*
5 *violating religious freedom, and the existence of*
6 *government policies concerning—*

7 *(i) limitations or prohibitions on, or*
8 *lack of availability of, openly conducted, or-*
9 *ganized religious services outside of the*
10 *premises of foreign diplomatic missions or*
11 *consular posts; and*

12 *(ii) the forced religious conversion of*
13 *minor United States citizens who have been*
14 *abducted or illegally removed from the*
15 *United States, and the refusal to allow such*
16 *citizens to be returned to the United States.*

17 *(C) UNITED STATES POLICIES.—A descrip-*
18 *tion of United States actions and policies in*
19 *support of religious freedom in each foreign*
20 *country engaging in or tolerating violations of*
21 *religious freedom, including a description of the*
22 *measures and policies implemented during the*
23 *preceding 12 months by the United States under*
24 *titles I, IV, and V of this Act in opposition to*

1 *violations of religious freedom and in support of*
2 *international religious freedom.*

3 *(D) INTERNATIONAL AGREEMENTS IN EF-*
4 *FECTION.—A description of any binding agreement*
5 *with a foreign government entered into by the*
6 *United States under section 401(b) or 402(c).*

7 *(E) TRAINING AND GUIDELINES OF GOVERN-*
8 *MENT PERSONNEL.—A description of—*

9 *(i) the training described in section*
10 *602 (a) and (b) and section 603 (b) and (c)*
11 *on violations of religious freedom provided*
12 *to immigration judges and consular, refu-*
13 *gee, immigration, and asylum officers; and*

14 *(ii) the development and implementa-*
15 *tion of the guidelines described in sections*
16 *602(c) and 603(a).*

17 *(F) EXECUTIVE SUMMARY.—An Executive*
18 *Summary to the Annual Report highlighting the*
19 *status of religious freedom in certain foreign*
20 *countries and including the following:*

21 *(i) COUNTRIES IN WHICH THE UNITED*
22 *STATES IS ACTIVELY PROMOTING RELIGIOUS*
23 *FREEDOM.—An identification of foreign*
24 *countries in which the United States is ac-*
25 *tively promoting religious freedom. This sec-*

1 *tion of the report shall include a description*
2 *of United States actions taken to promote*
3 *the internationally recognized right to free-*
4 *dom of religion and oppose violations of*
5 *such right under title IV and title V of this*
6 *Act during the period covered by the An-*
7 *ual Report. Any country designated as a*
8 *country of particular concern for religious*
9 *freedom under section 402(b)(1) shall be in-*
10 *cluded in this section of the report.*

11 *(ii) COUNTRIES OF SIGNIFICANT IM-*
12 *PROVEMENT IN RELIGIOUS FREEDOM.—An*
13 *identification of foreign countries the gov-*
14 *ernments of which have demonstrated sig-*
15 *nificant improvement in the protection and*
16 *promotion of the internationally recognized*
17 *right to freedom of religion during the pe-*
18 *riod covered by the Annual Report. This*
19 *section of the report shall include a descrip-*
20 *tion of the nature of the improvement and*
21 *an analysis of the factors contributing to*
22 *such improvement, including actions taken*
23 *by the United States under this Act.*

24 *(2) CLASSIFIED ADDENDUM.—If the Secretary of*
25 *State determines that it is in the national security*

1 *interests of the United States or is necessary for the*
2 *safety of individuals to be identified in the Annual*
3 *Report or is necessary to further the purposes of this*
4 *Act, any information required by paragraph (1), in-*
5 *cluding measures or actions taken by the United*
6 *States, may be summarized in the Annual Report or*
7 *the Executive Summary and submitted in more detail*
8 *in a classified addendum to the Annual Report or the*
9 *Executive Summary.*

10 *(c) PREPARATION OF REPORTS REGARDING VIOLA-*
11 *TIONS OF RELIGIOUS FREEDOM.—*

12 *(1) STANDARDS AND INVESTIGATIONS.—The Sec-*
13 *retary of State shall ensure that United States mis-*
14 *sions abroad maintain a consistent reporting stand-*
15 *ard and thoroughly investigate reports of violations of*
16 *the internationally recognized right to freedom of reli-*
17 *gion.*

18 *(2) CONTACTS WITH NONGOVERNMENTAL ORGA-*
19 *NIZATIONS.—In compiling data and assessing the re-*
20 *spect of the right to religious freedom for the Human*
21 *Rights Reports, the Annual Report on International*
22 *Religious Freedom, and the Executive Summary,*
23 *United States mission personnel shall, as appro-*
24 *priate, seek out and maintain contacts with religious*
25 *and human rights nongovernmental organizations,*

1 *with the consent of those organizations, including re-*
2 *ceiving reports and updates from such organizations*
3 *and, when appropriate, investigating such reports.*

4 (d) *AMENDMENTS TO THE FOREIGN ASSISTANCE*
5 *ACT.—*

6 (1) *CONTENT OF HUMAN RIGHTS REPORTS FOR*
7 *COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Sec-*
8 *tion 116(d) of the Foreign Assistance Act of 1961 (22*
9 *U.S.C. 2151n(d)) is amended—*

10 (A) *by striking “and” at the end of para-*
11 *graph (4);*

12 (B) *by striking the period at the end of*
13 *paragraph (5) and inserting “; and ”; and*

14 (C) *by adding at the end the following:*

15 “*(6) wherever applicable, violations of religious*
16 *freedom, including particularly severe violations of*
17 *religious freedom (as defined in section 3 of the Inter-*
18 *national Religious Freedom Act of 1998).”.*

19 (2) *CONTENTS OF HUMAN RIGHTS REPORTS FOR*
20 *COUNTRIES RECEIVING SECURITY ASSISTANCE.—Sec-*
21 *tion 502B(b) of the Foreign Assistance Act of 1961*
22 *(22 U.S.C. 2304(b)) is amended—*

23 (A) *by inserting “and with the assistance of*
24 *the Ambassador at Large for International Reli-*
25 *gious Freedom” after “Labor”; and*

1 *seek to meet with imprisoned religious leaders where appro-*
2 *priate and beneficial.*

3 **SEC. 106. PROGRAMS AND ALLOCATIONS OF FUNDS BY**
4 **UNITED STATES MISSIONS ABROAD.**

5 *It is the sense of Congress that—*

6 *(1) United States diplomatic missions in coun-*
7 *tries the governments of which engage in or tolerate*
8 *violations of the internationally recognized right to*
9 *freedom of religion should develop, as part of annual*
10 *program planning, a strategy to promote respect for*
11 *the internationally recognized right to freedom of reli-*
12 *gion; and*

13 *(2) in allocating or recommending the allocation*
14 *of funds or the recommendation of candidates for pro-*
15 *grams and grants funded by the United States Gov-*
16 *ernment, United States diplomatic missions should*
17 *give particular consideration to those programs and*
18 *candidates deemed to assist in the promotion of the*
19 *right to religious freedom.*

20 **SEC. 107. EQUAL ACCESS TO UNITED STATES MISSIONS**
21 **ABROAD FOR CONDUCTING RELIGIOUS AC-**
22 **TIVITIES.**

23 *(a) IN GENERAL.—Subject to this section, the Sec-*
24 *retary of State shall permit, on terms no less favorable than*
25 *that accorded other nongovernmental activities unrelated to*

1 *the conduct of the diplomatic mission, access to the premises*
2 *of any United States diplomatic mission or consular post*
3 *by any United States citizen seeking to conduct an activity*
4 *for religious purposes.*

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

8 (1) *the number of United States citizens request-*
9 *ing the access (including any particular religious*
10 *concerns regarding the time of day, date, or physical*
11 *setting for services);*

12 (2) *conflicts with official activities and other*
13 *nonofficial United States citizen requests;*

14 (3) *the availability of openly conducted, orga-*
15 *nized religious services outside the premises of the*
16 *mission or post;*

17 (4) *availability of space and resources; and*

18 (5) *necessary security precautions.*

19 (c) *DISCRETIONARY ACCESS FOR FOREIGN NATION-*
20 *ALS.*—*The Secretary of State may permit access to the*
21 *premises of a United States diplomatic mission or consular*
22 *post to foreign nationals for the purpose of attending or*
23 *participating in religious activities conducted pursuant to*
24 *this section.*

1 **SEC. 108. PRISONER LISTS AND ISSUE BRIEFS ON RELI-**
2 **GIUS FREEDOM CONCERNS.**

3 (a) *SENSE OF CONGRESS.*—*To encourage involvement*
4 *with religious freedom concerns at every possible oppor-*
5 *tunity and by all appropriate representatives of the United*
6 *States Government, it is the sense of Congress that officials*
7 *of the executive branch of Government should promote in-*
8 *creased advocacy on such issues during meetings between*
9 *foreign dignitaries and executive branch officials or Mem-*
10 *bers of Congress.*

11 (b) *PRISONER LISTS AND ISSUE BRIEFS ON RELI-*
12 *GIUS FREEDOM CONCERNS.*—*The Secretary of State, in*
13 *consultation with the Ambassador at Large, the Assistant*
14 *Secretary of State for Democracy, Human Rights and*
15 *Labor, United States chiefs of mission abroad, regional ex-*
16 *perts, and nongovernmental human rights and religious*
17 *groups, shall prepare and maintain issue briefs on religious*
18 *freedom, on a country-by-country basis, consisting of lists*
19 *of persons believed to be imprisoned, detained, or placed*
20 *under house arrest for their religious faith, together with*
21 *brief evaluations and critiques of the policies of the respec-*
22 *tive country restricting religious freedom. In considering*
23 *the inclusion of names of prisoners on such lists, the Sec-*
24 *retary of State shall exercise appropriate discretion, includ-*
25 *ing concerns regarding the safety, security, and benefit to*
26 *such prisoners.*

1 (c) *AVAILABILITY OF INFORMATION.*—*The Secretary*
2 *shall, as appropriate, provide religious freedom issue briefs*
3 *under subsection (b) to executive branch officials and Mem-*
4 *bers of Congress in anticipation of bilateral contacts with*
5 *foreign leaders, both in the United States and abroad.*

6 **TITLE II—COMMISSION ON**
7 **INTERNATIONAL RELIGIOUS**
8 **FREEDOM**

9 **SEC. 201. ESTABLISHMENT AND COMPOSITION.**

10 (a) *GENERALLY.*—*There is established the United*
11 *States Commission on International Religious Freedom.*

12 (b) *MEMBERSHIP.*—

13 (1) *APPOINTMENT.*—*The Commission shall be*
14 *composed of—*

15 (A) *the Ambassador at Large, who shall*
16 *serve ex officio as a nonvoting member of the*
17 *Commission; and*

18 (B) *9 other members, who shall be United*
19 *States citizens who are not being paid as officers*
20 *or employees of the United States, and who shall*
21 *be appointed as follows:*

22 (i) *3 members of the Commission shall*
23 *be appointed by the President.*

24 (ii) *3 members of the Commission shall*
25 *be appointed by the President pro tempore*

1 of the Senate, of which 2 of the members
2 shall be appointed upon the recommenda-
3 tion of the leader in the Senate of the politi-
4 cal party that is not the political party of
5 the President, and of which 1 of the mem-
6 bers shall be appointed upon the rec-
7 ommendation of the leader in the Senate of
8 the other political party.

9 (iii) 3 members of the Commission
10 shall be appointed by the Speaker of the
11 House of Representatives, of which 2 of the
12 members shall be appointed upon the rec-
13 ommendation of the leader in the House of
14 the political party that is not the political
15 party of the President, and of which 1 of the
16 members shall be appointed upon the rec-
17 ommendation of the leader in the House of
18 the other political party.

19 (2) *SELECTION.*—

20 (A) *IN GENERAL.*—Members of the Commis-
21 sion shall be selected among distinguished indi-
22 viduals noted for their knowledge and experience
23 in fields relevant to the issue of international re-
24 ligious freedom, including foreign affairs, direct

1 *experience abroad, human rights, and inter-*
2 *national law.*

3 (B) *SECURITY CLEARANCES.*—*Each Member*
4 *of the Commission shall be required to obtain a*
5 *security clearance.*

6 (3) *TIME OF APPOINTMENT.*—*The appointments*
7 *required by paragraph (1) shall be made not later*
8 *than 120 days after the date of enactment of this Act.*

9 (c) *TERMS.*—*The term of office of each member of the*
10 *Commission shall be 2 years. Members of the Commission*
11 *shall be eligible for reappointment to a second term.*

12 (d) *ELECTION OF CHAIR.*—*At the first meeting of the*
13 *Commission in each calendar year, a majority of the mem-*
14 *bers of the Commission present and voting shall elect the*
15 *Chair of the Commission.*

16 (e) *QUORUM.*—*Six voting members of the Commission*
17 *shall constitute a quorum for purposes of transacting busi-*
18 *ness.*

19 (f) *MEETINGS.*—*Each year, within 15 days, or as soon*
20 *as practicable, after the issuance of the Country Report on*
21 *Human Rights Practices, the Commission shall convene.*
22 *The Commission shall otherwise meet at the call of the*
23 *Chair or, if no Chair has been elected for that calendar*
24 *year, at the call of six voting members of the Commission.*

1 (g) *VACANCIES.*—*Any vacancy of the Commission shall*
2 *not affect its powers, but shall be filled in the manner in*
3 *which the original appointment was made.*

4 (h) *ADMINISTRATIVE SUPPORT.*—*The Secretary of*
5 *State shall assist the Commission by providing to the Com-*
6 *mission such staff and administrative services of the Office*
7 *as may be necessary and appropriate for the Commission*
8 *to perform its functions. Any employee of the executive*
9 *branch of Government may be detailed to the Commission*
10 *without reimbursement to the agency of that employee and*
11 *such detail shall be without interruption or loss of civil*
12 *service status or privilege.*

13 (i) *FUNDING.*—*Members of the Commission shall be al-*
14 *lowed travel expenses, including per diem in lieu of subsist-*
15 *ence at rates authorized for employees of agencies under*
16 *subchapter I of chapter 57 of title 5, United States Code,*
17 *while away from their homes or regular places of business*
18 *in the performance of services for the Commission.*

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

20 (a) *IN GENERAL.*—*The Commission shall have as its*
21 *primary responsibility—*

22 (1) *the annual and ongoing review of the facts*
23 *and circumstances of violations of religious freedom*
24 *presented in the Country Reports on Human Rights*
25 *Practices, the Annual Report, and the Executive*

1 *Summary, as well as information from other sources*
2 *as appropriate; and*

3 *(2) the making of policy recommendations to the*
4 *President, the Secretary of State, and Congress with*
5 *respect to matters involving international religious*
6 *freedom.*

7 *(b) POLICY REVIEW AND RECOMMENDATIONS IN RE-*
8 *SPONSE TO VIOLATIONS.—The Commission, in evaluating*
9 *United States Government policies in response to violations*
10 *of religious freedom, shall consider and recommend options*
11 *for policies of the United States Government with respect*
12 *to each foreign country the government of which has en-*
13 *gaged in or tolerated violations of religious freedom, includ-*
14 *ing particularly severe violations of religious freedom, in-*
15 *cluding diplomatic inquiries, diplomatic protest, official*
16 *public protest demarche of protest, condemnation within*
17 *multilateral fora, delay or cancellation of cultural or sci-*
18 *entific exchanges, delay or cancellation of working, official,*
19 *or state visits, reduction of certain assistance funds, termi-*
20 *nation of certain assistance funds, imposition of targeted*
21 *trade sanctions, imposition of broad trade sanctions, and*
22 *withdrawal of the chief of mission.*

23 *(c) POLICY REVIEW AND RECOMMENDATIONS IN RE-*
24 *SPONSE TO PROGRESS.—The Commission, in evaluating*
25 *the United States Government policies with respect to coun-*

1 *tries found to be taking deliberate steps and making signifi-*
2 *cant improvement in respect for the right of religious free-*
3 *dom, shall consider and recommend policy options, includ-*
4 *ing private commendation, diplomatic commendation, offi-*
5 *cial public commendation, commendation within multilat-*
6 *eral fora, an increase in cultural or scientific exchanges,*
7 *or both, termination or reduction of existing Presidential*
8 *actions, an increase in certain assistance funds, and invita-*
9 *tions for working, official, or state visits.*

10 *(d) EFFECTS ON RELIGIOUS COMMUNITIES AND INDIV-*
11 *IDUALS.—Together with specific policy recommendations*
12 *provided under subsections (b) and (c), the Commission*
13 *shall also indicate its evaluation of the potential effects of*
14 *such policies, if implemented, on the religious communities*
15 *and individuals whose rights are found to be violated in*
16 *the country in question.*

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

24 *(f) HEARINGS AND SESSIONS.—The Commission may,*
25 *for the purpose of carrying out its duties under this title,*

1 *hold hearings, sit and act at times and places in the United*
2 *States, take testimony, and receive evidence as the Commis-*
3 *sion considers advisable to carry out the purposes of this*
4 *Act.*

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

6 (a) *IN GENERAL.*—*Not later than May 1 of each year,*
7 *the Commission shall submit a report to the President, the*
8 *Secretary of State, and Congress setting forth its rec-*
9 *ommendations for United States policy options based on*
10 *its evaluations under section 202.*

11 (b) *CLASSIFIED FORM OF REPORT.*—*The report may*
12 *be submitted in classified form, together with a public sum-*
13 *mary of recommendations, if the classification of informa-*
14 *tion would further the purposes of this Act.*

15 (c) *INDIVIDUAL OR DISSENTING VIEWS.*—*Each mem-*
16 *ber of the Commission may include the individual or dis-*
17 *senting views of the member.*

18 **SEC. 204. APPLICABILITY OF OTHER LAWS.**

19 *The Federal Advisory Committee Act (5 U.S.C. App.)*
20 *shall not apply to the Commission.*

21 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) *IN GENERAL.*—*There are authorized to be appro-*
23 *priated to the Commission \$3,000,000 for each of the fiscal*
24 *years 1999 and 2000 to carry out the provisions of this*
25 *title.*

1 *Ambassador at Large for International Religious Freedom,*
2 *the United States Commission on International Religious*
3 *Freedom, Congress and, as advisable, religious nongovern-*
4 *mental organizations.”.*

5 **TITLE IV—PRESIDENTIAL**
6 **ACTIONS**

7 ***Subtitle I—Targeted Responses to***
8 ***Violations of Religious Freedom***
9 ***Abroad***

10 **SEC. 401. PRESIDENTIAL ACTIONS IN RESPONSE TO VIOLA-**
11 **TIONS OF RELIGIOUS FREEDOM.**

12 (a) *RESPONSE TO VIOLATIONS OF RELIGIOUS FREE-*
13 *DOM.—*

14 (1) *IN GENERAL.—*

15 (A) *UNITED STATES POLICY.—It shall be*
16 *the policy of the United States—*

17 (i) *to oppose violations of religious*
18 *freedom that are or have been engaged in or*
19 *tolerated by the governments of foreign*
20 *countries; and*

21 (ii) *to promote the right to freedom of*
22 *religion in those countries through the ac-*
23 *tions described in subsection (b).*

24 (B) *REQUIREMENT OF PRESIDENTIAL AC-*
25 *TION.—For each foreign country the government*

1 *of which engages in or tolerates violations of reli-*
2 *gious freedom, the President shall oppose such*
3 *violations and promote the right to freedom of*
4 *religion in that country through the actions de-*
5 *scribed in subsection (b).*

6 (2) *BASIS OF ACTIONS.*—*Each action taken*
7 *under paragraph (1)(B) shall be based upon informa-*
8 *tion regarding violations of religious freedom, as de-*
9 *scribed in the latest Country Reports on Human*
10 *Rights Practices, the Annual Report and Executive*
11 *Summary, and on any other evidence available, and*
12 *shall take into account any findings or recommenda-*
13 *tions by the Commission with respect to the foreign*
14 *country.*

15 (b) *PRESIDENTIAL ACTIONS.*—

16 (1) *IN GENERAL.*—*Subject to paragraphs (2) and*
17 *(3), the President, in consultation with the Secretary*
18 *of State, the Ambassador at Large, the Special Ad-*
19 *viser, and the Commission, shall, as expeditiously as*
20 *practicable in response to the violations described in*
21 *subsection (a) by the government of a foreign coun-*
22 *try—*

23 (A) *take one or more of the actions de-*
24 *scribed in paragraphs (1) through (15) of section*

1 405(a) (or commensurate action in substitution
2 thereto) with respect to such country; or

3 (B) negotiate and enter into a binding
4 agreement with the government of such country,
5 as described in section 405(c).

6 (2) *DEADLINE FOR ACTIONS.*—Not later than
7 September 1 of each year, the President shall take ac-
8 tion under any of the paragraphs (1) through (15) of
9 section 405(a) (or commensurate action in substi-
10 tution thereto) with respect to each foreign country
11 the government of which has engaged in or tolerated
12 violations of religious freedom at any time since Sep-
13 tember 1 of the preceding year, except that in the case
14 of action under any of the paragraphs (9) through
15 (15) of section 405(a) (or commensurate action in
16 substitution thereto)—

17 (A) the action may only be taken after the re-
18 quirements of sections 403 and 404 have been satis-
19 fied; and

20 (B) the September 1 limitation shall not apply.

21 (3) *AUTHORITY FOR DELAY OF PRESIDENTIAL*
22 *ACTIONS.*—The President may delay action under
23 paragraph (2) described in any of the paragraphs (9)
24 through (15) of section 405(a) (or commensurate ac-
25 tion in substitution thereto) if he determines and cer-

1 *tifies to Congress that a single, additional period of*
2 *time, not to exceed 90 days, is necessary pursuant to*
3 *the same provisions applying to countries of particu-*
4 *lar concern for religious freedom under section*
5 *402(c)(3).*

6 *(c) IMPLEMENTATION.—*

7 *(1) IN GENERAL.—In carrying out subsection*
8 *(b), the President shall—*

9 *(A) take the action or actions that most ap-*
10 *propriately respond to the nature and severity of*
11 *the violations of religious freedom;*

12 *(B) seek to the fullest extent possible to tar-*
13 *get action as narrowly as practicable with re-*
14 *spect to the agency or instrumentality of the for-*
15 *foreign government, or specific officials thereof, that*
16 *are responsible for such violations; and*

17 *(C) when appropriate, make every reason-*
18 *able effort to conclude a binding agreement con-*
19 *cerning the cessation of such violations in coun-*
20 *tries with which the United States has diplo-*
21 *matic relations.*

22 *(2) GUIDELINES FOR PRESIDENTIAL ACTIONS.—*

23 *In addition to the guidelines under paragraph (1),*
24 *the President, in determining whether to take a Presi-*
25 *dential action under paragraphs (9) through (15) of*

1 *section 405(a) (or commensurate action in substi-*
2 *tution thereto), shall seek to minimize any adverse*
3 *impact on—*

4 *(A) the population of the country whose*
5 *government is targeted by the Presidential action*
6 *or actions; and*

7 *(B) the humanitarian activities of United*
8 *States and foreign nongovernmental organiza-*
9 *tions in such country.*

10 **SEC. 402. PRESIDENTIAL ACTIONS IN RESPONSE TO PAR-**
11 **TICULARLY SEVERE VIOLATIONS OF RELI-**
12 **GIOUS FREEDOM.**

13 *(a) RESPONSE TO PARTICULARLY SEVERE VIOLATIONS*
14 *OF RELIGIOUS FREEDOM.—*

15 *(1) UNITED STATES POLICY.—It shall be the pol-*
16 *icy of the United States—*

17 *(A) to oppose particularly severe viola-*
18 *tions of religious freedom that are or have*
19 *been engaged in or tolerated by the govern-*
20 *ments of foreign countries; and*

21 *(B) to promote the right to freedom of*
22 *religion in those countries through the ac-*
23 *tions described in subsection (c).*

24 *(2) REQUIREMENT OF PRESIDENTIAL ACTION.—*

25 *Whenever the President determines that the govern-*

1 *ment of a foreign country has engaged in or tolerated*
2 *particularly severe violations of religious freedom, the*
3 *President shall oppose such violations and promote*
4 *the right to religious freedom through one or more of*
5 *the actions described in subsection (c).*

6 *(b) DESIGNATIONS OF COUNTRIES OF PARTICULAR*
7 *CONCERN FOR RELIGIOUS FREEDOM.—*

8 *(1) ANNUAL REVIEW.—*

9 *(A) IN GENERAL.—Not later than Septem-*
10 *ber 1 of each year, the President shall review the*
11 *status of religious freedom in each foreign coun-*
12 *try to determine whether the government of that*
13 *country has engaged in or tolerated particularly*
14 *severe violations of religious freedom in that*
15 *country during the preceding 12 months or since*
16 *the date of the last review of that country under*
17 *this subparagraph, whichever period is longer.*
18 *The President shall designate each country the*
19 *government of which has engaged in or tolerated*
20 *violations described in this subparagraph as a*
21 *country of particular concern for religious free-*
22 *dom.*

23 *(B) BASIS OF REVIEW.—Each review con-*
24 *ducted under subparagraph (A) shall be based*
25 *upon information contained in the latest Coun-*

1 *try Reports on Human Rights Practices, the An-*
2 *nual Report, and on any other evidence available*
3 *and shall take into account any findings or rec-*
4 *ommendations by the Commission with respect*
5 *to the foreign country.*

6 (C) *IMPLEMENTATION.*—*Any review under*
7 *subparagraph (A) of a foreign country may take*
8 *place singly or jointly with the review of one or*
9 *more countries and may take place at any time*
10 *prior to September 1 of the respective year.*

11 (2) *DETERMINATIONS OF RESPONSIBLE PAR-*
12 *TIES.*—*For the government of each country designated*
13 *as a country of particular concern for religious free-*
14 *dom under paragraph (1)(A), the President shall seek*
15 *to determine the agency or instrumentality thereof*
16 *and the specific officials thereof that are responsible*
17 *for the particularly severe violations of religious free-*
18 *dom engaged in or tolerated by that government in*
19 *order to appropriately target Presidential actions*
20 *under this section in response.*

21 (3) *CONGRESSIONAL NOTIFICATION.*—*Whenever*
22 *the President designates a country as a country of*
23 *particular concern for religious freedom under para-*
24 *graph (1)(A), the President shall, as soon as prac-*

1 *licable after the designation is made, transmit to the*
2 *appropriate congressional committees—*

3 *(A) the designation of the country, signed*
4 *by the President; and*

5 *(B) the identification, if any, of responsible*
6 *parties determined under paragraph (2).*

7 *(c) PRESIDENTIAL ACTIONS WITH RESPECT TO COUN-*
8 *TRIES OF PARTICULAR CONCERN FOR RELIGIOUS FREE-*
9 *DOM.—*

10 *(1) IN GENERAL.—Subject to paragraphs (2),*
11 *(3), and (4) with respect to each country of particular*
12 *concern for religious freedom designated under sub-*
13 *section (b)(1)(A), the President shall, after the re-*
14 *quirements of sections 403 and 404 have been satis-*
15 *fied, but not later than 90 days (or 180 days in case*
16 *of a delay under paragraph (3)) after the date of des-*
17 *ignation of the country under that subsection, carry*
18 *out one or more of the following actions under sub-*
19 *paragraph (A) or subparagraph (B):*

20 *(A) PRESIDENTIAL ACTIONS.—One or more*
21 *of the Presidential actions described in para-*
22 *graphs (9) through (15) of section 405(a), as de-*
23 *termined by the President.*

1 (B) *COMMENSURATE ACTIONS.*—*Commensu-*
2 *rate action in substitution to any action de-*
3 *scribed in subparagraph (A).*

4 (2) *SUBSTITUTION OF BINDING AGREEMENTS.*—

5 (A) *IN GENERAL.*—*In lieu of carrying out*
6 *action under paragraph (1), the President may*
7 *conclude a binding agreement with the respective*
8 *foreign government as described in section*
9 *405(c). The existence of a binding agreement*
10 *under this paragraph with a foreign government*
11 *may be considered by the President prior to*
12 *making any determination or taking any action*
13 *under this title.*

14 (B) *STATUTORY CONSTRUCTION.*—*Nothing*
15 *in this paragraph may be construed to authorize*
16 *the entry of the United States into an agreement*
17 *covering matters outside the scope of violations of*
18 *religious freedom.*

19 (3) *AUTHORITY FOR DELAY OF PRESIDENTIAL*
20 *ACTIONS.*—*If, on or before the date that the President*
21 *is required (but for this paragraph) to take action*
22 *under paragraph (1), the President determines and*
23 *certifies to Congress that a single, additional period*
24 *of time not to exceed 90 days is necessary—*

1 (A) for a continuation of negotiations that
2 have been commenced with the government of
3 that country to bring about a cessation of the
4 violations by the foreign country;

5 (B) for a continuation of multilateral nego-
6 tiations into which the United States has entered
7 to bring about a cessation of the violations by the
8 foreign country;

9 (C)(i) for a review of corrective action taken
10 by the foreign country after designation of such
11 country as a country of particular concern; or

12 (ii) in anticipation that corrective action
13 will be taken by the foreign country during the
14 90-day period,

15 then the President shall not be required to take action
16 until the expiration of that period of time.

17 (4) *EXCEPTION FOR ONGOING PRESIDENTIAL AC-*
18 *TION.—The President shall not be required to take ac-*
19 *tion pursuant to this subsection in the case of a coun-*
20 *try of particular concern for religious freedom, if with*
21 *respect to such country—*

22 (A) the President has taken action pursuant
23 to this Act in a preceding year;

1 (B) such action is in effect at the time the
2 country is designated as a country of particular
3 concern for religious freedom under this section;

4 (C) the President reports to Congress the in-
5 formation described in section 404(a) (1), (2),
6 (3), and (4) regarding the actions in effect with
7 respect to the country; and

8 (D) at the time the President determines a
9 country to be a country of particular concern, if
10 that country is already subject to multiple,
11 broad-based sanctions imposed in significant
12 part in response to human rights abuses, and
13 such sanctions are ongoing, the President may
14 determine that one or more of these sanctions
15 also satisfies the requirements of this subsection.
16 In a report to Congress pursuant to section
17 404(a) (1), (2), (3), and (4), and, as applicable,
18 to section 408, the President must designate the
19 specific sanction or sanctions which he deter-
20 mines satisfy the requirements of this subsection.
21 The sanctions so designated shall remain in ef-
22 fect subject to section 409 of this Act.

23 (d) *STATUTORY CONSTRUCTION.*—A determination
24 under this Act, or any amendment made by this Act, that
25 a foreign country has engaged in or tolerated particularly

1 *severe violations of religious freedom shall not be construed*
2 *to require the termination of assistance or other activities*
3 *with respect to that country under any other provision of*
4 *law, including section 116 or 502B of the Foreign Assist-*
5 *ance Act of 1961 (22 U.S.C. 2151n, 2304).*

6 **SEC. 403. CONSULTATIONS.**

7 *(a) IN GENERAL.—As soon as practicable after the*
8 *President decides to take action under section 401 in re-*
9 *sponse to violations of religious freedom and the President*
10 *decides to take action under paragraphs (9) through (15)*
11 *of section 405(a) (or commensurate action in substitution*
12 *thereto) with respect to that country, or not later than 90*
13 *days after the President designates a country as a country*
14 *of particular concern for religious freedom under section*
15 *402, as the case may be, the President shall carry out the*
16 *consultations required in this section.*

17 *(b) DUTY TO CONSULT WITH FOREIGN GOVERNMENTS*
18 *PRIOR TO TAKING PRESIDENTIAL ACTIONS.—*

19 *(1) IN GENERAL.—The President shall—*

20 *(A) request consultation with the govern-*
21 *ment of such country regarding the violations*
22 *giving rise to designation of that country as a*
23 *country of particular concern for religious free-*
24 *dom or to Presidential action under section 401;*
25 *and*

1 (B) if agreed to, enter into such consulta-
2 tions, privately or publicly.

3 (2) *USE OF MULTILATERAL FORA.*—If the Presi-
4 dent determines it to be appropriate, such consulta-
5 tions may be sought and may occur in a multilateral
6 forum, but, in any event, the President shall consult
7 with appropriate foreign governments for the pur-
8 poses of achieving a coordinated international policy
9 on actions that may be taken with respect to a coun-
10 try described in subsection (a), prior to implementing
11 any such action.

12 (3) *ELECTION OF NONDISCLOSURE OF NEGOTIA-*
13 *TIONS TO PUBLIC.*—If negotiations are undertaken or
14 an agreement is concluded with a foreign government
15 regarding steps to cease the pattern of violations by
16 that government, and if public disclosure of such ne-
17 gotiations or agreement would jeopardize the negotia-
18 tions or the implementation of such agreement, as the
19 case may be, the President may refrain from disclos-
20 ing such negotiations and such agreement to the pub-
21 lic, except that the President shall inform the appro-
22 priate congressional committees of the nature and ex-
23 tent of such negotiations and any agreement reached.

24 (c) *DUTY TO CONSULT WITH HUMANITARIAN ORGANI-*
25 *ZATIONS.*—The President should consult with appropriate

1 *humanitarian and religious organizations concerning the*
2 *potential impact of United States policies to promote free-*
3 *dom of religion in countries described in subsection (a).*

4 *(d) DUTY TO CONSULT WITH UNITED STATES INTER-*
5 *ESTED PARTIES.—The President shall, as appropriate, con-*
6 *sult with United States interested parties as to the potential*
7 *impact of intended Presidential action or actions in coun-*
8 *tries described in subsection (a) on economic or other inter-*
9 *ests of the United States.*

10 **SEC. 404. REPORT TO CONGRESS.**

11 *(a) IN GENERAL.—Subject to subsection (b), not later*
12 *than 90 days after the President decides to take action*
13 *under section 401 in response to violations of religious free-*
14 *dom and the President decides to take action under para-*
15 *graphs (9) through (15) of section 405(a) (or commensurate*
16 *action in substitution thereto) with respect to that country,*
17 *or not later than 90 days after the President designates a*
18 *country as a country of particular concern for religious*
19 *freedom under section 402, as the case may be, the President*
20 *shall submit a report to Congress containing the following:*

21 *(1) IDENTIFICATION OF PRESIDENTIAL AC-*
22 *TIONS.—An identification of the Presidential action*
23 *or actions described in paragraphs (9) through (15)*
24 *of section 405(a) (or commensurate action in substi-*

1 *tution thereto) to be taken with respect to the foreign*
2 *country.*

3 (2) *DESCRIPTION OF VIOLATIONS.*—*A description*
4 *of the violations giving rise to the Presidential action*
5 *or actions to be taken.*

6 (3) *PURPOSE OF PRESIDENTIAL ACTIONS.*—*A de-*
7 *scription of the purpose of the Presidential action or*
8 *actions.*

9 (4) *EVALUATION.*—

10 (A) *DESCRIPTION.*—*An evaluation, in con-*
11 *sultation with the Secretary of State, the Amba-*
12 *sador at Large, the Commission, the Special Ad-*
13 *viser, the parties described in section 403 (c) and*
14 *(d), and whoever else the President deems appro-*
15 *priate, of—*

16 (i) *the impact upon the foreign govern-*
17 *ment;*

18 (ii) *the impact upon the population of*
19 *the country; and*

20 (iii) *the impact upon the United*
21 *States economy and other interested parties.*

22 (B) *AUTHORITY TO WITHHOLD DISCLO-*
23 *SURE.*—*The President may withhold part or all*
24 *of such evaluation from the public but shall pro-*
25 *vide the entire evaluation to Congress.*

1 (5) *STATEMENT OF POLICY OPTIONS.*—A state-
2 ment that noneconomic policy options designed to
3 bring about cessation of the particularly severe viola-
4 tions of religious freedom have reasonably been ex-
5 hausted, including the consultations required in sec-
6 tion 403.

7 (6) *DESCRIPTION OF MULTILATERAL NEGOTIA-*
8 *TIONS.*—A description of multilateral negotiations
9 sought or carried out, if appropriate and applicable.

10 (b) *DELAY IN TRANSMITTAL OF REPORT.*—If, on or
11 before the date that the President is required (but for this
12 subsection) to submit a report under subsection (a) to Con-
13 gress, the President determines and certifies to Congress
14 that a single, additional period of time not to exceed 90
15 days is necessary pursuant to section 401(b)(3) or section
16 402(c)(3), then the President shall not be required to submit
17 the report to Congress until the expiration of that period
18 of time.

19 **SEC. 405. DESCRIPTION OF PRESIDENTIAL ACTIONS.**

20 (a) *DESCRIPTION OF PRESIDENTIAL ACTIONS.*—*Ex-*
21 cept as provided in subsection (d), the Presidential actions
22 referred to in this subsection are the following:

23 (1) *A private demarche.*

24 (2) *An official public demarche.*

25 (3) *A public condemnation.*

1 (4) *A public condemnation within one or more*
2 *multilateral fora.*

3 (5) *The delay or cancellation of one or more sci-*
4 *entific exchanges.*

5 (6) *The delay or cancellation of one or more cul-*
6 *tural exchanges.*

7 (7) *The denial of one or more working, official,*
8 *or state visits.*

9 (8) *The delay or cancellation of one or more*
10 *working, official, or state visits.*

11 (9) *The withdrawal, limitation, or suspension of*
12 *United States development assistance in accordance*
13 *with section 116 of the Foreign Assistance Act of*
14 *1961.*

15 (10) *Directing the Export-Import Bank of the*
16 *United States, the Overseas Private Investment Cor-*
17 *poration, or the Trade and Development Agency not*
18 *to approve the issuance of any (or a specified number*
19 *of) guarantees, insurance, extensions of credit, or par-*
20 *ticipations in the extension of credit with respect to*
21 *the specific government, agency, instrumentality, or*
22 *official found or determined by the President to be re-*
23 *sponsible for violations under section 401 or 402.*

24 (11) *The withdrawal, limitation, or suspension*
25 *of United States security assistance in accordance*

1 *with section 502B of the Foreign Assistance Act of*
2 *1961.*

3 (12) *Consistent with section 701 of the Inter-*
4 *national Financial Institutions Act of 1977, directing*
5 *the United States executive directors of international*
6 *financial institutions to oppose and vote against*
7 *loans primarily benefiting the specific foreign govern-*
8 *ment, agency, instrumentality, or official found or de-*
9 *termined by the President to be responsible for viola-*
10 *tions under section 401 or 402.*

11 (13) *Ordering the heads of the appropriate*
12 *United States agencies not to issue any (or a specified*
13 *number of) specific licenses, and not to grant any*
14 *other specific authority (or a specified number of au-*
15 *thorities), to export any goods or technology to the*
16 *specific foreign government, agency, instrumentality,*
17 *or official found or determined by the President to be*
18 *responsible for violations under section 401 or 402,*
19 *under—*

20 (A) *the Export Administration Act of 1979;*

21 (B) *the Arms Export Control Act;*

22 (C) *the Atomic Energy Act of 1954; or*

23 (D) *any other statute that requires the prior*
24 *review and approval of the United States Gov-*

1 *ernment as a condition for the export or reexport*
2 *of goods or services.*

3 *(14) Prohibiting any United States financial in-*
4 *stitution from making loans or providing credits to-*
5 *taling more than \$10,000,000 in any 12-month pe-*
6 *riod to the specific foreign government, agency, in-*
7 *strumentality, or official found or determined by the*
8 *President to be responsible for violations under sec-*
9 *tion 401 or 402.*

10 *(15) Prohibiting the United States Government*
11 *from procuring, or entering into any contract for the*
12 *procurement of, any goods or services from the foreign*
13 *government, entities, or officials found or determined*
14 *by the President to be responsible for violations under*
15 *section 401 or 402.*

16 *(b) COMMENSURATE ACTION.—Except as provided in*
17 *subsection (d), the President may substitute any other ac-*
18 *tion authorized by law for any action described in para-*
19 *graphs (1) through (15) of subsection (a) if such action is*
20 *commensurate in effect to the action substituted and if the*
21 *action would further the policy of the United States set forth*
22 *in section 2(b) of this Act. The President shall seek to take*
23 *all appropriate and feasible actions authorized by law to*
24 *obtain the cessation of the violations. If commensurate ac-*
25 *tion is taken, the President shall report such action, together*

1 *with an explanation for taking such action, to the appro-*
2 *priate congressional committees.*

3 (c) *BINDING AGREEMENTS.*—*The President may nego-*
4 *tiate and enter into a binding agreement with a foreign*
5 *government that obligates such government to cease, or take*
6 *substantial steps to address and phase out, the act, policy,*
7 *or practice constituting the violation of religious freedom.*
8 *The entry into force of a binding agreement for the cessation*
9 *of the violations shall be a primary objective for the Presi-*
10 *dent in responding to a foreign government that has en-*
11 *gaged in or tolerated particularly severe violations of reli-*
12 *gious freedom.*

13 (d) *EXCEPTIONS.*—*Any action taken pursuant to sub-*
14 *section (a) or (b) may not prohibit or restrict the provision*
15 *of medicine, medical equipment or supplies, food, or other*
16 *humanitarian assistance.*

17 **SEC. 406. EFFECTS ON EXISTING CONTRACTS.**

18 *The President shall not be required to apply or main-*
19 *tain any Presidential action under this subtitle—*

20 (1) *in the case of procurement of defense articles*
21 *or defense services—*

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

1 (B) if the President determines in writing
2 and so reports to Congress that the person or
3 other entity to which the Presidential action
4 would otherwise be applied is a sole source sup-
5 plier of the defense articles or services, that the
6 defense articles or services are essential, and that
7 alternative sources are not readily or reasonably
8 available; or

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

13 (2) to products or services provided under con-
14 tracts entered into before the date on which the Presi-
15 dent publishes his intention to take the Presidential
16 action.

17 **SEC. 407. PRESIDENTIAL WAIVER.**

18 (a) *IN GENERAL.*—Subject to subsection (b), the Presi-
19 dent may waive the application of any of the actions de-
20 scribed in paragraphs (9) through (15) of section 405(a)
21 (or commensurate action in substitution thereto) with re-
22 spect to a country, if the President determines and so re-
23 ports to the appropriate congressional committees that—

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

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

3 (3) *the important national interest of the United*
4 *States requires the exercise of such waiver authority.*

5 (b) *CONGRESSIONAL NOTIFICATION.*—*Not later than*
6 *the date of the exercise of a waiver under subsection (a),*
7 *the President shall notify the appropriate congressional*
8 *committees of the waiver or the intention to exercise the*
9 *waiver, together with a detailed justification thereof.*

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

11 (a) *IN GENERAL.*—*Subject to subsection (b), the Presi-*
12 *dent shall cause to be published in the Federal Register the*
13 *following:*

14 (1) *DETERMINATIONS OF GOVERNMENTS, OFFI-*
15 *CIALS, AND ENTITIES OF PARTICULAR CONCERN.*—
16 *Any designation of a country of particular concern*
17 *for religious freedom under section 402(b)(1), together*
18 *with, when applicable and to the extent practicable,*
19 *the identities of the officials or entities determined to*
20 *be responsible for the violations under section*
21 *402(b)(2).*

22 (2) *PRESIDENTIAL ACTIONS.*—*A description of*
23 *any Presidential action under paragraphs (9)*
24 *through (15) of section 405(a) (or commensurate ac-*

1 *tion in substitution thereto) and the effective date of*
2 *the Presidential action.*

3 (3) *DELAYS IN TRANSMITTAL OF PRESIDENTIAL*
4 *ACTION REPORTS.—Any delay in transmittal of a*
5 *Presidential action report, as described in section*
6 *404(b).*

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

8 (b) *LIMITED DISCLOSURE OF INFORMATION.—The*
9 *President may limit publication of information under this*
10 *section in the same manner and to the same extent as the*
11 *President may limit the publication of findings and deter-*
12 *minations described in section 654(c) of the Foreign Assist-*
13 *ance Act of 1961 (22 U.S.C. 2414(c)), if the President deter-*
14 *mines that the publication of information under this sec-*
15 *tion—*

16 (1) *would be harmful to the national security of*
17 *the United States; or*

18 (2) *would not further the purposes of this Act.*

19 **SEC. 409. TERMINATION OF PRESIDENTIAL ACTIONS.**

20 *Any Presidential action taken under this Act with re-*
21 *spect to a foreign country shall terminate on the earlier of*
22 *the following dates:*

23 (1) *TERMINATION DATE.—Within 2 years of the*
24 *effective date of the Presidential action unless ex-*
25 *pressly reauthorized by law.*

1 (2) *FOREIGN GOVERNMENT ACTIONS*.—Upon the
 2 determination by the President, in consultation with
 3 the Commission, and certification to Congress that the
 4 foreign government has ceased or taken substantial
 5 and verifiable steps to cease the particularly severe
 6 violations of religious freedom.

7 **SEC. 410. PRECLUSION OF JUDICIAL REVIEW.**

8 No court shall have jurisdiction to review any Presi-
 9 dential determination or agency action under this Act or
 10 any amendment made by this Act.

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

13 **SEC. 421. UNITED STATES ASSISTANCE.**

14 (a) *IMPLEMENTATION OF PROHIBITION ON ECONOMIC*
 15 *ASSISTANCE*.—Section 116(c) of the Foreign Assistance Act
 16 of 1961 (22 U.S.C. 2151n(c)) is amended—

17 (1) in the text above paragraph (1), by inserting
 18 “and in consultation with the Ambassador at Large
 19 for International Religious Freedom” after “Labor”.

20 (2) by striking “and” at the end of paragraph
 21 (1);

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

24 (4) by adding at the end the following new para-
 25 graph:

1 “(3) *whether the government—*

2 “(A) *has engaged in or tolerated particu-*
3 *larly severe violations of religious freedom, as de-*
4 *finied in section 3 of the International Religious*
5 *Freedom Act of 1998; or*

6 “(B) *has failed to undertake serious and*
7 *sustained efforts to combat particularly severe*
8 *violations of religious freedom (as defined in sec-*
9 *tion 3 of the International Religious Freedom*
10 *Act of 1998), when such efforts could have been*
11 *reasonably undertaken.”.*

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

16 “(4) *In determining whether the government of a coun-*
17 *try engages in a consistent pattern of gross violations of*
18 *internationally recognized human rights, the President*
19 *shall give particular consideration to whether the govern-*
20 *ment—*

21 “(A) *has engaged in or tolerated particularly se-*
22 *vere violations of religious freedom, as defined in sec-*
23 *tion 3 of the International Religious Freedom Act of*
24 *1998; or*

1 “(B) has failed to undertake serious and sus-
2 tained efforts to combat particularly severe violations
3 of religious freedom when such efforts could have been
4 reasonably undertaken.”.

5 **SEC. 422. MULTILATERAL ASSISTANCE.**

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

9 “(g) In determining whether the government of a coun-
10 try engages in a pattern of gross violations of internation-
11 ally recognized human rights, as described in subsection (a),
12 the President shall give particular consideration to whether
13 a foreign government—

14 “(1) has engaged in or tolerated particularly se-
15 vere violations of religious freedom, as defined in sec-
16 tion 3 of the International Religious Freedom Act of
17 1998; or

18 “(2) has failed to undertake serious and sus-
19 tained efforts to combat particularly severe violations
20 of religious freedom when such efforts could have been
21 reasonably undertaken.”.

1 **SEC. 423. EXPORTS OF CERTAIN ITEMS USED IN PARTICU-**
2 **LARLY SEVERE VIOLATIONS OF RELIGIOUS**
3 **FREEDOM.**

4 (a) *MANDATORY LICENSING.*—Notwithstanding any
5 other provision of law, the Secretary of Commerce, with the
6 concurrence of the Secretary of State, shall include on the
7 list of crime control and detection instruments or equip-
8 ment controlled for export and reexport under section 6(n)
9 of the Export Administration Act of 1979 (22 U.S.C. App.
10 2405(n)), or under any other provision of law, items being
11 exported or reexported to countries of particular concern for
12 religious freedom that the Secretary of Commerce, with the
13 concurrence of the Secretary of State, and in consultation
14 with appropriate officials including the Assistant Secretary
15 of State for Democracy, Human Rights and Labor and the
16 Ambassador at Large, determines are being used or are in-
17 tended for use directly and in significant measure to carry
18 out particularly severe violations of religious freedom.

19 (b) *LICENSING BAN.*—The prohibition on the issuance
20 of a license for export of crime control and detection instru-
21 ments or equipment under section 502B(a)(2) of the For-
22 eign Assistance Act of 1961 (22 U.S.C. 2304(a)(2)) shall
23 apply to the export and reexport of any item included pur-
24 suant to subsection (a) on the list of crime control instru-
25 ments.

1 **TITLE V—PROMOTION OF**
2 **RELIGIOUS FREEDOM**

3 **SEC. 501. ASSISTANCE FOR PROMOTING RELIGIOUS FREE-**
4 **DOM.**

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

6 (1) *In many nations where severe violations of*
7 *religious freedom occur, there is not sufficient statu-*
8 *tory legal protection for religious minorities or there*
9 *is not sufficient cultural and social understanding of*
10 *international norms of religious freedom.*

11 (2) *Accordingly, in the provision of foreign as-*
12 *stance, the United States should make a priority of*
13 *promoting and developing legal protections and cul-*
14 *tural respect for religious freedom.*

15 (b) *ALLOCATION OF FUNDS FOR INCREASED PRO-*
16 *MOTION OF RELIGIOUS FREEDOMS.*—Section 116(e) of the
17 *Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)) is*
18 *amended by inserting “, including the right to free religious*
19 *belief and practice” after “adherence to civil and political*
20 *rights”.*

21 **SEC. 502. INTERNATIONAL BROADCASTING.**

22 Section 303(a) of the United States International
23 Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is amend-
24 ed—

1 (1) *by striking “and” at the end of paragraph*
2 (6);

3 (2) *by striking the period at the end of para-*
4 *graph (7) and inserting “; and”; and*

5 (3) *by adding at the end the following:*

6 “(8) *promote respect for human rights, including*
7 *freedom of religion.”.*

8 **SEC. 503. INTERNATIONAL EXCHANGES.**

9 *Section 102(b) of the Mutual Educational and Cul-*
10 *tural Exchange Act of 1961 (22 U.S.C. 2452(b)) is amend-*
11 *ed—*

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

13 (2) *by striking the period at the end of para-*
14 *graph (11) and inserting “; and”; and*

15 (3) *by adding at the end the following:*

16 “(12) *promoting respect for and guarantees of*
17 *religious freedom abroad by interchanges and visits*
18 *between the United States and other nations of reli-*
19 *gious leaders, scholars, and religious and legal experts*
20 *in the field of religious freedom.”.*

21 **SEC. 504. FOREIGN SERVICE AWARDS.**

22 (a) *PERFORMANCE PAY.*—*Section 405(d) of the For-*
23 *ign Service Act of 1980 (22 U.S.C. 3965(d)) is amended*
24 *by inserting after the first sentence the following: “Such*
25 *service in the promotion of internationally recognized*

1 *human rights, including the right to freedom of religion,*
2 *shall serve as a basis for granting awards under this sec-*
3 *tion.”.*

4 (b) *FOREIGN SERVICE AWARDS.*—Section 614 of the
5 *Foreign Service Act of 1980 (22 U.S.C. 4013) is amended*
6 *by adding at the end the following new sentence: “Distin-*
7 *guished, meritorious service in the promotion of inter-*
8 *nationally recognized human rights, including the right to*
9 *freedom of religion, shall serve as a basis for granting*
10 *awards under this section.”.*

11 ***TITLE VI—REFUGEE, ASYLUM,***
12 ***AND CONSULAR MATTERS***

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

14 *The Annual Report, together with other relevant docu-*
15 *mentation, shall serve as a resource for immigration judges*
16 *and consular, refugee, and asylum officers in cases involv-*
17 *ing claims of persecution on the grounds of religion. Absence*
18 *of reference by the Annual Report to conditions described*
19 *by the alien shall not constitute the sole grounds for a denial*
20 *of the alien’s claim.*

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

22 (a) *TRAINING.*—Section 207 of the *Immigration and*
23 *Nationality Act (8 U.S.C. 1157) is amended by adding at*
24 *the end the following new subsection:*

1 “(f)(1) *The Attorney General, in consultation with the*
2 *Secretary of State, shall provide all United States officials*
3 *adjudicating refugee cases under this section with the same*
4 *training as that provided to officers adjudicating asylum*
5 *cases under section 208.*

6 “(2) *Such training shall include country-specific con-*
7 *ditions, instruction on the internationally recognized right*
8 *to freedom of religion, instruction on methods of religious*
9 *persecution practiced in foreign countries, and applicable*
10 *distinctions within a country between the nature of and*
11 *treatment of various religious practices and believers.”.*

12 ***(b) TRAINING FOR FOREIGN SERVICE OFFICERS.—***
13 *Section 708 of the Foreign Service Act of 1980, as added*
14 *by section 104 of this Act, is further amended—*

15 (1) *by inserting “(a)” before “The Secretary of*
16 *State”;* and

17 (2) *by adding at the end the following:*

18 “(b) *The Secretary of State shall provide sessions on*
19 *refugee law and adjudications and on religious persecution*
20 *to each individual seeking a commission as a United States*
21 *consular officer. The Secretary shall also ensure that any*
22 *member of the Service who is assigned to a position that*
23 *may be called upon to assess requests for consideration for*
24 *refugee admissions, including any consular officer, has com-*

1 *pleted training on refugee law and refugee adjudications*
2 *in addition to the training required in this section.”.*

3 *(c) GUIDELINES FOR REFUGEE-PROCESSING POSTS.—*

4 *(1) GUIDELINES FOR ADDRESSING HOSTILE BI-*
5 *ASES.—The Attorney General and the Secretary of*
6 *State shall develop and implement guidelines that ad-*
7 *dress potential biases in personnel of the Immigration*
8 *and Naturalization Service that are hired abroad and*
9 *involved with duties which could constitute an effec-*
10 *tive barrier to a refugee claim if such personnel car-*
11 *ries a bias against the claimant on the grounds of re-*
12 *ligion, race, nationality, membership in a particular*
13 *social group, or political opinion. The subject matter*
14 *of this training should be culturally sensitive and tai-*
15 *lored to provide a nonbiased, nonadversarial atmos-*
16 *phere for the purpose of refugee adjudications.*

17 *(2) GUIDELINES FOR REFUGEE-PROCESSING*
18 *POSTS IN ESTABLISHING AGREEMENTS WITH UNITED*
19 *STATES GOVERNMENT-DESIGNATED REFUGEE PROC-*
20 *ESSING ENTITIES.—The Attorney General and the*
21 *Secretary of State shall develop and implement guide-*
22 *lines to ensure uniform procedures for establishing*
23 *agreements with United States Government-des-*
24 *ignated refugee processing entities and personnel, and*
25 *uniform procedures for such entities and personnel re-*

1 *sponsible for preparing refugee case files for use by*
2 *the Immigration and Naturalization Service during*
3 *refugee adjudications. These procedures should ensure,*
4 *to the extent practicable, that case files prepared by*
5 *such entities accurately reflect information provided*
6 *by the refugee applicants and that genuine refugee*
7 *applicants are not disadvantaged or denied refugee*
8 *status due to faulty case file preparation.*

9 *(d) ANNUAL CONSULTATION.—The President shall in-*
10 *clude in each annual report on proposed refugee admissions*
11 *under section 207(d) of the Immigration and Nationality*
12 *Act (8 U.S.C. 1157(d)) information about religious persecu-*
13 *tion of refugee populations eligible for consideration for ad-*
14 *mission to the United States. The Secretary of State shall*
15 *include information on religious persecution of refugee pop-*
16 *ulations in the formal testimony presented to the Commit-*
17 *tees on the Judiciary of the House of Representatives and*
18 *the Senate during the consultation process under section*
19 *207(e) of the Immigration and Nationality Act (8 U.S.C.*
20 *1157(e)).*

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

22 *(a) GUIDELINES.—The Attorney General and the Sec-*
23 *retary of State shall develop guidelines to ensure that per-*
24 *sons with potential biases against individuals on the*
25 *grounds of religion, race, nationality, membership in a par-*

1 *ticular social group, or political opinion, including inter-*
2 *preters and personnel of airlines owned by governments*
3 *known to be involved in practices which would meet the*
4 *definition of persecution under international refugee law,*
5 *shall not in any manner be used to interpret conversations*
6 *between aliens and inspection or asylum officers.*

7 **(b) TRAINING FOR ASYLUM AND IMMIGRATION OFFI-**
8 *CERS.—The Attorney General, in consultation with the Sec-*
9 *retary of State, the Ambassador at Large, and other rel-*
10 *evant officials such as the Director of the National Foreign*
11 *Affairs Training Center, shall provide training to all offi-*
12 *cers adjudicating asylum cases, and to immigration officers*
13 *performing duties under section 235(b) of the Immigration*
14 *and Nationality Act (8 U.S.C. 1225(b)), on the nature of*
15 *religious persecution abroad, including country-specific*
16 *conditions, instruction on the internationally recognized*
17 *right to freedom of religion, instruction on methods of reli-*
18 *gious persecution practiced in foreign countries, and appli-*
19 *cable distinctions within a country in the treatment of var-*
20 *ious religious practices and believers.*

21 **(c) TRAINING FOR IMMIGRATION JUDGES.—The Exec-**
22 *utive Office of Immigration Review of the Department of*
23 *Justice shall incorporate into its initial and ongoing train-*
24 *ing of immigration judges training on the extent and na-*
25 *ture of religious persecution internationally, including*

1 *country-specific conditions, and including use of the An-*
2 *nual Report. Such training shall include governmental and*
3 *nongovernmental methods of persecution employed, and dif-*
4 *ferences in the treatment of religious groups by such perse-*
5 *cuting entities.*

6 **SEC. 604. INADMISSIBILITY OF FOREIGN GOVERNMENT OF-**
7 **FICIALS WHO HAVE ENGAGED IN PARTICU-**
8 **LARLY SEVERE VIOLATIONS OF RELIGIOUS**
9 **FREEDOM.**

10 *(a) INELIGIBILITY FOR VISAS OR ADMISSION.—Section*
11 *212(a)(2) of the Immigration and Nationality Act (8*
12 *U.S.C. 1182(a)(2)) is amended by adding at the end the*
13 *following new subparagraph:*

14 *“(G) FOREIGN GOVERNMENT OFFICIALS*
15 *WHO HAVE ENGAGED IN PARTICULARLY SEVERE*
16 *VIOLATIONS OF RELIGIOUS FREEDOM.—Any*
17 *alien who, while serving as a foreign government*
18 *official, was responsible for or directly carried*
19 *out, at any time during the preceding 24-month*
20 *period, particularly severe violations of religious*
21 *freedom, as defined in section 3 of the Inter-*
22 *national Religious Freedom Act of 1998, and the*
23 *spouse and children, if any, are inadmissible.”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
2 *section (a) shall apply to aliens seeking to enter the United*
3 *States on or after the date of enactment of this Act.*

4 **SEC. 605. STUDIES ON THE EFFECT OF EXPEDITED RE-**
5 **MOVAL PROVISIONS ON ASYLUM CLAIMS.**

6 (a) *STUDIES.*—

7 (1) *COMMISSION REQUEST FOR PARTICIPATION*
8 *BY EXPERTS ON REFUGEE AND ASYLUM ISSUES.*—*If*
9 *the Commission so requests, the Attorney General*
10 *shall invite experts designated by the Commission,*
11 *who are recognized for their expertise and knowledge*
12 *of refugee and asylum issues, to conduct a study, in*
13 *cooperation with the Comptroller General of the*
14 *United States, to determine whether immigration offi-*
15 *cers described in paragraph (2) are engaging in any*
16 *of the conduct described in such paragraph.*

17 (2) *DUTIES OF COMPTROLLER GENERAL.*—*The*
18 *Comptroller General of the United States shall con-*
19 *duct a study alone or, upon request by the Commis-*
20 *sion, in cooperation with experts designated by the*
21 *Commission, to determine whether immigration offi-*
22 *cers performing duties under section 235(b) of the Im-*
23 *migration and Nationality Act (8 U.S.C. 1225(b))*
24 *with respect to aliens who may be eligible to be grant-*

1 *ed asylum are engaging in any of the following con-*
2 *duct:*

3 (A) *Improperly encouraging such aliens to*
4 *withdraw their applications for admission.*

5 (B) *Incorrectly failing to refer such aliens*
6 *for an interview by an asylum officer for a de-*
7 *termination of whether they have a credible fear*
8 *of persecution (within the meaning of section*
9 *235(b)(1)(B)(v) of such Act).*

10 (C) *Incorrectly removing such aliens to a*
11 *country where they may be persecuted.*

12 (D) *Detaining such aliens improperly or in*
13 *inappropriate conditions.*

14 (b) *REPORTS.—*

15 (1) *PARTICIPATION BY EXPERTS.—In the case of*
16 *a Commission request under subsection (a), the ex-*
17 *perts designated by the Commission under that sub-*
18 *section may submit a report to the committees de-*
19 *scribed in paragraph (2). Such report may be submit-*
20 *ted with the Comptroller General's report under sub-*
21 *section (a)(2) or independently.*

22 (2) *DUTIES OF COMPTROLLER GENERAL.—Not*
23 *later than September 1, 2000, the Comptroller Gen-*
24 *eral of the United States shall submit to the Commit-*
25 *tees on the Judiciary of the House of Representatives*

1 *and the Senate, the Committee on International Rela-*
2 *tions of the House of Representatives, and the Com-*
3 *mittee on Foreign Relations of the Senate a report*
4 *containing the results of the study conducted under*
5 *subsection (a)(2). If the Commission requests des-*
6 *ignated experts to participate with the Comptroller*
7 *General in the preparation and submission of the re-*
8 *port, the Comptroller General shall grant the request.*
9 *(c) ACCESS TO PROCEEDINGS.—*

10 *(1) IN GENERAL.—Except as provided in para-*
11 *graph (2), to facilitate the studies and reports, the At-*
12 *torney General shall permit the Comptroller General*
13 *of the United States and, in the case of a Commission*
14 *request under subsection (a), the experts designated*
15 *under subsection (a) to have unrestricted access to all*
16 *stages of all proceedings conducted under section*
17 *235(b) of the Immigration and Nationality Act.*

18 *(2) EXCEPTIONS.—Paragraph (1) shall not*
19 *apply in cases in which the alien objects to such ac-*
20 *cess, or the Attorney General determines that the secu-*
21 *rity of a particular proceeding would be threatened*
22 *by such access, so long as any restrictions on the ac-*
23 *cess of experts designated by the Commission under*
24 *subsection (a) do not contravene international law.*

1 **TITLE VII—MISCELLANEOUS**
2 **PROVISIONS**

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

4 (a) *CONGRESSIONAL FINDING.*—Congress recognizes
5 *the increasing importance of transnational corporations as*
6 *global actors, and their potential for providing positive*
7 *leadership in their host countries in the area of human*
8 *rights.*

9 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
10 *that transnational corporations operating overseas, par-*
11 *ticularly those corporations operating in countries the gov-*
12 *ernments of which have engaged in or tolerated violations*
13 *of religious freedom, as identified in the Annual Report,*
14 *should adopt codes of conduct—*

15 (1) *upholding the right to freedom of religion of*
16 *their employees; and*

17 (2) *ensuring that a worker’s religious views and*
18 *peaceful practices of belief in no way affect, or be al-*
19 *lowed to affect, the status or terms of his or her em-*
20 *ployment.*

Amend the title so as to read: “An Act to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to es-

establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.”.

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 2431

AMENDMENTS