

PROVIDING FOR THE CONSIDERATION OF H.R. 2431, THE
FREEDOM FROM RELIGIOUS PERSECUTION ACT

MAY 13, 1998.—Referred to the House Calendar and ordered to be printed

Mr. DIAZ-BALART, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 430]

The Committee on Rules, having had under consideration House Resolution 430, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 2431, the “Freedom from Religious Persecution Act” under a structured rule, providing one hour of general debate divided equally between the chairman and ranking minority member of the Committee on International Relations.

The rule makes in order as an original bill for the purpose of amendment an amendment in the nature of a substitute consisting of the text of H.R. 3806, as modified by the amendments printed in part 1 of this report and provides that the amendment in the nature of a substitute shall be considered as read.

The rule also makes in order only those amendments printed in part 2 of this Rules Committee report. The rule provides that amendments will be considered only in the order specified in this report, may be offered only by the Member designated in this report, shall be considered as read, shall be debatable for the time specified in the report, equally divided between a proponent and an opponent and are not subject to amendment or a demand for division of the question. The rule also waives all points of order against the amendments printed in this report.

Finally, the rule provides for one motion to recommit, with or without instructions.

AMENDMENTS MADE IN ORDER TO H.R. 2431, FREEDOM FROM
RELIGIOUS PERSECUTION

Part I—Amendments modifying the amendment in the nature of a substitute

Bilirakis—Adds a new finding to the bill expressing that the U.S. Government should use its influence with the Turkish government to ensure the proper protection of the Ecumenical Patriarchate and all Orthodox faithful in Turkey.

Solomon—Removes expedited procedures from section 12 (in the Rules Committee jurisdiction), dealing with sanctions against Sudan and removes a Budget Act violation from section 5, dealing with the Office of Religious Persecution Monitoring.

Part II—Amendments made in order under the rule

Brady—Provides more tools to fight religious persecution, such as an Internet site and international broadcasting assistance; provides accountability and heightens the year-round profile of religious persecution through creation of a 5-member U.S. Commission on International Religious Persecution; provides limited contract sanctity for transactions involving the Export-Import Bank and the Trade and Development Foundation. (10 minutes)

Hastings (FL)—Permits the Director of the Office of Religious Persecution Monitoring, in consultation with the Secretary of State, to make policy recommendations to the President that would make a priority of promoting and developing legal protections and cultural respect for religious freedom in the United States development programs, cultural and educational exchanges, and international broadcasting programs. Requires the Director to assist the Secretary of State in establishing a program of incentive awards to members of the foreign service who have provided distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to religious freedom. (10 minutes)

Campbell No. 1—Permits the President to waive any of the sanctions in Section 12 of the bill if he determines that the national security interests of the United States justify such a waiver. (10 minutes)

Traficant—Requires an annual study on the impact of the bill on our economy, and specifically, American jobs and businesses. (10 minutes)

PART 1

AMENDMENTS MODIFYING THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE

Page 7, after line 3, insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the Secretary of State should report to the Congress on an annual basis on the status and progress of the concerns expressed in clause (i).

Page 12, line 26, strike “the rate of pay” and insert “a rate of pay not to exceed the rate of pay”.

Page 50, line 10, strike “enacted,” and all that follows through line 20 and insert “enacted.”.

PART 2

AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRADY OF TEXAS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 14, line 9, strike “and”.

Page 14, line 10, insert “, and transmit a copy of the report to the Commission on International Religious Persecution established under section 14” before the period.

Page 24, line 2 insert “, the Trade and Development Agency, or the Export Import Bank of the United States” after “Corporation”.

Insert the following after section 12 and redesignate the succeeding section accordingly:

SEC. 13. PROMOTION OF RELIGIOUS FREEDOM.

(a) ESTABLISHMENT OF A RELIGIOUS FREEDOM INTERNET SITE.—In order to facilitate access by nongovernmental organizations (NGOs) and by the public around the world to international documents on the protection of religious freedom, the Director shall establish and maintain an Internet site containing major international documents relating to religious freedom, each annual report submitted under section 6, and any other documentation or references to other sites as deemed appropriate or relevant by the Director.

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

“SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

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

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

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

(c) HIGH-LEVEL CONTACTS WITH NGOS.—United States chiefs of mission shall seek out and contact religious nongovernmental organizations to provide high-level meetings with religious nongovernmental organizations where appropriate and beneficial. United States chiefs of mission and Foreign Service officers abroad shall seek to meet with imprisoned religious leaders where appropriate and beneficial.

(d) PROGRAMS AND ALLOCATIONS OF FUNDS BY UNITED STATES MISSIONS ABROAD.—It is the sense of the Congress that—

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

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

(e) EQUAL ACCESS TO UNITED STATES MISSIONS ABROAD FOR CONDUCTING RELIGIOUS ACTIVITIES.—

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

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

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

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

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

(D) necessary security precautions.

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

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

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

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

restricting religious freedom. The Secretary of State shall exercise appropriate discretion regarding the safety and security concerns of prisoners in considering the inclusion of their names on the lists.

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

(g) ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.—

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

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

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

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

(h) INTERNATIONAL BROADCASTING.—

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

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

(A) by striking “and” at the end of paragraph (6);

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

(C) by adding at the end the following:

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

(i) INTERNATIONAL EXCHANGES.—Section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 is amended—

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

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

(3) by adding at the end the following:

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

(j) FOREIGN SERVICE AWARDS.—

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

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

SEC. 14. COMMISSION ON INTERNATIONAL RELIGIOUS PERSECUTION.

(a) ESTABLISHMENT AND COMPOSITION.—

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

(2) MEMBERSHIP.—

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

- (i) the Director; and
- (ii) 4 other members, who shall be appointed as follows:

(I) 2 Senators, 1 of whom shall be appointed by the President pro tempore of the Senate upon the recommendations of the Majority Leader, and 1 of whom shall be appointed by the Minority Leader.

(II) 2 Members of the House of Representatives, 1 of whom shall be appointed by the Speaker of the House of Representatives upon the recommendations of the Majority Leader, and 1 of whom shall be appointed by the Minority Leader.

(B) CHAIR.—The Commission shall elect one of its members as chair.

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

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

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

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

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

(7) COMPENSATION.—

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

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

(b) DUTIES OF THE COMMISSION.—

(1) In general.—The Commission shall have as its primary responsibility the consideration of the facts and circumstances of category 1 or category 2 persecution presented in each annual report issued under section 6 and the consideration of United States Government policies to promote religious freedom and prevent religious persecution, and to make appropriate policy recommendations to the President, the Secretary of State, and the Congress.

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

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

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

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

(C) comparable measures undertaken by other countries;

(D) additional policy options to promote the objectives of this Act and an assessment of their potential effectiveness;

(E) any obligations of the United States under international treaties or trade agreements with which sanctions imposed under section 7 have conflicted or proposed policy options under paragraph (2) may conflict;

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

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

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

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

(c) REPORT OF THE COMMISSION.—

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

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

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member.

(d) TERMINATION.—The Commission shall terminate 8 years after the initial appointment of its members.

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 15, line 4, insert the following after line 4:

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

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

(B) ensuring that United States international broadcasting is designed to promote respect for human rights, including freedom of religion, among other broadcasting goals; and

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

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

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAMPBELL OF
CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

In section (12)(f), in the matter preceding paragraph (1), strike
“paragraph (2) or (8) of subsection (b) of”.

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TRAFICANT
OF OHIO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert the following after section 12 and redesignate the succeed-
ing section accordingly:

SEC. 13. ANNUAL REPORT ON EFFECT ON U.S. ECONOMY.

By not later than January 31 of each year, the President shall
transmit to the Congress a report on the effects the provisions of
this Act have had on the United States economy during the preced-
ing calendar year, particularly on jobs in the United States and on
United States businesses.