The International Religious Freedom Act: The Christian Right and Human Rights Discourse

Jennifer Jean Rosenbaum

University of Tennessee - Knoxville

Follow this and additional works at: https://trace.tennessee.edu/utk-chanhonoproj

Recommended Citation

UNIVERSITY HONORS PROGRAM

SENIOR PROJECT - APPROVAL

Name: Jennifer J. Rosenbaum

College: Arts and Sciences
Department: College Scholars

Faculty Mentor: Dr. Rosalind J. Hackett

PROJECT TITLE: The International Religious Freedom Act: The Christian Right and Human Rights Discourse

I have reviewed this completed senior honors thesis with this student and certify that it is a project commensurate with honors level undergraduate research in this field.

Signed: 

Faculty Mentor

Date: 4/27/99

Comments (Optional):
The International Religious Freedom Act:

The Christian Right and Human Rights Discourse

Jennifer J. Rosenbaum
Professor Rosalind I. J. Hackett, Religious Studies
Professor Ronald Hopson, Psychology
Professor Mark Hulsether, Religious Studies
Dr. Jack Reese, Director of College Scholars

29 April 1999
Presidential Comments

On October 27, 1998, as President William Jefferson Clinton signed into law H.R. 2431, the “International Religious Freedom Act” (IRFA) which passed both the House of Representatives and the Senate unanimously, he made the following statement.

“The United States was founded on the right to worship freely and on respect for the right of others to worship as they believe. My Administration has made religious freedom a central element of U.S. foreign policy. When we promote religious freedom we also promote freedom of expression, conscience, and association, and other human rights. This Act is not directed against any one country or religious faith. Indeed this Act will serve to promote the religious freedom of people of all backgrounds, whether Muslim, Christian, Jewish, Buddhist, Hindu, Taoist, or any other faith.”

A cursory glance at supporters of the legislation, including both Christian and Jewish groups, its bipartisan support, and its credible human rights language would lead the average person to hear Clinton’s words, and agree that perhaps some legislation was enacted during the impeachment drama that will promote ‘American ideals’ like freedom and democracy throughout the world. Add to this limited exposure, statements made in the press lately by the often quoted neoconservative pundit Michael Horowitz such as, “Evangelicals are the Jews of the 21st century, the scapegoats of choice for the world’s thug regimes,” and one might be even more convinced that this legislation is an appropriate and constructive response to a growing international problem.

---

**Their Blood Cries Out** and Freedom of Religion and Belief- A World Report

Appearing in 1997, both Paul Marshall’s *Their Blood Cries Out* and Kevin Boyle and Juliet Sheen’s *Freedom of Religion and Belief- A World Report* offer detailed monographs contributing accounts of how religious freedom is protected or denied throughout the world. Both works claim supporting evidence from first hand experience and monitoring. At this point, the similarities end. Neither is comprehensive, but Marshall’s distinctions follow his ideological argument, while Boyle and Sheen’s are limited by logistics of information gathering. On one hand, Horowitz composed the introduction to Marhall’s book, and liner quotes include representatives from the Moody Bible Institute, the National Association of Evangelicals, and Puebla House, to name only a few. The list is parallel to those initially supporting the FRPA and later the IRFA. Boyle and Sheen’s book, on the other hand, is acclaimed by academics and activists in the fields of human rights and religious studies both domestically and internationally as the most current and comprehensive of its kind.

The Boyle and Sheen work describes its mandate as to offer “a detailed and impartial account of how this neglected freedom [freedom of religion and secular thought] is understood, protected or denied in all regions of the world” (i.). In the introduction, the different understandings of relationships between and individuals, the community, and even the state are acknowledged. The authors suggest that, “How doctrines of superiority and exclusivity in matters of religion and belief can be reconciled with the essentially pluralist and neutral principles of the international human rights standards, or with the duty on states to ensure that these standards are implemented in

---

their respective countries, remains without an adequate answer” (5). The work is organized in standardized country reports, classified by region. The section on the Middle East has the fewest pages, with Africa and the Americas next, then Asia Pacific, and finally Europe. The section on China is equal in length to the section on Great Britain and Northern Ireland. When asked specifically, the authors reiterated that choices of what to cover were made somewhat arbitrarily based on practical accessibility to quality information.

Marshall’s work is divided into two sections: “An International Lament” and “American Apathy”. In the first section, reports from specific countries are divided into the following chapters, “The Advancing Jihad”, “Islam: Fear, Friction, and Fragmentation”, “Communism’s Continuing Grip”, “Forgotten Outcastes”, and “Christian vs. Christian”. It should be noted that the final chapter deals only with the case of Russia. The second section lambastes the National Council of Churches and other ‘mainstream’ denominations for their concern with ‘outer peace’ and peacemaking efforts even with communism, China, and Islam. Marshall’s language towards Islam is continuously inflammatory. For example, he describes why children are kidnapped in Sudan in the following sentence. “Since they are uprooted from their family and tribe, they can be easily brainwashed to become fervent warriors for the Islamic cause.”6 A few pages later he writes, “Country after country can be cited as a participant in the advancing Jihad, in which militant Islam surges across the continents, intending to overflow all other religions.”7

6 Marshall 21
7 Ibid. 25
If President Clinton’s view of the bill is correct, it seems unclear why a book like Marshall’s would be cited and discussed in the context of IRFA legislation more than a book like Boyle and Sheen’s. Although there has been some coalition building of Protestants, Catholics, Jews, and even some Tibetan Buddhists, no Muslim groups have expressed support, and favor among Protestants is focused largely among evangelicals.

Preface

The International Religious Freedom Act was passed in October 1998. There has been a variety of descriptive forms of media offered, but very little analysis. If one wishes to look at this phenomenon not only within a legal perspective, but also from a social, political, and cultural context, the reading field is almost empty. This thesis will attempt to fill at least a part of that void by analyzing IRFA as a public policy manifestation of wider cultural attitude. Its qualitative nature using the media as a case study, shows what is intended, a clear increase in domestic concern for religious freedom abroad by those new to such ‘human rights issues’, which is not paralleled by an increase in concern by those in the international community regularly concerned by such issues, for example Amnesty International or Human Rights Watch Inc.

Definition of terms is critical for any scholar in the field of religious studies, and at the same time is one of the theoretical difficulties implicit in work in the field.

---

8 This paper borrows Charles Lemert’s definition of culture as, “the complex of socially produced values, rules, beliefs, literatures, arts, media, penal codes, laws, political ideas, and other diversions by which a society or social group represents its view of the world as it is and ought to be, the complex of mechanisms by which societies or social groups justify their exclusions of realities they find intolerable.” In this sense, the bill can clearly be understood as part of a larger cultural phenomenon.

9 Scholar David Little’s work on fundamentalisms and nationalisms and their often interwoven nature is critical in explaining the lack of more comprehensive evidence from human rights monitoring organizations. He is key in discussing the complexity of factors in understanding human rights violations.
Government policy makers and lawyers are notoriously sloppy, whether consciously or unconsciously, in their use of the term ‘religion’.

As a rule, when referring to specific sources, I have followed their definitions. There is a clear choice in domestic policy and legislation to use only ‘religion’ as opposed to ‘religion and belief’ as used in international law. Part of my thesis rests on an argument that what the implicit definition of religion for many, especially right wing Christians, is ‘Christian’ or even ‘evangelical Christian’. For my own writing, I am using ‘freedom of religion and belief’ as understood in international human rights documents. United Nations Special Rapporteur Arcot Krishnaswami, in his article “Study of Discrimination in the Matter of Religious Rights and Practices” suggested what has come to be the standard definition for ‘religion and belief’ as including theistic creeds, such other beliefs as agnosticism, free thought, atheism, and rationalism.

Scholar of religion and juris doctor Winnifred Sullivan is quick press these definitional questions and to stress their importance. She further discusses how a particular view of religion, as “individual, chosen, private, believed, and separate from other institutions and identities” is implicit in the act, contradicting the fact that, “For most of the world, Religion is communal, given, public, enacted, and intertwined with other institutions and identities.” She asserts that IRFA “is intended to promote freedom of a certain kind of religion, religion as it has been shaped by American law and history, religion that has been set apart and contained by the secular state. Much religious activity is clearly not intended to be protected: religiously motivated refusal of medical care for children, the exclusive use of sacred public lands by indigenous peoples, religiously motivated restrictions on education, family coercion in religious matters, and, of course,

10 See the works of Winnifred Sullivan for an excellent explication of this issue in the Supreme Court. Also see Hackett, Rosalind I.J. in Novio Religio
religiously motivated violence. Yet all these are historically a major part of religious practice.”

Once again she reminds us that “definitional issues are indispensable” and asks, “what is meant by religion?”

She is also calls into question the definition of ‘history’, or more accurately asks whose history is accounted for in section 2 of IRFA and in Clinton’s remarks about religious freedom in the United States’ past and to label their universality as a myth. She reminds us of the ‘rocky’ past ‘freedom of religion’ has endured in the United States. “The last sentence of section 2 is simply untrue” she declares. “The United States has continually denied religious freedom to some of its own citizens, African Americans, Mormons, Catholics, and Native Americans, among others, and it has refused to admit refugees persecuted for their religion, including Jewish refugees from Nazi Germany.

Also important for future research are questions exploring the practical economic implications for United States companies of trade sanctions against the countries this act will be used to chastise. Important also is analyzing whether this could be seen as a parallel move to other episodes of political demonology in United States History, and whether other examples of popular media support this establishment of a common enemy. For example, does the depiction of the ‘bad guys’ in Hollywood film since the end of the Cold War and the rise of the religious right in American politics mirror the trends I am describing in politics? Finally, deeper political analyses is also called for, as to how the coalitions formed during the passage of this act are results of, or have resulted in, other political partnerships. With these topics for continuing work noted, this

argument is a significant start to recording and analyzing this political history almost as it is being made.

**Introduction**

This paper will problematize whether the IRFA is appropriate or constructive, by exposing the many layers of understanding and support during its development. It will question whether it could be, as President Clinton hopes, an act that will "promote the religious freedom of people of all backgrounds" noting that he lists Muslim first on his list, or whether that assumption as well as the predicted result from the passed legislation, might be called into question through a discussion of the genealogy of the bill, its supporters, and their varied political agendas. International Human Rights law will be used comparatively to highlight similarities and differences in language and approach. Implicit in this paper, is the argument that the Christian Right’s move to speak about issues in traditional human rights language has a broader impact human rights discourse more generally.

The thesis will fit into a larger theoretical discussion concerning the political manifestation of human rights rhetoric by the Christian Right. I will argue that by aligning the “right to religious freedom”, which has immense historical domestic potency, and human rights language, which also has broad credibility, with a certain type of nationalism which identifies a clear enemy, culture brokers and politicians are able to articulate the terminology in new ways that subtly fit into their own larger political agenda. My thesis is that conservative Christian groups have adopted the rhetoric of religious persecution to organize in opposition to enemies in a post cold war construction
of world powers. By using the historically potent rhetoric of religious freedom and the currency of human rights language, the Christian right has thus far been able to build much broader coalitions to support an otherwise less popular political agenda which demonizes Muslim countries and China. During debate over the IRFA, China, as well as several countries with Muslim governments were cited as the most likely “rogue nations” against whom action was required.

This paper will trace the evolution of the bill in its journey through the legislature, as well as the evolution of its support network. It will also follow the development of “religious persecution” as a national issue of concern for these groups of Americans. The argument will suggest that the evangelical Christian movements supporting the passage of the IRFA are beginning to entrench the signification of “religious freedom” in a way starkly different than prior international human rights documents. Because their previous concerns are limited to religious persecution in a very specific context and because these same concerns are the ones being raised in media coverage, it is fair to expect that this same limited concern will direct legislative action under the act.13 Thus practical action will be limited in the same way and as human rights language is linked to limited examples in practice and press, the cognitive understanding of its broad applicability will shrink as well.

---

13 Although the President chooses the action, Congress may override the choice by a two-thirds majority. Given the general flexibility of the act, one might imagine three outcomes. The first is that little or nothing actually changes in terms of policy, and domestic constituents are placated by its mere existence. The second is that those legislators whose constituents support IRFA push sanctions against specific countries, in line each congressperson’s historical political choices. This would lead to actions against Muslim and Communist, or in some cases former Communist countries. Finally, it might be that other legislators utilize the act to protect groups not currently addressed in the national discourse as oppressed. For example, sanctions over measures about internal border crossings in the European Union that discriminate against Muslims.
Conservative Christians’ appropriation of human rights discourse seems impenetrable as a postmodern linguistic shift given their unwillingness to accept the relativism also implicit in such a move. Their political platform indicates a clear desire to use and set normative morals which are not contextual.\(^\text{14}\) By focusing on the symbolic communication within their discourse, the conversation that seems to be taking place between American evangelicals, their international church adherents, and the United States government can be better understood. It may also be interesting for academics caught between what well described as “a rock and a hard place”\(^\text{15}\), wishing to utilize the tools postmodernism offers, but concerned that postmodernism relieves one of the ability to make normative critiques.\(^\text{16}\)

In conclusion, the analysis will focus on whether or not the IRFA is a constructive move in the larger framework of human rights, including how policy under the legislation might support or hinder larger human rights projects. It will also address, given the floating signification of language\(^\text{17}\), the significance of the shifting usage of human rights discourse by proponents of different political ideologies.

The International Religious Freedom Act

\(^{14}\) Whether to identify conservative Christians as modern or premodern depends on the specific definitions being utilized and whether the term is self applied or imposed. It is clear that some Christians find strength in rhetoric that contradicts certain aspects of “modernity and secularization”, but most of these are also willing to use technological and media advances to promote such a message.


\(^{17}\) Williams, Patricia. The Alchemy of Race and Rights. Cambridge: Harvard University Press, 1991. She claims that “one of the most important results of reconceptualizing from “objective truth” to rhetorical event will be a more nuanced sense of legal and social responsibility” (11).
The International Religious Freedom Act grew from coalitions first cemented in the 104th Congress which passed resolutions condemning the persecution of Christians abroad. It evolved into the international human rights language of violations of “freedom of religion” and IFRA now gives wide latitude to the President for action against countries it labels ‘in violation’. It also sets up a State Department office for religious discrimination to publish an annual report and engage in lower level negotiation and mediation with ‘rogue’ states. The text of the bill establishes a governmental Office of Religious Freedom and an Ambassador at large, as well as a special advisor on International Religious Freedom to the National Security Council under the Secretary of State. Its longest section is subtitled “Presidential Actions” and outlines a monitoring process as well as responses to violations by the executive branch.

IRFA defines violations of religious freedom within the following two categories. Particularly severe violations include: torture, cruel or inhumane punishment during detention, prolonged detention without charges, causing the disappearance of persons by the abduction or clandestine detention of those persons, and flagrant denial of the right to life, liberty or the security of persons. General violations are arbitrary prohibition or restrictions of or punishment for: assembling for peaceful religious activities such as worship, preaching, and prayer including arbitrary registration requirements, speaking freely about one’s religious beliefs, changing one’s religious beliefs or affiliations, possession and distribution of religious literature including Bibles, or raising one’s children in the religious teachings and practices of one’s choice. General Violations also include any of the following acts if committed on account of an individual’s religious belief or practice: detention, interrogation, imposition of an onerous financial penalty,
forced labor, forced mass resettlement, imprisonment, forced religious conversion,
beating, torture, mutilation, rape, enslavement, murder, and execution.

Section two of the act, titled "Findings" reads as follows: "The right to freedom of
religion undergirds the very origin and existence of the United States. Many of our
nation's founders fled religious persecution abroad, cherishing in their hearts and minds
the ideal of religious freedom. They established in law, as a fundamental right and as a
pillar of our nation, the right to freedom of religion. From its birth to this day, the United
States has prized this legacy of religious freedom and honored this heritage by standing
for religious freedom and offering refuge to those suffering from religious persecution."

To trace the evolution of the bill, and the general concern with legislation about
'international religious freedom', one should begin in 1996 with the House and Senate
nonbinding resolutions unanimously passed in September 1996 condemning "egregious"
abuses of "Christians around the world," and calling on the responsible regimes to stop
acts of persecution.\(^\text{18}\) They were sponsored by Representative Frank Wolf R-VA and
Senator Don Nickles R-OK, who both later sponsored the Freedom from Religious
Persecution Act (FRPA), from which the IRFA evolved. At the time it was suggested that
evangelical leaders were seeking to elevate the cause to a national campaign modeled on
the Jewish community's ultimately successful efforts in the 1970s and 1980s to free
Soviet Jews.\(^\text{19}\) Church leaders admitted that the problem was not new, but claimed that
previous lack of action out of fear of jeopardizing missionaries and other Christians
spreading the gospel abroad necessitated strong support now. "We have to take the lead
today because we know from factual evidence piled high that the persecution of

\(^{18}\) Goodstein, Laurie. "Evangelical Christians Seek Action, Administration, Congress React to Call to Fight
Christians as a religious minority worldwide is the most compelling human rights problem today. And we will not be silent about it," said Richard Cizik, policy analyst for the National Association of Evangelicals (NAE), which represents more than 10 million people in 47 denominations, and released a "call to action" on the issue last January.\(^{20}\) These resolutions mark the first entry of the issue into the wider domestic political spectrum, and the key players around the issue then are the same when the FRPA was introduced.

The FRPA was introduced into the House by Representative Frank Wolf (R VA) and passed in May 1998 (375-41). Senator Arlen Spector (R- PA) was to sponsor it in the Senate. It required certain automatic actions by the President and specifically chastised Sudan. Unwilling to have its hands tied in such a manner, the Clinton Administration vowed to veto it. Meanwhile, it got waylaid in the Senate Foreign Relations Committee and was never voted on by the Senate. Concurrently, IRFA was drafted and introduced into the Senate by Senators Don Nickles, (R- OK) and Joseph Lieberman (D- CONN) which attempted to address concerns of the Clinton Administration. IRFA removed language specifically targeting the Sudan\(^{21}\), and it gave the President much larger latitude in deciding action, from an informal diplomatic rebuke to trade sanctions. It also allowed for waiving of action if United States’ strategic interests were at stake. Under the IRFA, one might deduce sanctions could be waived for strategic reasons for any country selling oil to the United States. Thus the resulting foreign policy in the Middle East could waive

\(^{19}\) ibid.
\(^{20}\) ibid. Note- Cizik does not note where his “high piles” of evidence are from. It may be assumed anecdotal reports from evangelicals.
\(^{21}\) Certain trade and industry leaders in the United States are concerned with Sudan because it is the world’s largest exporter of gum arabic, a tree gum important in the printing process and in the food and pharmaceutical industries. Even under the FRPA, Robert Menendez, (D, N.J.) suggested and won a waiver
action against Muslim countries exporting oil to the United States and impose trade
sanctions or withhold foreign aid from others for violations of ‘religious freedom’ under
IRFA.

Even though IRFA passed unanimously after this ‘watering down’, there were
reservations voiced both in the House and Senate debate and in the popular press. The
Christian Century noted, in November 1998, that “Others were concerned with the bill’s
initial emphasis on Christians being persecuted in China and certain Muslim nations.”22
Christianity Today also described Matt Salmon (R-AZ.) as “a wary supporter of the bill
and Mormon whose own church experienced a good deal of religious persecution in its
earlier history” and quoted him as saying, “This bill opens a Pandora’s box. The
likelihood of unintended consequences is great.”23

Supporters and Opponents of IRFA

Several key Washington insiders were integral to drafting and organizing around
the initial resolutions, the FRPA, and the IRFA. Michael Horowitz is by far the most
often cited, and is a former budget official under the Reagan administration. He is
Jewish, thus highlighting the coalition potential. He is now a senior fellow at the Hudson

---

23 “Persecution Bill clears a hurdle” The Christian Century 15 April 1998
Institute, and his favorite quote is, ""I would be a bar of soap, a lampshade, were it not for the rooted faith of churchgoing Americans." 24

Another proponent of the bills, whose name is often linked with Horowitz's, is Nina Shea, a fellow at the Puebla House, a conservative Catholic human rights organization known to be engaged in strongly anti-Communist activities during the cold war. In her book, *In the Lion's Den* she cites evidence that, ""a worldwide trend of anti-Christian persecution [is] based on two political ideologies—communism and militant Islam."

In one of his weekly columns, evangelical psychologist James Dobson answers the question ""Why is the persecution of Christians proliferating around the globe?"" He purports the answer to be that ""Christianity is spreading significantly in underdeveloped countries. As the numbers of believers rise in those places, so does the threat they pose to totalitarian regimes. The bullies who rule can't tolerate the prospect of free thinkers and liberated minds. Nor are they willing to have their subjects worshiping any god but their own. Thus, brutality becomes the handmaiden of dictatorship." 25

These initial supporters of the FRPA, including the Christian Coalition, the National Association of Evangelicals, and the Traditional Values Campaign, found the IRFA to be watered down, but supported it as an alternative which might escape the presidential veto. Concerned legislators seemed to agree with the statement by Oliver Thomas, National Council for Religious and Civil Liberties, that ""It [IRFA] will probably hurt our relations with Muslim nations throughout the world. The definition of religious

---

24 Michael Horowitz quoted in William Buckley's column, October 13, 1997 referring to his family's 'escape' from Hitler
www.sacbee.com/voices/national/buckley/more/buckley_19971013.html

25 James Dobson, April 1997, ""Dr. Dobson's Study""
persecution is broad enough that the President will be forced to issue at least a private
demarche to virtually every Muslim ally that the United States has. However, if domestic
politics dictate that some congressional action is required, the Senate bill is to be
preferred.”

The old adage, politics makes strange bedfellows, comes to mind when one
analyzes coalitions which lobbied for and against the IRFA. From the beginning, there
was a split between economic conservatives who favor free trade and social conservatives
who pressed for this type of protection. Certain conservative Christian leaders lamented
that their elected officials were still caught up in Cold War orientation, preoccupied with
the military, atomic weapons, and terrorism, not religious freedom. They also voiced
feelings of abandonment by otherwise supportive business leaders who now seemed to be
putting profits ahead of morality.

Meanwhile, USA Engage, a business coalition for big exporters, financed visits
by international church leaders, who lobbied against the act, arguing the actual effect
would be an increase in persecution against religious people. The National Foreign Trade
Council, under the guise of the normally considered more left-wing National Council of
Churches delegation, paid for a delegation of Christian leaders from Pakistan, Lebanon
and Indonesia to come testify against the FRPA bill, while pro-free trade Republican
Senators Rod Grams (R-MN) and Chuck Hagel (R-NA) blocked a vote on IFRA.

---

www.family.org/docstudy/newsletters/A0000068.html
note: only China is named as specific country violating religious freedom
26 6 May 1998 National Council of Churches Home Page
bruno.ncccusa.org/assembly/irfa.html
28 ibid.

note: the caption under the photograph accompanying this article reads “Silent Protest: Pakistani
Christian children in May protest the Muslim majority country’s severe blasphemy law, which has been
used against church leaders”
IRFA was also received lukewarmly by most human rights groups with international stature, questioning its prioritization of the right to freedom of religion as well as its fit into the framework of international documents, many of which the United States has thus far been unwilling to ratify. Some religious groups, including the National Council of Churches, also question whether the bill will be positive for members of persecuted groups, or whether international politics around the issues will increase persecution.

American Atheists President Ellen Johnson challenges the political ramifications of the bill, and questions the consistency of the Christian Right in opposing dictators. “This is just another example of where religious right groups are just ‘hypocrites behind the collars.’ They’re not defending free speech per se, only speech and activities involving Christian groups that want to proselytize in foreign countries.” She argues that “Christian Coalition and its allies are no friends of genuine free speech. They’re talking about expanding freedom and democracy worldwide, but here at home they undermine our system of education, embrace censorship, discourage freedom of expression, limit critical thinking and meddle in our medical decisions.” Finally she noted skepticism for Pat Robertson’s support for human rights, declaring that he has a penchant for “schmoozing with dictators” including former Zairian strongman Mobutu Sese Seko, Guatemala’s General Jorge Serrano, and Zambia’s “fanatical” Christian leader Frederick Chiluba.

29 The United States has ratified the Universal Declaration of Human Rights (nonbinding) as well as the International Covenant on Civil and Political Rights, with reservations. It has not ratified the International Covenant on Economic, Social, and Cultural Rights, or the Convention on the Discrimination of All Forms of Discrimination Against Women among others.
No Muslim group has voiced support for the IRFA on a national level. "They are knowingly or unknowingly pushing a clash of civilizations pitting Muslims against Christians for world dominance," says Nihad Awad, executive director of the Council on American- Islamic Relations in Washington. He claims that part of IRFA’s point is to draw Christian support away from the Palestinians (largely Muslim) in the political struggle for Jerusalem goal, and also to aid evangelicals’ ability to proselytize in Muslim countries. Albert Pennypacker - Associate General Secretary for Public Policy at the National Council for Churches Washington Office has noted from whence the motivation for the legislation arises. "Not one of our church partners in any country has asked for us to enact this legislation," he emphasized.

**International Human Rights Concerns**

Many in the international human rights community have expressed concern over the bill. They echo Pennypacker’s concern that the bill’s mandate seems to be domestic politics and not a specific call from the persecuted. They ask whether the bill will cause a backlash making things worse for the ‘persecuted.’ In a radio interview, Pennypacker maintains that although the bill’s sponsors probably have genuine concern for religious persecution, many embrace it for political reasons. He continues,

"It has been strongly backed by the Christian Coalition and other religious extreme rightist groups for their domestic, political agenda interest, and those interests are much more concerned about being able to depict a candidate in terms of a vote on this issue than they are in the effectiveness of the legislation. And so I think listed as one of five major pieces of legislation by the Christian Coalition has to mean that this group that is basically a political action group, not a religious group as such, this group sees it as a major tool in 1998 campaigning especially for the House of Representatives. And so I think the tie to domestic political..."

---

context is unavoidable almost to the point of being explicit, and I regret that keenly, I think that's not the way to exploit those who experience the tragedy of religious persecution.²²

Scholars of human rights also ask about what the consequence of prioritizing freedom of religion is. They question whether religion merits special legislation to 'compensate' (not privilege) biases that are occurring in legal, educational, and political systems, or whether in fact those supporting religious people oppressed by ideological hegemony in other countries are in fact attempting to create their own ideological hegemony in the United States.³³

Religious Freedom under IRFA is listed above as falling into the categories 'particularly severe' and 'general'. In comparison, International Human Rights Conventions are understood to break down four primary rights related to religion and belief. The first is the right to freedom of thought, conscience, and religion. The second is the right to equal protection of the law and freedom from discrimination on the basis of religion or belief. The third includes the right to protection from the advocacy of national, racial, or religions hatred that constitutes incitement to discrimination, hostility, or violence, and the fourth, the right of persons belonging to the religious minorities to profess and practice their religion. IRFA is more clearly an advocate for the first three. It is generally understood to apply to groups which are majority in the United States, and yet which find themselves in minority situations in specific national contexts, for example, Catholics in Saudi Arabia, or Protestants in Russia. There is potential for

wysiwyg://165/http://www.abc.net.au/r/talks/8:30/relrpt/trr9826.htm
protection of new religious movements under the IRFA, for example, against the
discriminatory registration practices common in Western Europe, but it seems unlikely in
the current political context, that the IRFA would be used to challenge the Scientologists' treatment by the German government.

Professor Abdullahi An-Na'im’s perspective on human rights and religion speaks as an important voice in the academic discourse. “As abstract ideals of human dignity and economic and social justice, human rights norms depend upon the religious visions and commitments of specific living communities to give them content and coherence, and to motivate voluntary compliance with their dictates. Religious visions and commitments are also needed for generating the political will to enforce legal norms and implement concrete policies when necessary for the protection and promotion of human rights standards.”34 He supports an understanding of culture and religion in tandem with the statement, “Thus we take a broad and dialectic view of the role of religion in the cultural dynamics of change, especially from a human rights perspective. The premise of possibilities of transformation of the relationship between relation and human rights in Africa is the view that religious beliefs and practices are constantly changing and evolving in every society. Since such transformations occur through internal discourse and cross cultural dialogue, human rights advocates should engage in such discourse and dialogue with a view to promoting those aspects of religious belief and practice that are supportive of human rights in the society in question.”35

Finally, his work on proselytization articulates the difficulty of power imbalance with evidence from an African context. He makes it clear that it is hardly ever simply

and exclusively a matter of communicating a religious message, to be accepted or rejected on its own terms. He argues that, "since it is a deliberate effort to change the spiritual and material conditions of target groups, proselytization is by definition offensive and hegemonic—it is premised on the assumption of proselytizers that the belief systems and institutions of target groups need to change, and that those of the proselytizer are a better alternative. The claim of the proselytizers that they have a “right” to propagate their beliefs, while their target groups have the “freedom” to accept or reject the message, overlooks the role of power relations.”

Analysis of Popular Media

Following the model of scholars who attempt to blend qualitative evidence with focused case study, this section includes quantitative evidence which some readers may find helpful in buttressing the paper’s argument. To that end, the Lexus Nexus “General News” articles that include certain key phrases including religious freedom, religious persecution, freedom of religion and persecution of Christians have been

35ibid.
37 This quantitative study of citations of various words in popular press is intended only to show the dramatic increase in press coverage for the topic. There is no ‘objective’ evidence as to whether incidences of religious persecution have actually increased during this time. Anecdotal evidence is conflictive, and no exhaustive study has been carried out.

This is partially due to the belief by many human rights organizations, who might normally undertake such reporting, that labeling a given case of persecution as solely religious ignores the complex nature of conflict where religious, national, ethnic, and racial factors are often interwoven.

Most supporters of the IRFA, if pressed, argue that instances of religious persecution have increased, although they do not suggest explanations for why. Given that they implicate Communism in a large number of the current cases and given that the number of nations under Communist governments has decreased, I would argue that they need to address this. They also argue that China is a large perpetrator of such persecution, and also offer no theory or evidence as to why the situation in China has been magnified.
encoded. Further more, the text of the articles citing persecution of Christians and noted the countries cited in violation has been analyzed.\textsuperscript{38}

The evidence offers support for the following assertions. Firstly, those discourses in the popular media concerning freedom of religion have increased. Second, there are key similarities in countries cited in violation (they are Communist or Muslim states). At this point, historical evidence and analysis of coalitions will support further analysis of the topic.\textsuperscript{39} The newsbank citations are additionally helpful in establishing that the discussion of freedom of religion postdates the rise of the Christian Right in politics and media coverage. This is important to argue that the rise in discourse of the popular media cannot only be attributed to the rise of the Christian right in the same media. (Ie that the Christian Right has always been saying these things with the same intensity, and now they simply have access to say them more loudly and to more people).

\textbf{Table I}

Table one shows the dramatic increase in articles on the topic of ‘religious persecution’ during the last decade. It also shows that ‘international religious freedom’ was not a topic generally covered by the press until recently.

\textit{Phrases: “Religious Persecution” and “International Religious Freedom”}

From Lexus Nexus “General News”, Major Newspapers

\textsuperscript{38} For complete citations of all the articles, see the attached Bibliography for tables

\textsuperscript{39} As summarized in the Statement on Methodology, I do not want to spend too much time assessing the validity of Lexus Nexus versus another news bank or another sample. I hope those readers,
<table>
<thead>
<tr>
<th>Years</th>
<th>Religious Persecution</th>
<th>International Religious Freedom</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980-85</td>
<td>52</td>
<td>0</td>
</tr>
<tr>
<td>1986-90</td>
<td>113</td>
<td>0</td>
</tr>
<tr>
<td>1991-95</td>
<td>221</td>
<td>0</td>
</tr>
<tr>
<td>1996-99 (April 26)</td>
<td>561</td>
<td>14</td>
</tr>
</tbody>
</table>

**Table II**

Table two illustrates that reporting on the general topic of ‘religious freedom’ has increased steadily in the last decade. Instances of usage rose especially markedly in 1997 and 1998 at the same time that FRPA and IRFA were being debated in Congress. It suggests that the phrase “religious freedom” may be often linked to the types of examples IRFA proponents are popularizing.

*Phrase: “Religious Freedom”*

Lexus Nexus “General News”, Major Newspapers

<table>
<thead>
<tr>
<th>Year</th>
<th>number of articles by topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>13</td>
</tr>
<tr>
<td>1981</td>
<td>20</td>
</tr>
<tr>
<td>1982</td>
<td>28</td>
</tr>
<tr>
<td>1983</td>
<td>30</td>
</tr>
<tr>
<td>1984</td>
<td>49</td>
</tr>
<tr>
<td>1985</td>
<td>62</td>
</tr>
<tr>
<td>1986</td>
<td>64</td>
</tr>
<tr>
<td>1987</td>
<td>91</td>
</tr>
<tr>
<td>1988</td>
<td>140</td>
</tr>
<tr>
<td>1989</td>
<td>155</td>
</tr>
<tr>
<td>1990</td>
<td>172</td>
</tr>
<tr>
<td>1991</td>
<td>132</td>
</tr>
<tr>
<td>1992</td>
<td>156</td>
</tr>
<tr>
<td>1993</td>
<td>275</td>
</tr>
<tr>
<td>1994</td>
<td>297</td>
</tr>
</tbody>
</table>

like myself, unconvinced by statistics, will prefer the historical evidence. Meanwhile, those readers initially suspicious of the topic will find credibility in the tables.
Table III

Table three confirms which countries are most often cited as perpetrators in articles discussing ‘Persecution of Christians’. The prevalence of Muslim and Communist states is evident.

*Phrase: “Persecution of Christians”*

From Lexus Nexus “General News”

<table>
<thead>
<tr>
<th>Year</th>
<th>Articles</th>
<th>Countries Accused and number of times</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(1 is implied by listing)</td>
</tr>
<tr>
<td>1980 - 85</td>
<td>3</td>
<td>Romania, South Africa, Communist States</td>
</tr>
<tr>
<td>1986 - 90</td>
<td>5</td>
<td>Israel, China 2, Communist Eastern Europe 2</td>
</tr>
<tr>
<td>1991 - 92</td>
<td>5</td>
<td>Sudan, South/Central Africa, Mexico, Eastern Europe</td>
</tr>
<tr>
<td>1993 - 94</td>
<td>30</td>
<td>Historical 6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sudan 8 * the Pope visited</td>
</tr>
<tr>
<td></td>
<td></td>
<td>China 6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Iran 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>“Muslin Zealots” 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Israel, Saudi Arabia, Turkey, The US (Waco)</td>
</tr>
<tr>
<td>1995 - 96</td>
<td>20</td>
<td>Historical 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unspecified 4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Communists and Muslims 4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Islamic Fundamentalists 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sudan 7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kuwait 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>China, Bosnian Muslims, Cuba, North Korea</td>
</tr>
<tr>
<td>1997 - 98</td>
<td>111</td>
<td>China 37</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Muslim States 12</td>
</tr>
</tbody>
</table>
Theoretical Section

One might want to revisit the initial hypothesis, and then move into its reassertion and defense of methodology thus far. Thus far, this paper has been concerned with the evolution of discourse (especially media) in the United States around the issue of ‘religious freedom.’ From this statement, the most interesting theoretical questions seem to arise in literary theory, around the linguistic shift in postmodernism, and in social theory, from the historical and social factors that frame current conversations.

Theoretical questions from literary theory could be articulated by asking the following question. Does a definition for freedom of religion exist, that is now in the process of changing by new popular usage? From social history come questions about the history of the Christian Right’s involvement in foreign policy, and the changing coalitions supporting the legislation.

This moves into questions of the practical applicability of human rights language if it floats so easily. The question returns to how one can utilize the tools of postmodern theory to understand the shifting meaning of human rights discourse as it is used by the
Christian Right and still be rooted enough to make contextually located claims for a 'preferred reading'. Placement within this discourse community will limit the sort of thesis which can be defended. Most academics within human rights would claim the strongest defense of their nature can be made on essentialist grounds, but more and more pragmatic arguments are entering the discussions. However, if one claims that the Christian Right is co-opting human rights language because of its power in contemporary discourse, it seems more difficult to define that power when all the signifiers are perpetually floating. Like Eagleton, I do not want the 'unfixedness' of reader-response theory to blur my focus from issues or social structure and power.40 Patricia Williams is always key to remind her readers that the signifiers float, but they are structured in dominance.41

Kellner describes culture as "inherently political, promoting specific political positions and as aiding forces of domination or resistance" (96). He further defines critical multiculturalism as highlighting the "difference in terms of contradictions between unequal forces, theorizing oppositions between the more powerful and subordinate groups in terms of relationships of domination which creates the possibility of resistance against all forms of oppression. It also articulates common goals in struggle whereby dominant representations or other forms of social oppression are resisted and struggled against" (97). Thus Kellner helps shift the question to what is a defensible context for judging different floating meanings of human rights. This changes the question from whether or not it is 'right' or 'true' for the Christian right to use human rights discourse, to whether it is convincing in a 'critical' context.

Critical cultural studies seems an appropriate tool kit to bring to current human rights discourse. Its willingness to define basic norms fits with human rights well. Its dedication, however, to contextual understandings, is in the spirit that I maintain human rights was originally conceived.\(^{42}\) When a variety of norms are laid out without priority, a local option for prioritizing in cases of conflict seems implicit. Douglas Kellner’s definition, in his work *Media Culture*, of cultural studies as embracing the postmodern contextuality and extracurricular aspects of cultural studies, while defying the slippery slope into relativism, is helpful here.\(^{43}\) He argues that a critical cultural studies “requires interpreting culture and society in terms of relations of power, domination, and resistance, as well as articulating the various forms of oppression in a given society via multicultural perspectives.”\(^{44}\) Thus to evaluate competing claims for defining human rights, one must take into account history and norms about power, and then prioritize oppression contextually.

As human rights language gains power in the public sphere, more and more ‘oppressed’ groups and individuals are adopting its frame of reference and language. Kellner’s point that cultural texts are not intrinsically ‘conservative’ or ‘liberal’ is well heeded in current discourse. Even texts of political culture can be contextually manipulated depending on the ideology and cases in which they are couched. The textual

---

\(^{42}\) After World War II, international human rights norms were developed at the international level under the auspices of protecting individuals from the abuses of power by governments. In documents of international law, the protections listed were wide ranging, under categories including civil, political, economic, social, and cultural. The law says that all rights are indivisible, but very little code is written to actually prioritize conflicting rights in a contextual situation. In the early dialogues, simply expressing favor for human rights in general, or even choosing human rights discourse to discuss a given issue, signaled a concern for those oppressed on a structural level. While it is true that the Cold War divisions dictated the types of human rights prioritized—civil and political by the ‘Western Block’ and economic, social, and cultural by the ‘Eastern Block’—the structural understanding held even at these levels.


\(^{44}\) ibid.
moves of postmodern are critical to understanding this shift. Current media discourse reveals a need for a critical level of discussion to prioritize Haitian lesbian refugees from Norwegian left handed prison wardens in some sort of normative fashion. Ironically those interest groups most willing to attack the left for moral relativism are now claiming a level of relativism among rights- ie scarce resources are due American evangelicals who wish to proselytize in the Sudan under the auspices of religious freedom as they are due indigenous Mexicans tortured for alleged cooperation with the Zapatistas. Based on the evidence historical evidence and analysis of locations of power, it can be argued that the Christian Right’s use of human rights language does not prioritize oppression in a critical way, and thus is not a helpful evolution or ‘stretch’ of human rights language.

Conclusion

An analogy from Patricia Williams may be helpful in symbolizing these theoretical questions and their interrelation. She narrates the following example:

“You have this thing called a sausage-making machine. You put pork and spices in it at the top and crank it up, and because it is a sausage making machine, what comes out the other end is a sausage. Over time, everyone knows that anything that comes out of the sausage-making machine is known as sausage. In fact, there is law passed that says it is indisputably sausage. One day we throw in a few small rodents of questionable pedigree and a teddy bear and a chicken. We crank the machine up and wait to see what comes out the other end. (1) Do we prove the validity of the machine if we call the product a sausage? (2) Or do we enlarge and enhance the meaning of “sausage” if we call the product a sausage? (3) Or do we have an success in breaking out of the bind if we call it something different than “sausage”?

Implicit in her example are the following points. First, that the sausage making machine does not necessarily have an essence which define it, but rather practical expectation, and
perhaps a law define it. Over time the language “sausage” may come to mean something different- ie pork, spices, a chicken, rodents, and a teddy bear. Because of her own interests, Williams chooses to ask what is at stake in whether or not we still wish to call the result a “sausage”. One might also ask if one would continue to choose to consume the “sausage” knowing its constituent parts. And yet a further question might be whether or not “sausage” producers are required to divulge their “sausage” definitions/recipes to consumers of their product.

Legislation most likely has more in common with sausage than one might like to admit. Many different agendas, hopes, suggestions, interests, are amalgamated into a package that all can ‘theoretically’ digest. The first goal of this project might be defined as simply uncovering those ingredients in the IRFA sausage and listing them for all the Americans who consume, or support the law either explicitly or implicitly through tax dollars. Another goal might be to note how the religious freedom “sausage” is increasingly being filled with anti-Communist, anti-Muslim rhetoric and to ask whether this is the kind of sausage the United States wants to buy. Furthermore, is it nourishing food for consumption by the American body politic?

45 Ibid. (105) Patricia Williams uses the argument in a product liability case, but I maintain the metaphor holds appropriately throughout my argument.
Works Cited


An-Na'im, Abdullahi. "ABSTRACT: Self-Determination as Framework for Promoting 
Freedom of Religion or Belief in Africa." unpublished.

An-Na'im, Abdullahi, Amy Madigan, and Gary Minkley. "Cultural Transformations and 
volume 11, No. 1, Spring 1997.

Bluestein, Paul. "Crusader for a Religious Right; Michael Horowitz Hopes to Stop 
Persecution of Christians. To Him, It's a Catholic Cause." The Washington Post 


www.sacbee.com/voices/national/buckley/more/buckley_19971013.html


Diamond, Sarah. Roads to Dominion: Right-Wing movements and Political Power in the 

www.family.org/docstudy/newsletters/A0000068.html

Eagleton, Terry. Literary Theory, An Introduction. Minneapolis: Minnesota University 

Fraser, Nancy. Unruly Practices: Power, Discourse, and Gender in Contemporary 

Goodstein, Laurie. "Evangelical Christians Seek Action, Congress React to Call to Fight 


Jones, Serene. "Women's Experience: Between a Rock and a Hard Place." Horizons in


Mr. GILMAN. Mr. Speaker, I move to suspend the rules and take from the speaker's table the bill (H.R. 2431) 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, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:
Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.--This Act may be cited as the "International Religious Freedom Act of 1998".

(b) Table of Contents.--The table of contents for 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. 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. 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.

SEC. 2. FINDINGS; POLICY.

(a) Findings.--Congress makes the following findings:
(1) The right to freedom of religion undergirds the very origin and existence of the United States. Many of our Nation's founders fled religious persecution abroad, cherishing in their hearts and minds the ideal of religious freedom. They established in law, as a fundamental right and as a pillar of our Nation, the right to freedom of religion. From its birth to this day, the United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution.
(2) Freedom of religious belief and practice is a universal human right and fundamental freedom articulated in numerous international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, the United Nations Charter, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(3) Article 18 of the Universal Declaration of Human Rights recognizes that "Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance." Article 18(1) of the International Covenant on Civil and Political Rights recognizes that "Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching". Governments have the responsibility to protect the fundamental rights of their citizens and to pursue justice for all. Religious freedom is a fundamental right of every individual, regardless of race, sex, country, creed, or nationality, and should never be arbitrarily abridged by any government.

(4) The right to freedom of religion is under renewed and, in some cases, increasing assault in many countries around the world. More than one-half of the world's population lives under regimes that severely restrict or prohibit the freedom of their citizens to study, believe, observe, and freely practice the religious faith of their choice. Religious believers and communities suffer both government-sponsored and government-tolerated violations of their rights to religious freedom. Among the many forms of such violations are state-sponsored slander campaigns, confiscations of property, surveillance by security police, including by special divisions of "religious police", severe prohibitions against construction and repair of places of worship, denial of the right to assemble and relegation of religious communities to illegal status through arbitrary registration laws, prohibitions against the pursuit of education or public office, and prohibitions against publishing, distributing, or possessing religious literature and materials.
(5) Even more abhorrent, religious believers in many countries face such severe and violent forms of religious persecution as detention, torture, beatings, forced marriage, rape, imprisonment, enslavement, mass resettlement, and death merely for the peaceful belief in, change of or practice of their faith. In many countries, religious believers are forced to meet secretly, and religious leaders are targeted by national security forces and hostile mobs.

(6) Though not confined to a particular region or regime, religious persecution is often particularly widespread, systematic, and heinous under totalitarian governments and in countries with militant, politicized religious majorities.

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

(A) House Resolution 515 of the One Hundred Fourth Congress, expressing the sense of the House of Representatives with respect to the persecution of Christians worldwide.

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

(C) House Concurrent Resolution 102 of the One Hundred Fourth Congress, expressing the sense of the House of Representatives concerning the emancipation of the Iranian Baha'i community.

(b) Policy.--It shall be the policy of the United States, as follows:

(1) To condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion.

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

(3) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most
effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations.

(4) To work with foreign governments that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat violations of religious freedom and promote the right to religious freedom abroad.

(5) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.

SEC. 3. DEFINITIONS.

In this Act:
(1) Ambassador at large.--The term "Ambassador at Large" means the Ambassador at Large for International Religious Freedom appointed under section 101(b).


(3) Appropriate congressional committees.--The term "appropriate congressional committees" means--

(A) the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives; and

(B) in the case of any determination made with respect to the taking of President action under paragraphs (9) through (15) of section 405(a), the term includes the committees described in subparagraph (A) and, where appropriate, the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) Commensurate action.--The term "commensurate action" means action taken by the President under section 405(b).

(6) Country reports on human rights practices.--The term "Country Reports on Human Rights Practices" means the annual reports required to be submitted by the Department of State to Congress under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961.

(7) Executive summary.--The term "Executive Summary" means the Executive Summary to the Annual Report, as described in section 102(b)(1)(F).

(8) Government or foreign government.--The term "government" or "foreign government" includes any agency or instrumentality of the government.

(9) Human rights reports.--The term "Human Rights Reports" means all reports submitted by the Department of State to Congress under sections 116 and 502B of the Foreign Assistance Act of 1961.

(10) Office.--The term "Office" means the Office on International Religious Freedom established in section 101(a).

(11) Particularly severe violations of religious freedom.--The term "particularly severe violations of religious freedom" means systematic, ongoing, egregious violations of religious freedom, including violations such as--

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

(B) prolonged detention without charges;

(C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or

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

(12) Special adviser.--The term "Special Adviser" means the Special Adviser to the President on International Religious Freedom described in section 101(i) of the National Security Act of 1947, as added by section 301 of this Act.

(13) Violations of religious freedom.--The term "violations of religious freedom" means violations of the internationally recognized right to freedom of religion and religious belief and practice, as set forth in the international instruments referred to in section 2(a)(2) and as described in section 2(a)(3), including violations such
as--

(A) arbitrary prohibitions on, restrictions of, or punishment for--

(i) assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements,

(ii) speaking freely about one's religious beliefs,

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

(iv) possession and distribution of religious literature, including Bibles, or

(v) raising one's children in the religious teachings and practices of one's choice, or

(B) any of the following acts if committed on account of an individual's religious belief or practice: detention, interrogation, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution.

TITLE I--DEPARTMENT OF STATE ACTIVITIES

SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

(a) Establishment of Office.--There is established within the Department of State an Office on International Religious Freedom that shall be headed by the Ambassador at Large for International Religious Freedom appointed under subsection (b).

(b) Appointment.--The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Duties.--The Ambassador at Large shall have the following responsibilities:

(1) In general.--The primary responsibility of the Ambassador at Large shall be to advance the right to freedom of religion abroad, to denounce the violation of that right, and to recommend appropriate responses by the United States Government when this right is violated.
(2) Advisory role.--The Ambassador at Large shall be a principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad and, with advice from the Commission on International Religious Freedom, shall make recommendations regarding--

(A) the policies of the United States Government toward governments that violate the freedom of religion or that fail to ensure the individual's right to religious belief and practice; and

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

(3) Diplomatic representation.--Subject to the direction of the President and the Secretary of State, the Ambassador at Large is authorized to represent the United States in matters and cases relevant to religious freedom abroad in--

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

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

(4) Reporting responsibilities.--The Ambassador at Large shall have the reporting responsibilities described in section 102.

(d) Funding.--The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for the hiring of staff for the Office, for the conduct of investigations by the Office, and for necessary travel to carry out the provisions of this section.

SEC. 102. REPORTS.

(a) Portions of Annual Human Rights Reports.--The Ambassador at Large shall assist the Secretary of State in preparing those portions of the Human Rights Reports that relate to freedom of religion and freedom from discrimination based on religion and those portions of other information provided Congress under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m, 2304) that relate to the right to freedom of religion.
(b) Annual Report on International Religious Freedom.--
(1) Deadline for submission.--On September 1 of each year or the first day thereafter on which the appropriate House of Congress is in session, the Secretary of State, with the assistance of the Ambassador at Large, and taking into consideration the recommendations of the Commission, shall prepare and transmit to Congress an Annual Report on International Religious Freedom supplementing the most recent Human Rights Reports by providing additional detailed information with respect to matters involving international religious freedom. Each Annual Report shall contain the following:

(A) Status of religious freedom.--A description of the status of religious freedom in each foreign country, including--

(i) trends toward improvement in the respect and protection of the right to religious freedom and trends toward deterioration of such right;

(ii) violations of religious freedom engaged in or tolerated by the government of that country; and

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

(B) Violations of religious freedom.--An assessment and description of the nature and extent of violations of religious freedom in each foreign country, including persecution of one religious group by another religious group, religious persecution by governmental and nongovernmental entities, persecution targeted at individuals or particular denominations or entire religions, the existence of government policies violating religious freedom, and the existence of government policies concerning--

(i) limitations or prohibitions on, or lack of availability of, openly conducted, organized religious services outside of the premises of foreign diplomatic missions or consular posts; and

(ii) the forced religious conversion of minor United States citizens who have been ab ducted or illegally removed from the United States, and the refusal to allow such citizens to be returned to the United States.

(C) United states policies.--A description of United States actions and policies in support of religious freedom in each
foreign country engaging in or tolerating violations of religious freedom, including a description of the measures and policies implemented during the preceding 12 months by the United States under titles I, IV, and V of this Act in opposition to violations of religious freedom and in support of international religious freedom.

(D) International agreements in effect.--A description of any binding agreement with a foreign government entered into by the United States under section 401(b) or 402(c).

(E) Training and guidelines of government personnel.--A description of--

(i) the training described in section 602(a) and (b) and section 603(b) and (c) on violations of religious freedom provided to immigration judges and consular, refugee, immigration, and asylum officers; and

(ii) the development and implementation of the guidelines described in sections 602(c) and 603(a).

(F) Executive summary.--An Executive Summary to the Annual Report highlighting the status of religious freedom in certain foreign countries and including the following:

(i) Countries in which the United States is actively promoting religious freedom.--An identification of foreign countries in which the United States is actively promoting religious freedom. This section of the report shall include a description of United States actions taken to promote the internationally recognized right to freedom of religion and oppose violations of such right under title IV and title V of this Act during the period covered by the Annual Report. Any country designated as a country of particular concern for religious freedom under section 402(b)(1) shall be included in this section of the report.

(ii) Countries of significant improvement in religious freedom.--An identification of foreign countries the governments of which have demonstrated significant improvement in the protection and promotion of the internationally recognized right to freedom of religion during the period covered by the Annual Report. This section of the report shall include a description of the nature of the improvement and an analysis of the factors contributing to such improvement, including actions taken by the United States under this Act.

(2) Classified addendum.--If the Secretary of State
determines that it is in the national security interests of
the United States or is necessary for the safety of
individuals to be identified in the Annual Report or is
necessary to further the purposes of this Act, any
information required by paragraph (1), including measures or
actions taken by the United States, may be summarized in the
Annual Report or the Executive Summary and submitted in more
detail in a classified addendum to the Annual Report or the
Executive Summary.

(c) Preparation of Reports Regarding Violations of
Religious Freedom.--

(1) Standards and investigations.--The Secretary of State
shall ensure that United States missions abroad maintain a
consistent reporting standard and thoroughly investigate
reports of violations of the internationally recognized right
to freedom of religion.

(2) Contacts with nongovernmental organizations.--In
compiling data and assessing the respect of the right to
religious freedom for the Human Rights Reports, the Annual
Report on International Religious Freedom, and the Executive
Summary, United States mission personnel shall, as
appropriate, seek out and maintain contacts with religious
and human rights nongovernmental organizations, with the
consent of those organizations, including receiving reports
and updates from such organizations and, when appropriate,
investigating such reports.

(d) Amendments to the Foreign Assistance Act.--
(1) Content of human rights reports for countries receiving
economic assistance.--Section 116(d) of the Foreign
Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended--

(A) by striking "and" at the end of paragraph (4);
(B) by striking the period at the end of paragraph (5) and
inserting "; and"

(C) by adding at the end the following:
"(6) wherever applicable, violations of religious freedom,
including particularly severe violations of religious freedom
(as defined in section 3 of the International Religious
Freedom Act of 1998)."

(2) Contents of human rights reports for countries
receiving security assistance.--Section 502B(b) of the
Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is
amended--
(A) by inserting "and with the assistance of the Ambassador at Large for International Religious Freedom" after "Labor"; and

(B) by inserting after the second sentence the following new sentence: "Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998)."

SEC. 103. 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 Secretary of State, with the assistance of the Ambassador at Large, shall establish and maintain an Internet site containing major international documents relating to religious freedom, the Annual Report, the Executive Summary, and any other documentation or references to other sites as deemed appropriate or relevant by the Ambassador at Large.

SEC. 104. TRAINING FOR FOREIGN SERVICE OFFICERS.

Chapter 2 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, with the assistance of other relevant officials, such as the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998 and the director of the National Foreign Affairs Training Center, shall establish as part of the standard training provided after January 1, 1999, for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such training shall include--

"(1) instruction on international documents and United States policy in human rights, which 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 internationally recognized right to freedom of religion, the nature, activities, and beliefs of different religions, and the various aspects and manifestations of violations of religious freedom.".

SEC. 105. HIGH-LEVEL CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.

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.

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

It is the sense of Congress that--
(1) United States diplomatic missions in countries the governments of which engage in or tolerate violations of the internationally recognized right to freedom of religion should develop, as part of annual program planning, a strategy to promote respect for 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.

SEC. 107. EQUAL ACCESS TO UNITED STATES MISSIONS ABROAD FOR CONDUCTING RELIGIOUS ACTIVITIES.

(a) In General.--Subject to this section, the Secretary of State shall permit, on terms no less favorable than that accorded other nongovernmental activities unrelated to the conduct of the diplomatic mission, 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.

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

(1) 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);

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

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

(4) availability of space and resources; and

(5) necessary security precautions.

(c) 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 section.

SEC. 108. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.

(a) Sense of Congress.--To encourage involvement with religious freedom concerns at every possible opportunity and by all appropriate representatives of the United States Government, it is the sense of Congress that officials of the executive branch of Government should promote increased advocacy on such issues during meetings between foreign dignitaries and executive branch officials or Members of Congress.

(b) Prisoner Lists and Issue Briefs on Religious Freedom Concerns.--The Secretary of State, in consultation with the Ambassador at Large, the Assistant Secretary of State for Democracy, Human Rights and Labor, United States chiefs of mission abroad, regional experts, 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, detained, or placed under house arrest for their religious faith, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom. In considering the inclusion of names of prisoners on such lists, the Secretary of State shall exercise appropriate discretion, including concerns regarding the safety, security, and benefit to such prisoners.

(c) Availability of Information.--The Secretary shall, as
appropriate, provide religious freedom issue briefs under subsection (b) to executive branch officials and Members of Congress in anticipation of bilateral contacts with foreign leaders, both in the United States and abroad.

TITLE II--COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SEC. 201. ESTABLISHMENT AND COMPOSITION.

(a) Generally.--There is established the United States Commission on International Religious Freedom.

(b) Membership.--
(1) Appointment.--The Commission shall be composed of--
(A) the Ambassador at Large, who shall serve ex officio as a nonvoting member of the Commission; and

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

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

(ii) 3 members of the Commission shall be appointed by the President pro tempore of the Senate, of which 2 of the members shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President, and of which 1 of the members shall be appointed upon the recommendation of the leader in the Senate of the other political party.

(iii) 3 members of the Commission shall be appointed by the Speaker of the House of Representatives, of which 2 of the members shall be appointed upon the recommendation of the leader in the House of the political party that is not the political party of the President, and of which 1 of the members shall be appointed upon the recommendation of the leader in the House of the other political party.

(2) Selection.--
(A) In general.--Members of the Commission shall be selected among distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct experience abroad, human rights, and international law.

(B) Security clearances.--Each Member of the Commission shall be required to obtain a security clearance.
(3) Time of appointment.--The appointments required by paragraph (1) shall be made not later than 120 days after the date of enactment of this Act.

(c) Terms.--The term of office of each member of the Commission shall be 2 years. Members of the Commission shall be eligible for reappointment to a second term.

(d) Election of Chair.--At the first meeting of the Commission in each calendar year, a majority of the members of the Commission present and voting shall elect the Chair of the Commission.

(e) Quorum.--Six voting members of the Commission shall constitute a quorum for purposes of transacting business.

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

(g) Vacancies.--Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) Administrative Support.--The Secretary of State shall assist the Commission by providing to the Commission such staff and administrative services of the Office as may be necessary and appropriate for the Commission to perform its functions. Any employee of the executive branch of Government may be detailed to the Commission without reimbursement to the agency of that employee and such detail shall be without interruption or loss of civil service status or privilege.

(i) Funding.--Members of the Commission 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.

SEC. 202. DUTIES OF THE COMMISSION.

(a) In General.--The Commission shall have as its primary responsibility--
(1) the annual and ongoing review of the facts and circumstances of violations of religious freedom presented in the Country Reports on Human Rights Practices, the Annual Report, and the Executive Summary, as well as information from other sources as appropriate; and

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

(b) Policy Review and Recommendations in Response to Violations.--The Commission, in evaluating United States Government policies in response to violations of religious freedom, shall consider and recommend options for policies of the United States Government with respect to each foreign country the government of which has engaged in or tolerated violations of religious freedom, including particularly severe violations of religious freedom, including diplomatic inquiries, diplomatic protest, official public protest demarche of protest, condemnation within multilateral fora, delay or cancellation of cultural or scientific exchanges, delay or cancellation of working, official, or state visits, reduction of certain assistance funds, termination of certain assistance funds, imposition of targeted trade sanctions, imposition of broad trade sanctions, and withdrawal of the chief of mission.

(c) Policy Review and Recommendations in Response to Progress.--The Commission, in evaluating the United States Government policies with respect to countries found to be taking deliberate steps and making significant improvement in respect for the right of religious freedom, shall consider and recommend policy options, including private commendation, diplomatic commendation, official public commendation, commendation within multilateral fora, an increase in cultural or scientific exchanges, or both, termination or reduction of existing Presidential actions, an increase in certain assistance funds, and invitations for working, official, or state visits.

(d) Effects on Religious Communities and Individuals.--Together with specific policy recommendations provided under subsections (b) and (c), 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
(e) Monitoring.--The Commission shall, on an ongoing basis, monitor facts and circumstances of violations of religious freedom, 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 officials and offices in the United States Government.

(f) Hearings and Sessions.--The Commission may, for the purpose of carrying out its duties under this title, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the purposes of this Act.

SEC. 203. REPORT OF THE COMMISSION.

(a) In General.--Not later than May 1 of each year, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under section 202.

(b) Classified Form of Report.--The report may be submitted in classified form, together with a public summary of recommendations, if the classification of information would further the purposes of this Act.

(c) Individual or Dissenting Views.--Each member of the Commission may include the individual or dissenting views of the member.

SEC. 204. APPLICABILITY OF OTHER LAWS.

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

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.--There are authorized to be appropriated to the Commission $3,000,000 for each of the fiscal years 1999 and 2000 to carry out the provisions of this title.

(b) Availability of Funds.--Amounts authorized to be appropriated under subparagraph (a) are authorized to remain
available until expended but not later than the date of termination of the Commission.

SEC. 206. TERMINATION.

The Commission shall terminate 4 years after the initial appointment of all of the Commissioners.

TITLE III--NATIONAL SECURITY COUNCIL

SEC. 301. SPECIAL ADVISER ON INTERNATIONAL RELIGIOUS FREEDOM.

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

"(i) It is the sense of the Congress that there should be within the staff of the National Security Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations."

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.

(a) Response to violations of religious freedom.--
   (1) In general.--
   (A) United states policy.--It shall be the policy of the United States--

   (i) to oppose violations of religious freedom that are or have been engaged in or tolerated by the governments of foreign countries; and
(ii) to promote the right to freedom of religion in those countries through the actions described in subsection (b).

(B) Requirement of presidential action.--For each foreign country the government of which engages in or tolerates violations of religious freedom, the President shall oppose such violations and promote the right to freedom of religion in that country through the actions described in subsection (b).

(2) Basis of actions.--Each action taken under paragraph (1)(B) shall be based upon information regarding violations of religious freedom, as described in the latest Country Reports on Human Rights Practices, the Annual Report and Executive Summary, and on any other evidence available, and shall take into account any findings or recommendations by the Commission with respect to the foreign country.

(b) Presidential Actions.--
(1) In general.--Subject to paragraphs (2) and (3), the President, in consultation with the Secretary of State, the Ambassador at Large, the Special Adviser, and the Commission, shall, as expeditiously as practicable in response to the violations described in subsection (a) by the government of a foreign country--

(A) take one or more of the actions described in paragraphs (1) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to such country; or

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

(2) Deadline for actions.--Not later than September 1 of each year, the President shall take action under any of the paragraphs (1) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to each foreign country the government of which has engaged in or tolerated violations of religious freedom at any time since September 1 of the preceding year, except that in the case of action under any of the paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto)--

(A) the action may only be taken after the requirements of sections 403 and 404 have been satisfied; and

(B) the September 1 limitation shall not apply.

(3) Authority for delay of presidential actions.--The
President may delay action under paragraph (2) described in any of the paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) if he determines and certifies to Congress that a single, additional period of time, not to exceed 90 days, is necessary pursuant to the same provisions applying to countries of particular concern for religious freedom under section 402(c)(3).

(c) Implementation.--
(1) In general.--In carrying out subsection (b), the President shall--

(A) take the action or actions that most appropriately respond to the nature and severity of the violations of religious freedom;

(B) seek to the fullest extent possible to target action as narrowly as practicable with respect to the agency or instrumentality of the foreign government, or specific officials thereof, that are responsible for such violations; and

(C) when appropriate, make every reasonable effort to conclude a binding agreement concerning the cessation of such violations in countries with which the United States has diplomatic relations.

(2) Guidelines for presidential actions.--In addition to the guidelines under paragraph (1), the President, in determining whether to take a Presidential action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto), shall seek to minimize any adverse impact on--

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

(B) the humanitarian activities of United States and foreign nongovernmental organizations in such country.

SEC. 402. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) Response to Particularly Severe Violations of Religious Freedom.--

(1) United states policy.--It shall be the policy of the United States--

(A) to oppose particularly severe violations of religious
freedom that are or have been engaged in or tolerated by the
governments of foreign countries; and

(B) to promote the right to freedom of religion in those
countries through the actions described in subsection (c).

(2) Requirement of presidential action.--Whenever the
President determines that the government of a foreign country
has engaged in or tolerated particularly severe violations of
religious freedom, the President shall oppose such violations
and promote the right to religious freedom through one or
more of the actions described in subsection (c).

(b) Designations of Countries of Particular Concern for
Religious Freedom.--

(1) Annual review.--
(A) In general.--Not later than September 1 of each year,
the President shall review the status of religious freedom in
each foreign country to determine whether the government of
that country has engaged in or tolerated particularly severe
violations of religious freedom in that country during the
preceding 12 months or since the date of the last review of
that country under this subparagraph, whichever period is
longer. The President shall designate each country the
government of which has engaged in or tolerated violations
described in this subparagraph as a country of particular
concern for religious freedom.

(B) Basis of review.--Each review conducted under
subparagraph (A) shall be based upon information contained in
the latest Country Reports on Human Rights Practices, the
Annual Report, and on any other evidence available and shall
take into account any findings or recommendations by the
Commission with respect to the foreign country.

(C) Implementation.--Any review under subparagraph (A) of a
foreign country may take place singly or jointly with the
review of one or more countries and may take place at any
time prior to September 1 of the respective year.

(2) Determinations of responsible parties.--For the
government of each country designated as a country of
particular concern for religious freedom under paragraph
(1)(A), the President shall seek to determine the agency or
instrumentality thereof and the specific officials thereof
that are responsible for the particularly severe violations
of religious freedom engaged in or tolerated by that
government in order to appropriately target Presidential
actions under this section in response.
(3) Congressional notification.--Whenever the President designates a country as a country of particular concern for religious freedom under paragraph (1)(A), the President shall, as soon as practicable after the designation is made, transmit to the appropriate congressional committees--

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

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

c) Presidential Actions With Respect to Countries of Particular Concern for Religious Freedom.--

(1) In general.--Subject to paragraphs (2), (3), and (4) with respect to each country of particular concern for religious freedom designated under subsection (b)(1)(A), the President shall, after the requirements of sections 403 and 404 have been satisfied, but not later than 90 days (or 180 days in case of a delay under paragraph (3)) after the date of designation of the country under that subsection, carry out one or more of the following actions under subparagraph (A) or subparagraph (B):

(A) Presidential actions.--One or more of the Presidential actions described in paragraphs (9) through (15) of section 405(a), as determined by the President.

(B) Commensurate actions.--Commensurate action in substitution to any action described in subparagraph (A).

(2) Substitution of binding agreements.--
(A) In general.--In lieu of carrying out action under paragraph (1), the President may conclude a binding agreement with the respective foreign government as described in section 405(c). The existence of a binding agreement under this paragraph with a foreign government may be considered by the President prior to making any determination or taking any action under this title.

(B) Statutory construction.--Nothing in this paragraph may be construed to authorize the entry of the United States into an agreement covering matters outside the scope of violations of religious freedom.
(3) Authority for delay of presidential actions.--If, on or before the date that the President is required (but for this paragraph) to take action under paragraph (1), the President determines and certifies to Congress that a single, additional period of time not to exceed 90 days is necessary--

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

(B) for a continuation of multilateral negotiations into which the United States has entered to bring about a cessation of the violations by the foreign country;

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

(ii) in anticipation that corrective action will be taken by the foreign country during the 90-day period, then the President shall not be required to take action until the expiration of that period of time.

(4) Exception for ongoing presidential action.--The President shall not be required to take action pursuant to this subsection in the case of a country of particular concern for religious freedom, if with respect to such country--

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

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

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

(D) at the time the President determines a country to be a country of particular concern, if that country is already subject to multiple, broad-based sanctions imposed in significant part in response to human rights abuses, and such sanctions are ongoing, the President may determine that one or more of these sanctions also satisfies the requirements of this subsection. In a report to Congress pursuant to section 404(a) (1), (2), (3), and (4), and, as applicable, to section
408, the President must designate the specific sanction or sanctions which he determines satisfy the requirements of this subsection. The sanctions so designated shall remain in effect subject to section 409 of this Act.

(d) Statutory Construction.--A determination under this Act, or any amendment made by this Act, that a foreign country has engaged in or tolerated particularly severe violations of religious freedom shall not be construed to require the termination of assistance or other activities with respect to that country under any other provision of law, including section 116 or 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n, 2304).

SEC. 403. CONSULTATIONS.

(a) In General.--As soon as practicable after the President decides to take action under section 401 in response to violations of religious freedom and the President decides to take action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to that country, or not later than 90 days after the President designates a country as a country of particular concern for religious freedom under section 402, as the case may be, the President shall carry out the consultations required in this section.

(b) Duty To Consult With Foreign Governments Prior To Taking Presidential Actions.--

(1) In general.--The President shall--
(A) request consultation with the government of such country regarding the violations giving rise to designation of that country as a country of particular concern for religious freedom or to Presidential action under section 401; and

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

(2) Use of multilateral fora.--If the President determines it to be appropriate, such consultations may be sought and may occur in a multilateral forum, but, in any event, the President shall consult with appropriate foreign governments for the purposes of achieving a coordinated international policy on actions that may be taken with respect to a country described in subsection (a), prior to implementing any such action.
(3) Election of nondisclosure of negotiations to public.--If negotiations are undertaken or an agreement is concluded with a foreign government regarding steps to cease the pattern of violations by that government, and if public disclosure of such negotiations or agreement would jeopardize the negotiations or the implementation of such agreement, as the case may be, the President may refrain from disclosing such negotiations and such agreement to the public, except that the President shall inform the appropriate congressional committees of the nature and extent of such negotiations and any agreement reached.

(c) Duty To Consult With Humanitarian Organizations.--The President should consult with appropriate humanitarian and religious organizations concerning the potential impact of United States policies to promote freedom of religion in countries described in subsection (a).

(d) Duty To Consult With United States Interested Parties.--The President shall, as appropriate, consult with United States interested parties as to the potential impact of intended Presidential action or actions in countries described in subsection (a) on economic or other interests of the United States.

SEC. 404. REPORT TO CONGRESS.

(a) In General.--Subject to subsection (b), not later than 90 days after the President decides to take action under section 401 in response to violations of religious freedom and the President decides to take action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to that country, or not later than 90 days after the President designates a country as a country of particular concern for religious freedom under section 402, as the case may be, the President shall submit a report to Congress containing the following:

(1) Identification of presidential actions.--An identification of the Presidential action or actions described in paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) to be taken with respect to the foreign country.

(2) Description of violations.--A description of the violations giving rise to the Presidential action or actions to be taken.

(3) Purpose of presidential actions.--A description of the
purpose of the Presidential action or actions.

(4) Evaluation.--
(A) Description.--An evaluation, in consultation with the Secretary of State, the Ambassador at Large, the Commission, the Special Adviser, the parties described in section 403 (c) and (d), and whoever else the President deems appropriate, of--

(i) the impact upon the foreign government;
(ii) the impact upon the population of the country; and
(iii) the impact upon the United States economy and other interested parties.

(B) Authority to withhold disclosure.--The President may withhold part or all of such evaluation from the public but shall provide the entire evaluation to Congress.

(5) Statement of policy options.--A statement that noneconomic policy options designed to bring about cessation of the particularly severe violations of religious freedom have reasonably been exhausted, including the consultations required in section 403.

(6) Description of multilateral negotiations.--A description of multilateral negotiations sought or carried out, if appropriate and applicable.

(b) Delay in Transmittal of Report.--If, on or before the date that the President is required (but for this subsection) to submit a report under subsection (a) to Congress, the President determines and certifies to Congress that a single, additional period of time not to exceed 90 days is necessary pursuant to section 401(b)(3) or section 402(c)(3), then the President shall not be required to submit the report to Congress until the expiration of that period of time.

SEC. 405. DESCRIPTION OF PRESIDENTIAL ACTIONS.

(a) Description of Presidential Actions.--Except as provided in subsection (d), the Presidential actions referred to in this subsection are the following:

(1) A private demarche.
(2) An official public demarche.
(3) A public condemnation.
(4) A public condemnation within one or more multilateral fora.
(5) The delay or cancellation of one or more scientific exchanges.

(6) The delay or cancellation of one or more cultural exchanges.

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

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

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

(10) Directing the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the Trade and Development Agency not to approve the issuance of any (or a specified number of) guarantees, insurance, extensions of credit, or participations in the extension of credit with respect to the specific government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.


(12) Consistent with section 701 of the International Financial Institutions Act of 1977, directing the United States executive directors of international financial institutions to oppose and vote against loans primarily benefiting the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.

(13) Ordering the heads of the appropriate United States agencies not to issue any (or a specified number of) specific licenses, and not to

grant any other specific authority (or a specified number of authorities), to export any goods or technology to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402, under--
(A) the Export Administration Act of 1979;  
(B) the Arms Export Control Act;  
(C) the Atomic Energy Act of 1954; or  
(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(14) Prohibiting any United States financial institution from making loans or providing credits totaling more than $10,000,000 in any 12-month period to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.

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

(b) Commensurate Action.--Except as provided in subsection (d), the President may substitute any other action authorized by law for any action described in paragraphs (1) through (15) of subsection (a) if such action is commensurate in effect to the action substituted and if the action would further the policy of the United States set forth in section 2(b) of this Act. The President shall seek to take all appropriate and feasible actions authorized by law to obtain the cessation of the violations. If commensurate action is taken, the President shall report such action, together with an explanation for taking such action, to the appropriate congressional committees.

(c) Binding Agreements.--The President may negotiate and enter into a binding agreement with a foreign government that obligates such government to cease, or take substantial steps to address and phase out, the act, policy, or practice constituting the violation of religious freedom. The entry into force of a binding agreement for the cessation of the violations shall be a primary objective for the President in responding to a foreign government that has engaged in or tolerated particularly severe violations of religious freedom.

(d) Exceptions.--Any action taken pursuant to subsection (a) or (b) may not prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other humanitarian assistance.

SEC. 406. EFFECTS ON EXISTING CONTRACTS.
The President shall not be required to apply or maintain any Presidential action under this subtitle--

(1) in the case of procurement of defense articles or defense services--

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

(B) if the President determines in writing and so reports to Congress that the person or other entity to which the Presidential action would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

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

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to take the Presidential action.

SEC. 407. PRESIDENTIAL WAIVER.

(a) In General.--Subject to subsection (b), the President may waive the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to a country, if the President determines and so reports to the appropriate congressional committees that--

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

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