

107TH CONGRESS
1ST SESSION

H. R. 3145

To promote greater cooperation between the United States and its European allies toward religious tolerance and to require the imposition of punitive measures with respect to entities that discriminate against individuals or groups on the basis of religion or belief.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2001

Ms. ROS-LEHTINEN (for herself and Mr. GILMAN) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Ways and Means, for a period subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote greater cooperation between the United States and its European allies toward religious tolerance and to require the imposition of punitive measures with respect to entities that discriminate against individuals or groups on the basis of religion or belief.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Trans-Atlantic Reli-
5 gious Protection Act (TARPA) of 2001”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Article 18 of the Universal Declaration of
4 Human Rights states that “[e]veryone has the right
5 to freedom of thought, conscience and religion; this
6 right includes freedom to change his religion or be-
7 lief, and freedom, either alone or in community with
8 others and in public or private, to manifest his reli-
9 gion or belief in teaching, practice, worship and ob-
10 servance”.

11 (2) Article 18 of the International Covenant on
12 Civil and Political Rights states that “[n]o one shall
13 be subject to coercion which would impair his free-
14 dom to have or adopt a religion or belief of his
15 choice”.

16 (3) The member countries of the Organization
17 for Security and Cooperation in Europe (OSCE)
18 have undertaken a series of specific commitments
19 designed to ensure the freedom of the individual to
20 profess and practice religion or belief, including a
21 commitment by those countries to ensure the full
22 and effective exercise of the freedom of thought, con-
23 science, religion, or belief, in their laws and regula-
24 tions.

25 (4) Principle VII of the Helsinki Final Act com-
26 mits the OSCE member countries to “recognize and

1 respect the freedom of the individual to profess and
2 practice, alone or in community with others, religion
3 or belief acting in accordance with the dictates of his
4 own conscience”.

5 (5) The 1989 Vienna Concluding Document
6 commits the OSCE member countries to “take effec-
7 tive measures to prevent and eliminate discrimina-
8 tion against individuals or communities on the
9 grounds of religion or belief in the recognition, exer-
10 cise and enjoyment of human rights and funda-
11 mental freedoms in all fields of civil, political, eco-
12 nomic, social and cultural life”.

13 (6) In the 1991 Moscow Document, the OSCE
14 member countries “categorically and irrevocably de-
15 clare that the commitments undertaken in the field
16 of the human dimension . . . are matters of direct
17 and legitimate concern to all participating States
18 and do not belong exclusively to the internal affairs
19 of the State concerned”.

20 (7) Freedom of thought, conscience, religion, or
21 belief is inextricably linked to the exercise of other
22 rights, including the right to freedom of peaceful as-
23 sembly and association, the right to freedom of asso-
24 ciation with others, and the right to freedom of ex-
25 pression, and the recognition that all persons are

1 equal before the law and are entitled without any
2 discrimination to the equal protection of the law, in-
3 cluding in employment.

4 (8) The United States Department of State's
5 annual reports on religious freedom and human
6 rights have documented numerous instances of gov-
7 ernment discrimination in Western Europe based on
8 religion or belief, including discriminatory acts
9 against American members of several different reli-
10 gious denominations and beliefs.

11 (9) Both the Office of the United States Trade
12 Representative and the Department of State have
13 objected to the use of discriminatory procurement
14 practices by German Federal, state and local govern-
15 mental agencies and private entities which have the
16 potential to discriminate against United States firms
17 in procurement decisions by permitting agencies and
18 firms to reject bids and terminate contracts with
19 firms that do not attest that the firm and its em-
20 ployees are not affiliated with certain religious be-
21 liefs.

22 (10) In France, Federal and local governmental
23 agencies, as well as private businesses responding to
24 French Government actions, have terminated con-
25 tracts with a United States-owned software firm

1 solely because of the religious beliefs of the firm's
2 founder.

3 (11) A law enacted by the French Parliament
4 on May 30, 2001, contains repressive measures
5 which would have a chilling effect on the freedom re-
6 ligious and belief, including the dissolution of tar-
7 geted religious associations, the imprisonment of
8 members of such groups, and infringement upon
9 freedom of speech, including speech intended to per-
10 suade another person to a particular point of view,
11 whether philosophical or religious.

12 (12) His Holiness Pope John Paul II has spo-
13 ken out against the new French law as potentially
14 devastating. While formally accepting the credentials
15 of the new French Ambassador to the Holy See, the
16 Pope reminded the ambassador that “religious lib-
17 erty in the full sense of the term, is the first human
18 right . . . [t]his means a liberty which is not re-
19 duced to the private sphere only . . . [t]o discrimi-
20 nate [against] religious beliefs, or to discredit one or
21 another form of religious practices is a form of ex-
22 clusion contrary to the respect of fundamental
23 human values and will eventually destabilize society,
24 where a pluralism of thought and action should
25 exist, as well as a benevolent and brotherly attitude

1 . . . [t]his will necessarily create a climate of tension,
2 intolerance, opposition and suspect, not conducive to
3 social peace”.

4 (13) United States Department of State offi-
5 cials testifying on the new French law before the
6 Senate Foreign Relations Committee on May 1,
7 2001, and the House Committee on International
8 Relations on July 11, 2001, underscored that “[t]he
9 United States is concerned that such policies are be-
10 coming institutionalized in some parts of Europe
11 and are having the effect of appearing to justify re-
12 strictive laws elsewhere such as Russia, Central
13 Asia, and even China”.

14 (14) A 1996 French National Assembly report
15 listed 173 organizations as suspect, including inde-
16 pendent evangelical Christian churches,
17 Scientologists, Jehovah’s Witnesses, and
18 Unificationists and this report has been used by
19 both private and official entities to harass, intimi-
20 date, deny employment, and deny commercial loans
21 to listed groups, and members of other religious
22 groups, such as Southern Baptists, Seventh Day Ad-
23 ventists, the Catholic Charismatic Renewal move-
24 ment, Opus Dei, and the Society of Jesus, have also

1 been subject to recent discrimination and harass-
2 ment at the hands of the French Government.

3 (15) The Parliament of Austria passed a law in
4 1997 which codified a tiered system of government
5 recognition and preferential treatment and which re-
6 quires religious groups seeking recognition to under-
7 go government surveillance for at least 10, or up to
8 20, years to prove legitimacy to government officials.

9 (16) The Austrian law on religion is cited as
10 justification for more repressive laws being proposed
11 in nascent democracies further east, such as Hun-
12 gary and Romania, and has been cited by Russian
13 officials as justification for an oppressive 1997 Rus-
14 sian religion law.

15 (17) The Government of Austria has instituted
16 a “sect” office which disseminates official propa-
17 ganda on religious groups not recognized by the gov-
18 ernment and leading to a chilling effect on religious
19 liberty.

20 (18) The Parliament of Belgium issued a report
21 in 1997 on “sects” with a widely circulated informal
22 appendix listing 189 groups as suspect, including
23 many Protestant and Catholic groups, Quakers, Ha-
24 sidic Jews, Buddhists, and members of the Young
25 Women’s Christian Association (YWCA), based on

1 rumor and speculation found in police files, and im-
2 plicitly warning the public to avoid such “dan-
3 gerous” groups.

4 (19) The Parliament of Belgium has established
5 a government Center for Information and Advice on
6 Harmful Sectarian Organizations which disseminates
7 official views on groups considered “sects” as de-
8 fined by the list in the appendix to the 1997 Belgian
9 Parliament report.

10 (20) On April 29, 1998, the Italian Ministry of
11 Internal Affairs sent a report to the lower house of
12 the Italian Parliament entitled “Cults and New
13 Magical Movements in Italy”. This report mentions
14 that the Ministry of Internal Affairs monitors 137
15 groups—76 of which are categorized as “new reli-
16 gions” and 61 as “new magical movements”. This
17 report, according to Dr. Massimo Introvigne of
18 CESNUR in Italy, notes that “the real danger is
19 that, because of the media event created around the
20 report, respectable and law-abiding citizens who hap-
21 pen to be members of movements mentioned, but ex-
22 plicitly exonerated from any charge in the report
23 may be discriminated against or maligned”.

1 (21) Some evangelical and charismatic Chris-
2 tian churches have been targeted in parliamentary
3 investigations in France, Belgium, and Germany.

4 (22) Jehovah's Witnesses have been subjected
5 in France to various forms of harassment, have been
6 informed by German state tax authorities that the
7 long-standing exemption from property taxation for
8 their houses of worship may be canceled in the near
9 future, continue to suffer from employment discrimi-
10 nation in Austria, France, and Germany, and have
11 been discriminated against in foster parent pro-
12 ceedings in Germany and in some child custody mat-
13 ters in Belgium.

14 (23) Muslims have been subjected to harass-
15 ment, including police brutality and attacks by ex-
16 tremist groups, particularly in Germany and France,
17 and Muslim women are subject to frequent discrimi-
18 nation and other forms of abuse and harassment be-
19 cause they wear a head covering.

20 (24) Adherents to the Church of Jesus Christ
21 of Latter-day Saints have been subject to continued
22 acts of harassment, including confiscation of reli-
23 gious materials, and are prevented from freely shar-
24 ing their beliefs in several Organization for Security

1 and Cooperation in Europe (OSCE) member coun-
2 tries.

3 (25) Members of the Church of Scientology
4 have been subject to pervasive civil, political, and
5 economic discrimination, harassment, surveillance,
6 and orchestrated boycotts in Germany, France, Bel-
7 gium, and Austria.

8 (26) The Law of Sects in Spain, passed in
9 1989, authorizes the police to investigate “sects”
10 with a “destructive” character. As a result, a special
11 unit was created within the police to investigate
12 these allegedly dangerous sects.

13 (27) The Government of the Canary Islands,
14 one of Spain’s 17 regions, has refused to grant per-
15 mission to the Salvation Army to open a center for
16 needy children on the grounds that the Salvation
17 Army is categorized as a “destructive sect”.

18 (28) Actions by Western European governments
19 have contributed to intolerance by public and private
20 actors who have discriminated in hiring practices or
21 terminated employment based on an individual’s reli-
22 gious affiliation.

23 (29) The September 11, 2001, terrorist attacks
24 against the United States have intensified fears of
25 infringement and violations of religious freedom,

1 with experts cautioning against the use of the
2 antiterrorism effort as an excuse for arbitrary
3 abuses and proliferation of anti-sect laws and lists
4 such as those used by European countries to mon-
5 itor or restrict particular religious groups.

6 **SEC. 3. DIPLOMATIC EFFORTS.**

7 (a) GENERAL EFFORTS.—The President and the
8 Secretary of State—

9 (1) shall raise violations of freedom of thought,
10 conscience, religion, or belief at every appropriate
11 level with representatives of European countries that
12 have failed to implement their international commit-
13 ments and obligations in this regard;

14 (2) shall make full use of existing meetings and
15 structures of international organizations and multi-
16 lateral fora to raise violations by Organization for
17 Security and Cooperation in Europe (OSCE) mem-
18 ber countries of freely undertaken international com-
19 mitments both to protect and to provide for the full
20 and effective exercise of the freedom of thought, con-
21 science, religion, or belief under their respective ju-
22 risdictions; and

23 (3) to the maximum extent practicable, shall
24 appoint experts on religious liberty to United States

1 delegations to appropriate meetings of international
2 organizations.

3 (b) UNITED STATES-EU INTER-PARLIAMENTARY
4 MEETINGS.—United States representatives to the United
5 States-European Union Inter-Parliamentary meetings,
6 should raise at such meetings the issue of laws, regula-
7 tions, and other practices in the members countries which
8 infringe upon freedom of thought, conscience, religion or
9 belief and take concrete steps to address these violations.

10 **SEC. 4. ACTIONS BY DEPARTMENT OF STATE.**

11 (a) DIVERSITY AND TOLERANCE EXCHANGES.—The
12 Secretary of State, through the Bureau of Educational
13 and Cultural Exchange, shall promote educational and cul-
14 tural workshops and forums among academics, religious
15 leaders, and human rights organizations in the United
16 States and their European counterparts in an effort to
17 promote a better understanding of religious and philo-
18 sophical diversity and a tolerant society.

19 (b) HUMAN RIGHTS MONITORS.—The Secretary of
20 State, through the Bureau of Democracy, Human Rights,
21 and Labor and the Bureau of Diplomatic and Consular
22 Affairs, shall train United States human rights monitors
23 stationed at European posts to identify, investigate, and
24 monitor persecution and discrimination on the basis of re-
25 ligion or belief.

1 (c) DENIAL OF VISAS.—The Secretary of State may
2 not issue a visa to, and the Attorney General shall exclude
3 from the United States, any alien who the Secretary of
4 State determines is a high-ranking official of the govern-
5 ment of a country, or a commercial or other entity of a
6 government, which is in violation of international obliga-
7 tions to guarantee and ensure the full and effective exer-
8 cise of freedom of thought, conscience, religion, or belief.

9 (d) TRAVEL ADVISORIES.—The Secretary of State
10 shall issue travel advisories on countries which discrimi-
11 nate on the basis of religion or belief advising Americans
12 of the potential dangers faced by individuals who are mem-
13 bers of targeted groups.

14 **SEC. 5. ACTIONS BY UNITED STATES TRADE REPRESENTA-**
15 **TIVE.**

16 The President shall, in accordance with section
17 301(a)(1) of the Trade Act of 1974 (19 U.S.C.
18 2411(a)(1)), direct the United States Trade
19 Representative—

20 (1) to take all appropriate action authorized
21 under section 301(c) of such Act against each Euro-
22 pean country the government of which engages in or
23 tolerates violations of religious freedom (as deter-
24 mined under section 401 of the International Reli-
25 gious Freedom Act of 1998), including the imposi-

1 tion of duties or other import restrictions on goods
2 of such country that are similar to the goods of a
3 United States individual or United States business
4 (or its subsidiary) that is subject to such violations
5 of religious freedom; and

6 (2) to initiate appropriate action at the World
7 Trade Organization against each European country
8 described in paragraph (1).

9 **SEC. 6. ACTIONS BY DEPARTMENT OF COMMERCE.**

10 The President shall direct the Secretary of
11 Commerce—

12 (1) to incorporate into the programs and assist-
13 ance of the International Trade Administration
14 guidelines and warnings regarding the discrimina-
15 tory practices of European countries against United
16 States products or businesses (and their subsidi-
17 aries) on the basis of religion or belief; and

18 (2) to make it a priority to advocate on behalf
19 of United States businesses being discriminated
20 against by European countries on the basis of reli-
21 gion or belief to ensure full market access and
22 achieve full compliance by such countries with inter-
23 national trade agreements and accords entered into
24 with the United States.

1 **SEC. 7. PRESIDENTIAL WAIVER.**

2 (a) **WAIVER.**—Subject to subsection (b), the Presi-
3 dent may waive any provision of this Act with respect to
4 a country if the President determines and so reports to
5 Congress that—

6 (1) the government of the country has ceased
7 the violations giving rise to the action under this
8 Act;

9 (2) the exercise of the waiver would further the
10 purposes of this Act; or

11 (3) it is important to the national interests of
12 the United States to do so.

13 (b) **CONGRESSIONAL NOTIFICATION.**—Prior to exer-
14 cising his authority to waive any provision of this Act pur-
15 suant to subsection (a), the President shall notify Con-
16 gress of the waiver together with a detailed justification
17 thereof.

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