

116TH CONGRESS
2D SESSION

H. R. 5880

To provide for the imposition of sanctions with respect to foreign countries that are in violation of international human rights law or international humanitarian law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2020

Ms. OMAR introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Intelligence (Permanent Select), and Homeland Security, for a period to be 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 provide for the imposition of sanctions with respect to foreign countries that are in violation of international human rights law or international humanitarian law, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Arming Human
5 Rights Abusers Act”.

1 **TITLE I—SANCTIONS WITH RE-**
2 **SPECT TO FOREIGN COUN-**
3 **TRIES THAT ARE IN VIOLA-**
4 **TION OF INTERNATIONAL**
5 **HUMAN RIGHTS LAW OR**
6 **INTERNATIONAL HUMANI-**
7 **TARIAN LAW**

8 **SEC. 101. DETERMINATION OF VIOLATIONS OF INTER-**
9 **NATIONAL HUMAN RIGHTS LAW OR INTER-**
10 **NATIONAL HUMANITARIAN LAW.**

11 (a) **IN GENERAL.**—The President shall impose the
12 sanctions described in section 102 with respect to the gov-
13 ernment of a foreign country if the President determines
14 that such government has committed any of the acts de-
15 scribed in subsection (b), (c), or (d).

16 (b) **GENOCIDE.**—Any acts committed with intent to
17 destroy, in whole or in part, a national, ethnical, racial,
18 or religious group, including the following:

19 (1) Killing members of the group.

20 (2) Causing serious bodily or mental harm to
21 members of the group.

22 (3) Deliberately inflicting on the group condi-
23 tions of life calculated to bring about its physical de-
24 struction in whole or in part.

1 (4) Imposing measures intended to prevent
2 births within the group.

3 (5) Forcibly transferring children of the group
4 to another group.

5 (c) CRIMES AGAINST HUMANITY.—

6 (1) IN GENERAL.—Any of the following acts
7 when committed as part of a widespread or system-
8 atic attack directed against any civilian population:

9 (A) Murder.

10 (B) Extermination.

11 (C) Enslavement, including sexual slavery.

12 (D) Deportation or forcible transfer of
13 population.

14 (E) Imprisonment or other severe depriv-
15 ation of physical liberty in violation of funda-
16 mental rules of international law.

17 (F) Torture.

18 (G) Rape, enforced prostitution, forced
19 pregnancy, enforced sterilization, or any other
20 form of sexual violence of comparable gravity.

21 (H) Persecution against any identifiable
22 group or collectivity on political, racial, na-
23 tional, ethnic, cultural, religious, gender, lan-
24 guage, social origin, age, disability, health, sex-
25 ual orientation, gender identity, sex characteris-

1 tics, indigenous, refugee, statelessness, or mi-
2 gration status, or other grounds that are recog-
3 nized as impermissible under international law.

4 (I) Enforced disappearance of persons.

5 (J) The crime of apartheid.

6 (K) Other inhumane acts of a similar char-
7 acter intentionally causing great suffering, or
8 serious injury to body or to mental or physical
9 health, including the excessive use of anti-riot
10 materials including tear gas, rubber bullets,
11 sound cannons, and other nonlethal materials to
12 disperse nonviolent protests.

13 (2) DEFINITIONS.—In this subsection—

14 (A) the term “attack directed against any
15 civilian population” means a course of conduct
16 involving the multiple commission of acts re-
17 ferred to in this subsection against any civilian
18 population, pursuant to or in furtherance of a
19 state or organizational policy to commit such
20 attack;

21 (B) the term “extermination” includes the
22 intentional infliction of conditions of life, inter
23 alia the deprivation of access to food and medi-
24 cine, calculated to bring about the destruction
25 of part of a population;

1 (C) the term “enslavement” includes—

2 (i) slavery, which means the exercise
3 of any or all of the powers attaching to the
4 right of ownership over a person including
5 but not limited to the exercise of powers of
6 ownership over sexual autonomy or integ-
7 rity;

8 (ii) the slave trade, which means all
9 acts involved in the capture, acquisition or
10 disposal of a person with intent to reduce
11 the person to slavery;

12 (iii) all acts involved in the acquisition
13 of a slave with a view to selling or ex-
14 changing the slave;

15 (iv) all acts of disposal by sale or ex-
16 change of a slave acquired with a view to
17 being sold or exchanged; and

18 (v) in general, every act of trade or
19 transport in slaves;

20 (D) the term “deportation or forcible
21 transfer of population” means forced displace-
22 ment of the persons concerned by expulsion or
23 other coercive acts from the area in which they
24 are lawfully present, without grounds permitted
25 under international law;

1 (E) the term “torture”—

2 (i) means the intentional infliction of
3 severe pain or suffering, whether physical
4 or mental, for such purposes as obtaining
5 information or a confession, punishment,
6 intimidation or coercion or for any reason
7 based on discrimination of any kind; but

8 (ii) does not mean pain or suffering
9 arising only from, inherent in or incidental
10 to, lawful sanctions;

11 (F) the term “forced pregnancy” means
12 the unlawful confinement of a person forcibly
13 made pregnant, with the intent of affecting the
14 ethnic composition of any population or car-
15 rying out other grave violations of international
16 law;

17 (G) the term “persecution” means the in-
18 tentional and severe deprivation of fundamental
19 rights contrary to international law by reason of
20 the identity of the group or collectivity;

21 (H) the term “crime of apartheid” means
22 an institutionalized regime of systematic op-
23 pression and domination by one racial, ethnic,
24 or religious group over any other racial, ethnic,
25 or religious group or groups and committed

1 with the intention of maintaining that regime;
2 and

3 (I) the term “enforced disappearance of
4 persons” means the arrest, detention, or abduc-
5 tion of persons by, or with the authorization,
6 support, or acquiescence of, a state or a polit-
7 ical organization, followed by a refusal to ac-
8 knowledge that deprivation of freedom or to
9 give information on the fate or whereabouts of
10 those persons, with the intention of removing
11 them from the protection of the law for a pro-
12 longed period of time.

13 (d) WAR CRIMES.—Any of the following acts against
14 persons or property in an armed conflict, whether the con-
15 flict is of an international or internal character:

16 (1) Willful killing.

17 (2) Torture or inhumane treatment, including
18 biological experiments.

19 (3) Willfully causing great suffering, or serious
20 injury to body or health.

21 (4) Extensive destruction and appropriation of
22 property, not justified by military necessity and car-
23 ried out unlawfully and wantonly.

24 (5) Compelling a prisoner of war or other de-
25 tainee to serve in the forces of a hostile power.

1 (6) Willfully depriving a prisoner of war or
2 other detainee of the rights of fair and regular trial.

3 (7) Unlawful deportation or transfer or unlaw-
4 ful confinement.

5 (8) Taking of hostages.

6 (9) Intentionally directing attacks against the
7 civilian population as such or against individual civil-
8 ians not taking direct part in hostilities.

9 (10) Intentionally directing attacks against ci-
10 vilian objectives, that is, objectives which are not
11 military objectives.

12 (11) Intentionally directing attacks against per-
13 sonnel, installations, material, units, or vehicles in-
14 volved in a humanitarian assistance or peacekeeping
15 mission in accordance with the Charter of the
16 United Nations.

17 (12) Intentionally launching an attack in the
18 knowledge that such attack will cause incidental loss
19 of life or injury to civilians or damage to civilian ob-
20 jects, or widespread, long-term, and severe damage
21 to the natural environment which would be clearly
22 excessive in relation to the concrete and direct over-
23 all military advantage anticipated.

24 (13) Attacking or bombarding, by whatever
25 means, towns, villages, dwellings, or buildings which

1 are undefended and which are not military objec-
2 tives.

3 (14) Killing or wounding a combatant who, hav-
4 ing laid down his arms or having no longer means
5 of defense, has surrendered at discretion.

6 (15) Making improper use of a flag of truce, of
7 the flag or of the military insignia and uniform of
8 the enemy or of the United Nations, as well as of
9 the distinctive emblems of the Geneva Conventions,
10 resulting in death or serious personal injury.

11 (16) The transfer, directly or indirectly, by an
12 occupying power of parts of its own civilian popu-
13 lation into the territory it occupies, or the deporta-
14 tion or transfer of all or parts of the population of
15 the occupied territory within or outside this terri-
16 tory.

17 (17) Intentionally directing attacks against
18 buildings dedicated to religion, education, art,
19 science or charitable purposes, historic monuments,
20 hospitals, and places where the sick and wounded
21 are collected.

22 (18) Subjecting persons who are in the power
23 of an adverse party to physical mutilation or to med-
24 ical or scientific experiments of any kind which are
25 neither justified by the medical, dental, or hospital

1 treatment of the person concerned nor carried out in
2 his or her interest, and which cause death to or seri-
3 ously endanger the health of such person or persons.

4 (19) Killing or wounding treacherously individ-
5 uals belonging to the hostile nation or army.

6 (20) Declaring that no quarter will be given.

7 (21) Destroying or seizing the enemy's property
8 unless such destruction or seizure be imperatively
9 demanded by the necessities of war.

10 (22) Declaring abolished, suspended, or inad-
11 missible in a court of law the rights and actions of
12 the nationals of the hostile party.

13 (23) Compelling the nationals of the hostile
14 party to take part in the operations of war directed
15 against their own country, even if they were in the
16 belligerent's service before the commencement of the
17 war.

18 (24) Pillaging a town or place.

19 (25) Employing poison or poisoned weapons.

20 (26) Employing asphyxiating, poisonous, or
21 other gases, and all analogous liquids, materials, or
22 devices.

23 (27) Employing bullets which expand or flatten
24 easily in the human body, such as bullets with a

1 hard envelope which does not entirely cover the core
2 or is pierced with incisions.

3 (28) Employing weapons, projectiles, and mate-
4 rial and methods of warfare which are of a nature
5 to cause superfluous injury or unnecessary suffering
6 or which are inherently indiscriminate in violation of
7 the international law of armed conflict.

8 (29) Committing outrages upon personal dig-
9 nity, in particular humiliating and degrading treat-
10 ment.

11 (30) Committing rape, enforced prostitution,
12 forced pregnancy, as defined in subsection (c), en-
13 forced sterilization, or any other form of sexual vio-
14 lence also constituting a grave breach of the Geneva
15 Conventions.

16 (31) Committing slavery or the slave trade in
17 all their forms.

18 (32) Utilizing the presence of a civilian or other
19 protected person to render certain points, areas, or
20 military forces immune from military operations.

21 (33) Intentionally directing attacks against
22 buildings, material, medical units and transport, and
23 personnel using the distinctive emblems of the Gene-
24 va Conventions in conformity with international law.

1 (34) Intentionally using starvation of civilians
2 as a method of warfare by depriving them of objects
3 indispensable to their survival.

4 (35) Willfully impeding relief supplies as pro-
5 vided for under the Geneva Conventions.

6 (36) Conscripting or enlisting children under
7 the age of 18 into the national armed forces or using
8 them to participate actively in hostilities.

9 **SEC. 102. DESCRIPTION OF SANCTIONS.**

10 (a) IN GENERAL.—The sanctions to be imposed with
11 respect to the government of a foreign country under sec-
12 tion 101 are the sanctions described in subsections (b),
13 (c), (d), and (e).

14 (b) PROHIBITION ON SECURITY ASSISTANCE.—

15 (1) IN GENERAL.—The President may not—

16 (A) provide any United States security as-
17 sistance, intelligence, training, equipment, or
18 services relating to maintenance, testing, or
19 technical data, to the government of the foreign
20 country or any agent or instrumentality of such
21 government; or

22 (B) engage in any defense cooperation with
23 the government of the foreign country or any
24 agent or instrumentality of such government.

1 (2) EXCEPTION.—The prohibition under this
2 subsection shall not apply with respect to activities
3 of the Department of Defense relating to the protec-
4 tion of United States diplomatic and consular posts
5 or personnel or to the evacuation of United States
6 citizens.

7 (c) PROHIBITION ON ARMS SALES.—The President
8 may not sell, transfer, deliver, license for export, authorize
9 the performance of any service relating to, or otherwise
10 make available any defense article, defense service, or de-
11 sign and construction service, as such terms are defined
12 for purposes of the Arms Export Control Act (22 U.S.C.
13 2751 et seq.), to the government of the foreign country
14 or any agent or instrumentality of such government.

15 (d) PROHIBITION ON COMMERCIAL EXPORT OF ARMS
16 SALES.—The President shall prohibit the issuance of li-
17 censes to export defense articles, defense services, and mu-
18 nitions items, as such terms are defined for purposes of
19 the Arms Export Control Act (22 U.S.C. 2751 et seq.),
20 to the government of the foreign country or any agent or
21 instrumentality of such government.

22 (e) PROHIBITION ON LAW ENFORCEMENT EX-
23 CHANGES.—

24 (1) IN GENERAL.—No Federal law enforcement
25 agency, including any component of the intelligence

1 community or the Department of Homeland Security
2 (including the Transportation Security Administra-
3 tion, U.S. Immigration and Customs Enforcement,
4 or the Border Patrol), and no State or local law en-
5 forcement agency may engage in any exchange with
6 any police, military, or security forces of the foreign
7 country.

8 (2) DEFINITIONS.—In this subsection—

9 (A) the term “exchange” means any train-
10 ing, or sharing of practices or technologies,
11 whether sponsored by a government or private
12 entity; and

13 (B) the term “intelligence community” has
14 the meaning given the term in section 3 of the
15 National Security Act of 1947 (50 U.S.C.
16 3003).

17 (3) RULES OF CONSTRUCTION.—Nothing in
18 this subsection shall be construed—

19 (A) to restrict the freedom of movement or
20 freedom of expression of any individual; or

21 (B) to restrict the transfer or removal of
22 any prisoner as part of a United States law en-
23 forcement activity.

1 (f) DUTY TO INFORM.—If sanctions described in sub-
2 sections (b), (c), (d), and (e) are imposed with respect to
3 a foreign country under section 101, the President—

4 (1) shall promptly inform the government of the
5 foreign country of the basis for such action; and

6 (2) shall, to the maximum extent practicable,
7 assist the foreign government in taking effective
8 measures to bring the foreign country into compli-
9 ance as described in section 103.

10 **SEC. 103. TERMINATION.**

11 The President shall terminate the sanctions imposed
12 under this title with respect to a foreign country if the
13 President certifies to Congress the following:

14 (1) The foreign country is no longer committing
15 any of the acts described in subsection (b), (c), or
16 (d) of section 101.

17 (2) The foreign country has established tangible
18 measures to ensure such acts are not committed in
19 the future, including providing for the following
20 measures and using, where appropriate, a trauma-
21 informed, survivor-centered approach:

22 (A) Criminal prosecutions of perpetrators
23 and intellectual authors with internationally
24 recognized due process standards.

1 (B) Reparations to victims, which may in-
2 clude monetary reparations, symbolic repara-
3 tions, or other recompense provided with the in-
4 tent of compensating the victims, their families,
5 and their communities.

6 (C) Structural, legal, and institutional re-
7 forms.

8 (D) Truth-telling mechanisms, which may
9 include Truth Commissions, community-based
10 hearings, declassification of appropriate mate-
11 rials, or other public release of verifiable infor-
12 mation related to the violation.

13 **SEC. 104. REPORTS REQUIRED.**

14 (a) **IN GENERAL.**—Not later than 15 days after the
15 date of the enactment of this Act, and annually thereafter,
16 the President shall submit to Congress a report on the
17 implementation of this title.

18 (b) **MATTERS TO BE INCLUDED.**—The report re-
19 quired by subsection (a) shall include the following:

20 (1) A list of all foreign countries with respect
21 to which the President imposed sanctions under this
22 title, including explanations of the decision-making
23 process to impose such sanctions.

24 (2) A list of all foreign countries with respect
25 to which sanctions were recommended by the Com-

1 mission, and with respect to which sanctions im-
2 posed under this title have terminated in accordance
3 with section 103, including explanations of the deci-
4 sion-making process to terminate such sanctions.

5 (3) A list of all foreign countries with respect
6 to which the President considered terminating, but
7 did not terminate, sanctions under this title in ac-
8 cordance with section 103, including explanations of
9 the decision-making process not to terminate such
10 sanctions.

11 **SEC. 105. RULE OF CONSTRUCTION.**

12 Nothing in this title may be construed as congres-
13 sional authorization for the use of military force against
14 any foreign country or entity.

15 **TITLE II—UNITED STATES COM-**
16 **MISSION ON ATROCITY AC-**
17 **COUNTABILITY AND HUMAN**
18 **RIGHTS**

19 **SEC. 201. ESTABLISHMENT AND COMPOSITION.**

20 (a) IN GENERAL.—There is established a commission
21 to be known as the United States Commission on Atrocity
22 Accountability and Human Rights (in this title referred
23 to as the “Commission”).

24 (b) MEMBERSHIP.—

1 (1) APPOINTMENT.—The Commission shall be
2 composed of the following:

3 (A) The Ambassador at Large for War
4 Crimes, who shall serve ex officio as a non-
5 voting member of the Commission.

6 (B) Nine other voting members, who shall
7 be United States citizens who are not being
8 paid as officers or employees of the Government
9 of the United States, and who shall be ap-
10 pointed as follows:

11 (i) Two members of the Commission
12 shall be appointed by the Speaker of the
13 House of Representatives.

14 (ii) Two members of the Commission
15 shall be appointed by the minority leader
16 of the House of Representatives.

17 (iii) Two members of the Commission
18 shall be appointed by the majority leader
19 of the Senate.

20 (iv) Two members of the Commission
21 shall be appointed by the minority leader
22 of the Senate.

23 (v) One member of the Commission
24 shall be appointed by the President.

25 (2) SELECTION.—

1 (A) IN GENERAL.—Members of the Com-
2 mission shall be selected from among distin-
3 guished individuals noted for their knowledge
4 and experience in fields relevant to the issue of
5 human rights, atrocity prevention, global crimi-
6 nal justice, and international humanitarian law.

7 (B) SECURITY CLEARANCES.—Each mem-
8 ber of the Commission shall be required to ob-
9 tain a security clearance.

10 (3) TIME OF APPOINTMENT.—The appoint-
11 ments required by paragraph (1) shall be made not
12 later than 120 days after the date of the enactment
13 of this Act.

14 (4) SECURITY CLEARANCES.—The appropriate
15 Federal agencies shall cooperate with the Commis-
16 sion in expeditiously providing to members of the
17 Commission and staff appropriate security clear-
18 ances to the extent necessary and pursuant to exist-
19 ing procedures and requirements.

20 (c) TERMS.—

21 (1) IN GENERAL.—The term of office of each
22 member of the Commission shall be two years. An
23 individual may not serve more than two terms as a
24 member of the Commission. For any individual serv-
25 ing as a member of the Commission for two such

1 terms, such member's term shall expire 90 days
2 after the last day of the second term as a member
3 of the Commission. A member of the Commission
4 may not serve after the expiration of that member's
5 term.

6 (2) INELIGIBILITY FOR REAPPOINTMENT.—If a
7 member of the Commission attends, by being phys-
8 ically present or by conference call, less than 75 per-
9 cent of the meetings of the Commission during one
10 of that member's terms on the Commission, the
11 member shall not be eligible for reappointment to
12 the Commission.

13 (d) ELECTION OF CHAIR.—

14 (1) IN GENERAL.—At the first meeting of the
15 Commission after January 1 of each calendar year,
16 a majority of the members of the Commission
17 present and voting shall elect the Chair of the Com-
18 mission from among the members of the Commission
19 to serve a term for the remainder of that calendar
20 year.

21 (2) LIMITATION.—A member of the Commis-
22 sion elected as Chair of the Commission may serve
23 more than one term as Chair but any such terms
24 may not be consecutive terms.

1 (e) QUORUM.—Six voting members of the Commis-
2 sion shall constitute a quorum for purposes of transacting
3 business of the Commission.

4 (f) MEETINGS.—

5 (1) IN GENERAL.—Not later than 15 days after
6 the date on which after the annual Country Reports
7 on Human Rights Practices is submitted to Con-
8 gress, or as soon as practicable thereafter, the Com-
9 mission shall convene for purposes of transacting
10 business of the Commission.

11 (2) OTHER MEETINGS.—The Commission shall
12 otherwise meet at the call of the Chair or, if no
13 Chair has been elected for that calendar year, at the
14 call of six voting members of the Commission.

15 (g) VACANCIES.—Any vacancy of the Commission
16 shall not affect its powers, but shall be filled in the manner
17 in which the original appointment was made. A member
18 may serve after the expiration of that member's term until
19 a successor has taken office. Any member appointed to
20 fill a vacancy occurring before the expiration of the term
21 for which the member's predecessor was appointed shall
22 be appointed only for the remainder of that term.

23 (h) ADMINISTRATIVE SUPPORT.—The Administrator
24 of General Services shall provide to the Commission on
25 a reimbursable basis (or, in the discretion of the Adminis-

1 trator, on a nonreimbursable basis) such administrative
2 support services as the Commission may request to carry
3 out the provisions of this title.

4 (i) FUNDING.—

5 (1) IN GENERAL.—Members of the Commission
6 shall be allowed travel expenses, including per diem
7 in lieu of subsistence at rates authorized for employ-
8 ees of agencies under subchapter I of chapter 57 of
9 title 5, United States Code, while away from their
10 homes or regular places of business in the perform-
11 ance of services for the Commission.

12 (2) TRAVEL REQUIREMENTS.—Members of the
13 Commission are subject to the requirements set
14 forth in chapters 300 through 304 of title 41, Code
15 of Federal Regulations (commonly known as the
16 Federal Travel Regulation), and the Department of
17 State Standardized Regulations governing author-
18 ized travel at government expense, including regula-
19 tions concerning the mode of travel, lodging and per
20 diem expenditures, reimbursement payments, and
21 expense reporting and documentation requirements.

22 **SEC. 202. DUTIES.**

23 (a) IN GENERAL.—The Commission shall have as its
24 primary responsibility—

1 (1) review of facts and circumstances of viola-
2 tions of international human rights law and inter-
3 national humanitarian law contained in the annual
4 Country Reports on Human Rights Practices, in-
5 cluding other relevant sources; and

6 (2) making of policy recommendations to the
7 President, the Secretary of State, and Congress with
8 respect to the imposition and termination of sanc-
9 tions under title I.

10 (b) MONITORING.—The Commission shall, on an on-
11 going basis—

12 (1) monitor facts and circumstances of viola-
13 tions of international human rights law and inter-
14 national humanitarian law, in consultation with
15 independent human rights groups, humanitarian
16 groups, and nongovernmental organizations, includ-
17 ing those groups and organizations providing direct
18 services;

19 (2) gather human rights documentation and
20 evidence supplied by community-based human rights
21 monitors; and

22 (3) make such recommendations as may be nec-
23 essary to the appropriate officials and offices in the
24 United States Government.

1 **SEC. 203. POWERS.**

2 (a) HEARINGS AND SESSIONS.—

3 (1) IN GENERAL.—The Commission may, for
4 the purpose of carrying out its duties under this
5 title, hold hearings, sit and act at times and places
6 in the United States, take testimony, and receive
7 evidence as the Commission considers advisable to
8 carry out the purposes of this title.

9 (2) CLASSIFIED HEARINGS.—The Commission
10 may hold hearings in classified settings. If the Com-
11 mission holds a hearing in a classified setting, the
12 Commission shall publish a summary of the hearing
13 and the summary available to the public.

14 (b) INFORMATION FROM FEDERAL AGENCIES.—

15 (1) IN GENERAL.—The Commission may secure
16 directly from any Federal department or agency
17 such information as the Commission considers nec-
18 essary to carry out this title. Upon request of the
19 Chair of the Commission, the head of such depart-
20 ment or agency shall furnish such information expe-
21 ditiously to the Commission, subject to applicable
22 law. Such information may be provided in classified
23 form, or with a classified annex.

24 (2) NOTIFICATION.—If a Federal agency does
25 not furnish information described in paragraph (1)
26 expeditiously to the Commission, the Chair of the

1 Commission shall notify the committees of Congress
2 of jurisdiction and appropriate investigative authori-
3 ties.

4 (c) POSTAL SERVICES.—The Commission may use
5 the United States mails in the same manner and under
6 the same conditions as other Federal departments and
7 agencies.

8 (d) ADMINISTRATIVE PROCEDURES.—The Commis-
9 sion may adopt such rules and regulations, relating to ad-
10 ministrative procedure, as may be reasonably necessary to
11 enable it to carry out the provisions of this title.

12 (e) VIEWS OF THE COMMISSION.—The members of
13 the Commission may speak in their capacity as private
14 citizens. Statements on behalf of the Commission shall be
15 issued in writing over the names of the members. The
16 Commission shall in its written statements clearly describe
17 its statutory authority, distinguishing that authority from
18 that of appointed or elected officials of the United States
19 Government. Oral statements, where practicable, shall in-
20 clude a similar description.

21 (f) TRAVEL.—

22 (1) IN GENERAL.—Members of the Commission
23 may, with the approval of the Commission, conduct
24 such travel as is necessary to carry out the purpose
25 of this title.

1 (2) APPROVAL.—Each trip of a member of the
2 Commission, other than the member described in
3 section 201(b)(1)(A), shall be approved by a major-
4 ity of the members of the Commission.

5 **SEC. 204. MATTERS RELATING TO PERSONNEL.**

6 (a) IN GENERAL.—The Commission may, without re-
7 gard to the civil service laws and regulations, appoint and
8 terminate an Executive Director and such other additional
9 personnel as may be necessary to enable the Commission
10 to perform its duties. The decision to employ or terminate
11 an Executive Director shall be made by an affirmative vote
12 of at least six of the nine voting members of the Commis-
13 sion.

14 (b) COMPENSATION.—The Commission may fix the
15 compensation of the Executive Director and other per-
16 sonnel without regard to the provisions of chapter 51 and
17 subchapter III of chapter 53 of title 5, United States
18 Code, relating to classification of positions and General
19 Schedule pay rates, except that the rate of pay for the
20 Executive Director and other personnel may not exceed
21 the rate payable for level V of the Executive Schedule
22 under section 5316 of such title.

23 (c) PROFESSIONAL STAFF.—The Commission and
24 the Executive Director shall hire Commission staff on the
25 basis of professional and nonpartisan qualifications. Mem-

1 bers of the Commission may not individually hire staff of
2 the Commission. Staff shall serve the Commission as a
3 whole and may not be assigned to the particular service
4 of a single member of the Commission or a specified group
5 of such members. This subsection does not prohibit staff
6 personnel from assisting individual members of the Com-
7 mission with particular needs related to their duties.

8 (d) STAFF AND SERVICES OF OTHER FEDERAL
9 AGENCIES.—

10 (1) DEPARTMENT OF STATE.—The Secretary of
11 State shall assist the Commission by providing on a
12 reimbursable or nonreimbursable basis to the Com-
13 mission such staff and administrative services as
14 may be necessary and appropriate to perform its
15 functions.

16 (2) OTHER FEDERAL AGENCIES.—Upon the re-
17 quest of the Commission, the head of any Federal
18 department or agency may detail, on a reimbursable
19 or nonreimbursable basis, any of the personnel of
20 that department or agency to the Commission to as-
21 sist it in carrying out its functions under this title.
22 The detail of any such personnel shall be without
23 interruption or loss of civil service or Foreign Serv-
24 ice status or privilege.

1 (e) SECURITY CLEARANCES.—The Executive Direc-
2 tor shall be required to obtain a security clearance. The
3 Executive Director may request, on a needs-only basis and
4 in order to perform the duties of the Commission, that
5 other personnel of the Commission be required to obtain
6 a security clearance. The level of clearance shall be the
7 lowest necessary to appropriately perform the duties of the
8 Commission.

9 (f) COST.—The Commission shall reimburse all ap-
10 propriate Federal agencies for the cost of obtaining clear-
11 ances for members of the Commission, for the Executive
12 Director, and for any other personnel.

13 (g) APPLICATION OF ANTIDISCRIMINATION LAWS.—
14 For purposes of providing remedies and procedures to ad-
15 dress alleged violations of rights and protections that per-
16 tain to employment discrimination, family and medical
17 leave, fair labor standards, employee polygraph protection,
18 worker adjustment and retraining, veterans' employment
19 and reemployment, intimidation or reprisal, protections
20 under the Americans with Disabilities Act of 1990 (42
21 U.S.C. 12101 et seq.), occupational safety and health,
22 labor-management relations, and rights and protections
23 that apply to employees whose pay is disbursed by the Sec-
24 retary of the Senate or the Chief Administrative Officer
25 of the House of Representatives, all employees of the Com-

1 mission shall be treated as employees whose pay is dis-
2 bursed by the Secretary of the Senate or the Chief Admin-
3 istrative Officer of the House of Representatives, as the
4 case may be, and the Commission shall be treated as an
5 employing office of the Senate or the House of Represent-
6 atives.

7 **SEC. 205. REPORT.**

8 (a) IN GENERAL.—Not later than December 31 of
9 each calendar year, the Commission shall submit to the
10 President, the Secretary of State, and Congress a report
11 that contains, with respect to such calendar year—

12 (1) its policy recommendations described in
13 paragraph (2) of section 202(a) based on its review
14 under paragraph (1) of such section, including—

15 (A) a public summary of recommendations
16 and list of the countries with respect to which
17 the Commission recommends imposing or termi-
18 nating sanctions under title I; and

19 (B) a rationale for imposing or terminating
20 such sanctions; and

21 (2) its monitoring activities under section
22 202(b), including a list of its sources, a list of orga-
23 nizations and individuals consulted, and a summary
24 of its findings.

1 (b) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form, but may contain
3 a classified annex.

4 (c) INDIVIDUAL OR DISSENTING VIEWS.—Each
5 member of the Commission may include the individual or
6 dissenting views of the member.

7 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion may be construed to preclude the Commission from
9 issuing additional reports and recommendations to ad-
10 dress urgent situations.

11 **SEC. 206. APPLICABILITY OF OTHER LAWS.**

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

14 **SEC. 207. STANDARDS OF CONDUCT AND DISCLOSURE.**

15 (a) COOPERATION WITH NONGOVERNMENTAL ORGA-
16 NIZATIONS, THE DEPARTMENT OF STATE, AND CON-
17 GRESS.—The Commission shall, in the performance of its
18 duties under this title, seek to effectively and freely co-
19 operate with all governmental and nongovernmental enti-
20 ties engaged in the promotion of human rights and reli-
21 gious freedom abroad.

22 (b) CONFLICT OF INTEREST AND ANTINEPOTISM.—

23 (1) MEMBER AFFILIATIONS.—Except as pro-
24 vided in paragraph (3), in order to ensure the inde-
25 pendence and integrity of the Commission, the Com-

1 mission may not compensate any nongovernmental
2 agency, project, or person related to or affiliated
3 with any member of the Commission, whether in
4 that member's direct employ or not. Staff employed
5 by the Commission may not serve in the employ of
6 any nongovernmental agency, project, or person re-
7 lated to or affiliated with any member of the Com-
8 mission while employed by the Commission.

9 (2) STAFF COMPENSATION.—Staff of the Com-
10 mission may not receive compensation from any
11 other source for work performed in carrying out the
12 duties of the Commission while employed by the
13 Commission.

14 (3) EXCEPTION.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), paragraph (1) shall not apply to
17 payments made for items such as conference
18 fees or the purchase of periodicals or other
19 similar expenses, if such payments would not
20 cause the aggregate value paid to any agency,
21 project, or person for a fiscal year to exceed
22 \$250.

23 (B) LIMITATION.—Notwithstanding sub-
24 paragraph (A), the Commission shall not give
25 special preference to any agency, project, or

1 person related to or affiliated with any member
2 of the Commission.

3 (4) DEFINITIONS.—In this subsection, the term
4 “affiliated” means the relationship between a mem-
5 ber of the Commission and—

6 (A) an individual who holds the position of
7 officer, trustee, partner, director, or employee
8 of an agency, project, or person of which that
9 member, or relative of that member, of the
10 Commission is an officer, trustee, partner, di-
11 rector, or employee; or

12 (B) a nongovernmental agency or project
13 of which that member, or a relative of that
14 member, of the Commission is an officer, trust-
15 ee, partner, director, or employee.

16 (c) CONTRACT AUTHORITY.—Subject to the avail-
17 ability of appropriations, the Commission may contract
18 with and compensate Federal agencies or persons for the
19 conduct of activities necessary to the discharge of its du-
20 ties under this title. Any such person shall be hired with-
21 out interruption or loss of civil service or Foreign Service
22 status or privilege.

23 (d) GIFTS.—

24 (1) IN GENERAL.—In order to preserve its inde-
25 pendence, the Commission may not accept, use, or

1 dispose of gifts or donations of services or property.
2 An individual Commissioner or employee of the
3 Commission may not, in his or her capacity as a
4 Commissioner or employee, knowingly accept, use, or
5 dispose of gifts or donations of services or property,
6 unless he or she in good faith believes such gifts or
7 donations to have a value of less than \$50 and a cu-
8 mulative value during a calendar year of less than
9 \$100.

10 (2) EXCEPTIONS.—This subsection shall not
11 apply to the following:

12 (A) Gifts provided on the basis of a per-
13 sonal friendship with a Commissioner or em-
14 ployee, unless the Commissioner or employee
15 has reason to believe that the gift was provided
16 because of the Commissioner’s position and not
17 because of the personal friendship.

18 (B) Gifts provided on the basis of a family
19 relationship.

20 (C) The acceptance of training, invitations
21 to attend or participate in conferences, or such
22 other events as are related to the conduct of the
23 duties of the Commission, or food or refresh-
24 ment associated with such activities.

1 (D) Items of nominal value or gifts of esti-
2 mated value of \$10 or less.

3 (E) Gifts provided by a foreign leader or
4 state which would create offense or embarrass-
5 ment to the United States Government if re-
6 fused, shall be accepted and turned over to the
7 United States Government in accordance with
8 the Foreign Gifts and Decorations Act of 1966.

9 (F) Informational materials such as docu-
10 ments, books, videotapes, periodicals, or other
11 forms of communications.

12 (G) Goods or services provided by any
13 agency or component of the Government of the
14 United States, including any commission estab-
15 lished under the authority of such Government.

16 (e) ANNUAL FINANCIAL REPORT.—In addition to
17 providing the reports required under section 205, the
18 Commission shall, not later than January 1 of each year,
19 submit to the Committees on Foreign Affairs and the
20 Committee on Appropriations of the House of Representa-
21 tives and to the Committees on Foreign Relations and the
22 Committee on Appropriations of the Senate a financial re-
23 port detailing and identifying the expenditures of the
24 Commission for the preceding fiscal year.

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