

Union Calendar No. 295

105TH CONGRESS
2^D SESSION

H. R. 2431

[Report No. 105-480, Parts I, II, and III]

A BILL

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.

MAY 8, 1998

Reported from the Committee on Ways and Means with
an amendment

MAY 8, 1998

Reported from the Committee on the Judiciary with an
amendment

MAY 8, 1998

The Committees on Banking and Financial Services and
Rules discharged; committed to the Committee of the
Whole House on the State of the Union and ordered
to be printed

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[Report No. 105–480, Parts I, II, and III]

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 1997

Mr. WOLF (for himself, Mr. PORTER, Mr. WATTS of Oklahoma, Mr. HALL of Ohio, Mr. ADERHOLT, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. HUTCHINSON, Mr. ROHRABACHER, Mr. BLUNT, Mr. BISHOP, Mr. DUNCAN, Mr. MANTON, Mr. OLVER, Mr. GILCHREST, Mr. KING, Mr. BOB SCHAFFER of Colorado, Mr. GILLMOR, Mr. COOKSEY, Mr. GILMAN, Mr. DICKEY, Mr. LIPINSKI, Mr. EHLERS, Mr. WAMP, Mrs. KELLY, and Mr. TOWNS) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, Banking and Financial Services, and Rules, 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

APRIL 1, 1998

Reported from the Committee on International Relations with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 1, 1998

Referral to the Committees on Ways and Means, the Judiciary, Banking and Financial Services, and Rules extended for a period ending not later than May 8, 1998

MAY 8, 1998

Additional sponsors: Mr. FRANK of Massachusetts, Mr. CRAPO, Mr. BAKER, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BACHUS, Mr. BOEHLERT, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. COBURN, Mr. COX of California, Mr. DIAZ-

BALART, Mr. DOOLITTLE, Mrs. EMERSON, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR of California, Mr. FOLEY, Ms. FURSE, Mr. GOODE, Mr. GOODLING, Mr. HALL of Texas, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HORN, Mr. HUNTER, Mr. INGLIS of South Carolina, Mr. KENNEDY of Rhode Island, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Ms. LOFGREN, Mr. LUCAS of Oklahoma, Mr. MARKEY, Mr. MCINTOSH, Mr. MILLER of Florida, Mr. MILLER of California, Mr. PAPPAS, Mr. REDMOND, Mr. RUSH, Mr. SENSENBRENNER, Ms. SANCHEZ, Mr. SCARBOROUGH, Mr. SCHIFF, Mrs. LINDA SMITH of Washington, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. STARK, Mr. STRICKLAND, Mr. TALENT, Mr. TORRES, Mr. TURNER, Mr. WICKER, Mr. UNDERWOOD, Mr. UPTON, Mr. YATES, Mr. DEFAZIO, Mr. GORDON, Mr. LAHOOD, Mr. MCHALE, Mr. MCKEON, Mr. RILEY, Mr. TAYLOR of North Carolina, Ms. VELÁZQUEZ, Mrs. MALONEY of New York, Mr. ANDREWS, Mr. HILL, Mr. FORBES, Mr. FRANKS of New Jersey, Mr. CALVERT, Mr. POSHARD, Mr. CUMMINGS, Ms. KAPTUR, Mr. SESSIONS, Mr. STUPAK, Mr. NEUMANN, Mr. CONDIT, Mr. WALSH, Mr. BILIRAKIS, Mrs. MYRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. RAMSTAD, Mrs. MORELLA, Mr. HASTINGS of Washington, Mr. ABERCROMBIE, Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. SAXTON, Mr. ROGERS, Mr. BLAGOJEVICH, Mrs. ROUKEMA, Mr. SCHUMER, Mr. KLINK, Mr. GREEN, Mr. SANDERS, Mr. VISCLOSKY, Mr. STENHOLM, Mr. BALDACCI, Mr. FILLNER, Mr. KIND, Mr. CAMP, and Mr. COOK

MAY 8, 1998

Reported from the Committee on Ways and Means with an amendment
[Strike out all after the enacting clause and insert the part printed in boldface roman]

MAY 8, 1998

Reported from the Committee on the Judiciary with an amendment
[Strike out all after the enacting clause and insert the part printed in boldface italic]

MAY 8, 1998

The Committees on Banking and Financial Services and Rules discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on September 8, 1997]

A BILL

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.

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 “Freedom From Religious*
5 *Persecution Act of 1998”.*

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) *FINDINGS.—The Congress makes the following*
8 *findings:*

9 (1) *Governments have a primary responsibility*
10 *to promote, encourage, and protect respect for the fun-*
11 *damental and internationally recognized right to free-*
12 *dom of religion.*

13 (2)(A) *Since its inception, the United States*
14 *Government has rested upon certain founding prin-*
15 *ciples. One of those principles is that all people have*
16 *the inalienable right to worship freely, which de-*
17 *mands that religion be protected from unnecessary*
18 *government intervention. The Founding Fathers of the*
19 *United States incorporated that principle in the Dec-*
20 *laration of Independence, which states that mankind*
21 *has the inalienable right to “life, liberty, and the pur-*
22 *suit of happiness”, and in the United States Con-*
23 *stitution, the first amendment to which states that*
24 *“Congress shall make no law respecting an establish-*
25 *ment of religion, or prohibiting the free exercise there-*

1 *of*". Therefore, in accordance with this belief in the
2 *inalienable right of freedom of religion for all people,*
3 *as expressed by the Declaration of Independence, and*
4 *the belief that religion should be protected from gov-*
5 *ernment interference, as expressed by the United*
6 *States Constitution, the Congress opposes inter-*
7 *national religious persecution and believes that the*
8 *policies of the United States Government and its rela-*
9 *tions with foreign governments should be consistent*
10 *with the commitment to this principle.*

11 *(B) Numerous international agreements and cov-*
12 *enants also identify mankind's inherent right to free-*
13 *dom of religion. These include the following:*

14 *(i) Article 18 of the Universal Declaration*
15 *of Human Rights states that "Everyone has the*
16 *right to freedom of thought, conscience and reli-*
17 *gion; this right includes freedom to change his*
18 *religion or belief, and freedom, either alone or in*
19 *community with others and in public or private,*
20 *to manifest his religion or belief in teaching,*
21 *practice, worship and observance".*

22 *(ii) Article 18 of the Covenant on Civil and*
23 *Political Rights declares that "Everyone shall*
24 *have the right to freedom of thought, conscience,*

1 *and religion . . .” and further delineates the*
2 *privileges under this right.*

3 *(iii) The Declaration on the Elimination of*
4 *All Forms of Intolerance and of Discrimination*
5 *Based on Religion and Belief, adopted by the*
6 *United Nations General Assembly on November*
7 *25, 1981, declares that “religion or belief, for*
8 *anyone who professes either, is one of the fun-*
9 *damental elements in his conception of life . . .”*
10 *and that “freedom of religion and belief should*
11 *also contribute to the attainment of the goals of*
12 *world peace, social justice and friendship among*
13 *peoples and to the elimination of ideologies or*
14 *practices of colonialism and racial discrimina-*
15 *tion”.*

16 *(iv) The Concluding Document of the Third*
17 *Follow-Up Meeting of the Organization for Secu-*
18 *rity and Cooperation in Europe commits states*
19 *to “ensure in their laws and regulations and in*
20 *their application the full and effective exercise of*
21 *the freedom of thought, conscience, religion or be-*
22 *lief”.*

23 *(3) Persecution of religious believers, particu-*
24 *larly Roman Catholic and evangelical Protestant*

1 *Christians, in Communist countries persists and in*
2 *some cases is increasing.*

3 *(4) In many countries and regions thereof, gov-*
4 *ernments dominated by extremist movements per-*
5 *secute non-Muslims and religious converts from Islam*
6 *using means such as “blasphemy” and “apostasy”*
7 *laws, and such movements seek to corrupt a histori-*
8 *cally tolerant Islamic faith and culture through the*
9 *persecution of Baha’is, Christians, and other religious*
10 *minorities.*

11 *(5) The extremist Government of Sudan is wag-*
12 *ing a self-described religious war against Christians,*
13 *other non-Muslims, and moderate Muslims by using*
14 *torture, starvation, enslavement, and murder.*

15 *(6) In Tibet, where Tibetan Buddhism is inex-*
16 *tricably linked to the Tibetan identity, the Govern-*
17 *ment of the People’s Republic of China has intensified*
18 *its control over the Tibetan people by interfering in*
19 *the selection of the Panchen Lama, propagandizing*
20 *against the religious authority of the Dalai Lama, re-*
21 *stricting religious study and traditional religious*
22 *practices, and increasing the persecution of monks*
23 *and nuns.*

24 *(7) In Xinjiang Autonomous Region of China,*
25 *formerly the independent republic of East Turkistan,*

1 *where the Muslim religion is inextricably linked to*
2 *the dominant Uyghur culture, the Government of the*
3 *People’s Republic of China has intensified its control*
4 *over the Uyghur people by systematically repressing*
5 *religious authority, restricting religious study and*
6 *traditional practices, destroying mosques, and in-*
7 *creasing the persecution of religious clergy and prac-*
8 *titioners.*

9 *(8) In countries around the world, Christians,*
10 *Jews, Muslims, Hindus, and other religious believers*
11 *continue to be persecuted on account of their religious*
12 *beliefs, practices, and affiliations.*

13 *(9) The 104th Congress recognized the facts set*
14 *forth in this section and stated clearly the sense of the*
15 *Senate and the House of Representatives regarding*
16 *these matters in approving—*

17 *(A) House Resolution 515, expressing the*
18 *sense of the House of Representatives with re-*
19 *spect to the persecution of Christians worldwide;*

20 *(B) S. Con. Res. 71, expressing the sense of*
21 *the Senate with respect to the persecution of*
22 *Christians worldwide;*

23 *(C) H. Con. Res. 102, concerning the eman-*
24 *ipation of the Iranian Baha’i community; and*

1 (D) section 1303 of H.R. 1561, the Foreign
2 Relations Authorization Act, Fiscal Years 1996
3 and 1997.

4 (10) The Department of State, in a report to
5 Congress filed pursuant to House Report 104–863, ac-
6 companying the Omnibus Consolidated Appropria-
7 tions Act, 1997 (Public Law 104–208) set forth strong
8 evidence that widespread and ongoing religious perse-
9 cution is occurring in a number of countries around
10 the world.

11 (b) PURPOSE.—It is the purpose of this Act to reduce
12 and eliminate the widespread and ongoing religious perse-
13 cution taking place throughout the world today.

14 **SEC. 3. DEFINITIONS.**

15 As used in this Act:

16 (1) DIRECTOR.—The term “Director” means the
17 Director of the Office of Religious Persecution Mon-
18 itoring established under section 5.

19 (2) LEGISLATIVE DAY.—The term “legislative
20 day” means a day on which both Houses of Congress
21 are in session.

22 (3) PERSECUTED COMMUNITY.—The term “per-
23 secuted community” means any religious group or de-
24 nomination whose members have been found to be
25 subject to category 1 or category 2 persecution in the

1 latest annual report submitted under section 6(a) or
2 in any interim report submitted thereafter under sec-
3 tion 6(c) before the next annual report.

4 (4) *PERSECUTION FACILITATING PRODUCTS.*—
5 The term “persecution facilitating products” means
6 those crime control, detection, torture, and electro-
7 shock instruments and equipment (as determined
8 under section 6(n) of the Export Administration Act
9 of 1979) that are directly and substantially used or
10 intended for use in carrying out acts of persecution
11 described in paragraphs (5) and (6).

12 (5) *CATEGORY 1 PERSECUTION.*—The term “cat-
13 egory 1 persecution” means widespread and ongoing
14 persecution of persons on account of their religious be-
15 liefs or practices, or membership in or affiliation with
16 a religion or religious group or denomination, wheth-
17 er officially recognized or otherwise, when such perse-
18 cution—

19 (A) includes abduction, enslavement, killing,
20 imprisonment, forced mass relocation, rape, cru-
21 cifixion or other forms of torture, or the system-
22 atic imposition of fines or penalties which have
23 the purpose and effect of destroying the economic
24 existence of persons on whom they are imposed;
25 and

1 (B) is conducted with the involvement or
2 support of government officials or agents, or pur-
3 suant to official government policy.

4 (6) *CATEGORY 2 PERSECUTION.*—The term “cat-
5 egory 2 persecution” means widespread and ongoing
6 persecution of persons on account of their religious be-
7 liefs or practices, or membership in or affiliation with
8 a religion or religious group or denomination, wheth-
9 er officially recognized or otherwise, when such perse-
10 cution—

11 (A) includes abduction, enslavement, killing,
12 imprisonment, forced mass relocation, rape, cru-
13 cifixion or other forms of torture, or the system-
14 atic imposition of fines or penalties which have
15 the purpose and effect of destroying the economic
16 existence of persons on whom they are imposed;
17 and

18 (B) is not conducted with the involvement
19 or support of government officials or agents, or
20 pursuant to official government policy, but
21 which the government fails to undertake serious
22 and sustained efforts to eliminate, being able to
23 do so.

24 (7) *RESPONSIBLE ENTITIES.*—The term “respon-
25 sible entities” means the specific government units, as

1 *narrowly defined as practicable, which directly carry*
2 *out the acts of persecution described in paragraphs*
3 *(5) and (6).*

4 (8) *SANCTIONED COUNTRY.*—*The term “sanc-*
5 *tioned country” means a country on which sanctions*
6 *have been imposed under section 7.*

7 (9) *UNITED STATES ASSISTANCE.*—*The term*
8 *“United States assistance” means—*

9 (A) *any assistance under the Foreign As-*
10 *sistance Act of 1961 (including programs under*
11 *title IV of chapter 2 of part I of that Act, relat-*
12 *ing to the Overseas Private Investment Corpora-*
13 *tion), other than—*

14 (i) *assistance under chapter 8 of part*
15 *I of that Act;*

16 (ii) *any other narcotics-related assist-*
17 *ance under part I of that Act or under*
18 *chapter 4 or 5 of part II of that Act, but*
19 *any such assistance provided under this*
20 *clause shall be subject to the prior notifica-*
21 *tion procedures applicable to*
22 *reprogrammings pursuant to section 634A*
23 *of that Act;*

1 (iii) disaster relief assistance, includ-
2 ing any assistance under chapter 9 of part
3 I of that Act;

4 (iv) antiterrorism assistance under
5 chapter 8 of part II of that Act;

6 (v) assistance which involves the provi-
7 sion of food (including monetization of food)
8 or medicine;

9 (vi) assistance for refugees; and

10 (vii) humanitarian and other develop-
11 ment assistance in support of programs of
12 nongovernmental organizations under chap-
13 ters 1 and 10 of that Act;

14 (B) sales, or financing on any terms, under
15 the Arms Export Control Act, other than sales or
16 financing provided for narcotics-related purposes
17 following notification in accordance with the
18 prior notification procedures applicable to
19 reprogrammings pursuant to section 634A of the
20 Foreign Assistance Act of 1961; and

21 (C) financing under the Export-Import
22 Bank Act of 1945.

23 (10) UNITED STATES PERSON.—The term
24 “United States person” means—

1 (A) any United States citizen or alien law-
2 fully admitted for permanent residence into the
3 United States; and

4 (B) any corporation, partnership, or other
5 entity organized under the laws of the United
6 States or of any State, the District of Columbia,
7 or any territory or possession of the United
8 States.

9 **SEC. 4. APPLICATION AND SCOPE.**

10 *The responsibility of the Secretary of State under sec-*
11 *tion 5(g) to determine whether category 1 or category 2 per-*
12 *secution exists, and to identify persons and communities*
13 *that are subject to such persecution, extends to—*

14 (1) all foreign countries in which alleged viola-
15 tions of religious freedom have been set forth in the
16 latest annual report of the Department of State on
17 human rights under sections 116(d) and 502(b) of the
18 Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)
19 and 2304(b)); and

20 (2) such other foreign countries in which, either
21 as a result of referral by an independent human
22 rights group or nongovernmental organization in ac-
23 cordance with section 5(e)(2) or otherwise, the Direc-
24 tor has reason to believe category 1 or category 2 per-
25 secution may exist.

1 **SEC. 5. OFFICE OF RELIGIOUS PERSECUTION MONITORING.**

2 (a) *ESTABLISHMENT.*—*There shall be established in*
3 *the Department of State the Office of Religious Persecution*
4 *Monitoring (hereafter in this Act referred to as the “Of-*
5 *fice”).*

6 (b) *APPOINTMENT.*—*The head of the Office shall be a*
7 *Director who shall be appointed by the President, by and*
8 *with the advice and consent of the Senate. The Director*
9 *shall receive compensation at the rate of pay in effect for*
10 *level IV of the Executive Schedule under section 5315 of title*
11 *5, United States Code.*

12 (c) *REMOVAL.*—*The Director shall serve at the pleasure*
13 *of the President.*

14 (d) *BARRED FROM OTHER FEDERAL POSITIONS.*—*No*
15 *person shall serve as Director while serving in any other*
16 *position in the Federal Government.*

17 (e) *RESPONSIBILITIES OF DIRECTOR.*—*The Director*
18 *shall do the following:*

19 (1) *Consider information regarding the facts and*
20 *circumstances of violations of religious freedom pre-*
21 *sented in the annual reports of the Department of*
22 *State on human rights under sections 116(d) and*
23 *502B(b) of the Foreign Assistance Act of 1961 (22*
24 *U.S.C. 2151n(d) and 2304(b)).*

25 (2) *Make findings of fact on violations of reli-*
26 *gious freedom based on information—*

1 (A) considered under paragraph (1); or
2 (B) presented by independent human rights
3 groups, nongovernmental organizations, or other
4 interested parties, at any stage of the process
5 provided in this Act.

6 When appropriate, the Director may hold public hear-
7 ings subject to notice at which such groups, organiza-
8 tions, or other interested parties can present testi-
9 mony and evidence of acts of persecution occurring in
10 countries being examined by the Office.

11 (3) On the basis of information and findings of
12 fact described in paragraphs (1) and (2), make rec-
13 ommendations to the Secretary of State for consider-
14 ation by the Secretary in making determinations of
15 countries in which there is category 1 or category 2
16 persecution under subsection (g), identify the respon-
17 sible entities within such countries, and prepare and
18 submit the annual report described in section 6.

19 (4) Maintain the lists of persecution facilitating
20 products, and the responsible entities within countries
21 determined to be engaged in persecution described in
22 paragraph (3), revising the lists in accordance with
23 section 6(c) as additional information becomes avail-
24 able. These lists shall be published in the Federal Reg-
25 ister.

1 (5) *In consultation with the Secretary of State,*
2 *make policy recommendations to the President re-*
3 *garding the policies of the United States Government*
4 *toward governments which are determined to be en-*
5 *gaged in religious persecution.*

6 (6) *Report directly to the President and the Sec-*
7 *retary of State, and coordinate with the appropriate*
8 *officials of the Department of State, the Department*
9 *of Justice, the Department of Commerce, and the De-*
10 *partment of the Treasury, to ensure that the provi-*
11 *sions of this Act are fully and effectively implemented.*

12 (f) *ADMINISTRATIVE MATTERS.—*

13 (1) *PERSONNEL.—The Director may appoint*
14 *such personnel as may be necessary to carry out the*
15 *functions of the Office.*

16 (2) *SERVICES OF OTHER AGENCIES.—The Direc-*
17 *tor may use the personnel, services, and facilities of*
18 *any other department or agency, on a reimbursable*
19 *basis, in carrying out the functions of the Office.*

20 (g) *RESPONSIBILITIES OF THE SECRETARY OF*
21 *STATE.—The Secretary of State, in time for inclusion in*
22 *the annual report described in subsections (a) and (b) of*
23 *section 6, shall determine with respect to each country de-*
24 *scribed in section 4 whether there is category 1 or category*
25 *2 persecution, and shall include in each such determination*

1 *the communities against which such persecution is directed.*
2 *Any determination in any interim report described in sub-*
3 *section (c) of section 6 that there is category 1 or category*
4 *2 persecution in a country shall be made by the Secretary*
5 *of State.*

6 **SEC. 6. REPORTS TO CONGRESS.**

7 (a) *ANNUAL REPORTS.*—*Not later than April 30 of*
8 *each year, the Director shall submit to the Committees on*
9 *Foreign Relations, the Judiciary, Appropriations, and*
10 *Banking, Housing, and Urban Affairs of the Senate and*
11 *to the Committees on International Relations, the Judici-*
12 *ary, Appropriations, and Banking and Financial Services*
13 *of the House of Representatives a report described in sub-*
14 *section (b).*

15 (b) *CONTENTS OF ANNUAL REPORT.*—*The annual re-*
16 *port of the Director shall include the following:*

17 (1) *DETERMINATION OF RELIGIOUS PERSECU-*
18 *TION.*—*A copy of the determinations of the Secretary*
19 *of State pursuant to subsection (g) of section 5.*

20 (2) *IDENTIFICATION OF PERSECUTION FACILI-*
21 *TATING PRODUCTS.*—*With respect to each country in*
22 *which the Secretary of State has determined that*
23 *there is either category 1 or category 2 persecution,*
24 *the Director, in consultation with the Secretary of*
25 *Commerce, shall identify and list the items on the list*

1 *established under section 6(n) of the Export Adminis-*
2 *tration Act of 1979 that are directly and substan-*
3 *tially used or intended for use in carrying out acts*
4 *of religious persecution in such country.*

5 (3) *IDENTIFICATION OF RESPONSIBLE ENTI-*
6 *TIES.—With respect to each country in which the Sec-*
7 *retary of State has determined that there is category*
8 *1 persecution, the Director shall identify and list the*
9 *responsible entities within that country that are en-*
10 *gaged in such persecution. Such entities shall be de-*
11 *finied as narrowly as possible.*

12 (4) *OTHER REPORTS.—The Director shall in-*
13 *clude the reports submitted to the Director by the At-*
14 *torney General under section 9 and by the Secretary*
15 *of State under section 10.*

16 (c) *INTERIM REPORTS.—The Director may submit in-*
17 *terim reports to the Congress containing such matters as*
18 *the Director considers necessary, including revisions to the*
19 *lists issued under paragraphs (2) and (3) of subsection (b).*
20 *The Director shall submit an interim report in the case of*
21 *a determination by the Secretary of State under section*
22 *5(g), other than in an annual report of the Director, that*
23 *category 1 or category 2 persecution exists, or in the case*
24 *of a determination by the Secretary of State under section*

1 11(a) that neither category 1 or category 2 persecution ex-
2 ists.

3 (d) *PERSECUTION IN REGIONS OF A COUNTRY.*—In de-
4 termining whether category 1 or category 2 persecution ex-
5 ists in a country, the Secretary of State shall include such
6 persecution that is limited to one or more regions within
7 the country, and shall indicate such regions in the reports
8 described in this section.

9 **SEC. 7. SANCTIONS.**

10 (a) *PROHIBITION ON EXPORTS RELATING TO RELI-*
11 *GIOUS PERSECUTION.*—

12 (1) *ACTIONS BY RESPONSIBLE DEPARTMENTS*
13 *AND AGENCIES.*—With respect to any country in
14 which—

15 (A) the Secretary of State finds the occur-
16 rence of category 1 persecution, the Director shall
17 so notify the relevant United States departments
18 and agencies, and such departments and agen-
19 cies shall—

20 (i) prohibit all exports to the respon-
21 sible entities identified in the lists issued
22 under subsections (b)(3) and (c) of section
23 6; and

24 (ii) prohibit the export to such country
25 of the persecution facilitating products iden-

1 *tified in the lists issued under subsections*
2 *(b)(2) and (c) of section 6; or*

3 *(B) the Secretary of State finds the occur-*
4 *rence of category 2 persecution, the Director shall*
5 *so notify the relevant United States departments*
6 *and agencies, and such departments and agen-*
7 *cies shall prohibit the export to such country of*
8 *the persecution facilitating products identified in*
9 *the lists issued under subsections (b)(2) and (c)*
10 *of section 6.*

11 (2) *PROHIBITIONS ON U.S. PERSONS.—(A) With*
12 *respect to any country in which the Secretary of State*
13 *finds the occurrence of category 1 persecution, no*
14 *United States person may—*

15 *(i) export any item to the responsible enti-*
16 *ties identified in the lists issued under sub-*
17 *sections (b)(3) and (c) of section 6; and*

18 *(ii) export to that country any persecution*
19 *facilitating products identified in the lists issued*
20 *under subsections (b)(2) and (c) of section 6.*

21 *(B) With respect to any country in which the*
22 *Secretary of State finds the occurrence of category 2*
23 *persecution, no United States person may export to*
24 *that country any persecution facilitating products*

1 *identified in the lists issued under subsections (b)(2)*
2 *and (c) of section 6.*

3 (3) *PENALTIES.*—*Any person who knowingly*
4 *violates the provisions of paragraph (2) shall be sub-*
5 *ject to the penalties set forth in subsections (a) and*
6 *(b)(1) of section 16 of the Trading With the Enemy*
7 *Act (50 U.S.C. App. 16 (a) and (b)(1)) for violations*
8 *under that Act.*

9 (4) *EFFECTIVE DATE OF PROHIBITIONS.*—*The*
10 *prohibitions on exports under paragraphs (1) and (2)*
11 *shall take effect with respect to a country 90 days*
12 *after the date on which—*

13 (A) *the country is identified in a report of*
14 *the Director under section 6 as a country in*
15 *which category 1 or category 2 persecution exists,*

16 (B) *responsible entities are identified in*
17 *that country in a list issued under subsection*
18 *(b)(3) or (c) of section 6, or*

19 (C) *persecution facilitating products are*
20 *identified in a list issued under subsection (b)(2)*
21 *or (c) of section 6,*

22 *as the case may be.*

23 (b) *UNITED STATES ASSISTANCE.*—

24 (1) *CATEGORY 1 PERSECUTION.*—*No United*
25 *States assistance may be provided to the government*

1 of any country which the Secretary of State deter-
2 mines is engaged in category 1 persecution, effective
3 90 days after the date on which the Director submits
4 the report in which the determination is included.

5 (2) *CATEGORY 2 PERSECUTION.*—No United
6 States assistance may be provided to the government
7 of any country in which the Secretary of State deter-
8 mines that there is category 2 persecution, effective 1
9 year after the date on which the Director submits the
10 report in which the determination is included, if the
11 Secretary of State, in the next annual report of the
12 Director under section 6, determines that the country
13 is engaged in category 1 persecution or that category
14 2 persecution exists in that country.

15 (c) *MULTILATERAL ASSISTANCE.*—

16 (1) *CATEGORY 1 PERSECUTION.*—With respect to
17 any country which the Secretary of State determines
18 is engaged in category 1 persecution, the President
19 shall instruct the United States Executive Director of
20 each multilateral development bank and of the Inter-
21 national Monetary Fund to vote against, and use his
22 or her best efforts to deny, any loan or other utiliza-
23 tion of the funds of their respective institutions to
24 that country (other than for humanitarian assistance,
25 or for development assistance which directly addresses

1 *basic human needs, is not administered by the gov-*
2 *ernment of the sanctioned country, and confers no*
3 *benefit on the government of that country), effective*
4 *90 days after the Director submits the report in which*
5 *the determination is included.*

6 (2) *CATEGORY 2 PERSECUTION.*—*With respect to*
7 *any country in which the Secretary of State deter-*
8 *mines there is category 2 persecution, the President*
9 *shall instruct the United States Executive Director of*
10 *each multilateral development bank and of the Inter-*
11 *national Monetary Fund to vote against, and use his*
12 *or her best efforts to deny, any loan or other utiliza-*
13 *tion of the funds of their respective institutions to*
14 *that country (other than for humanitarian assistance,*
15 *or for development assistance which directly addresses*
16 *basic human needs, is not administered by the gov-*
17 *ernment of the sanctioned country, and confers no*
18 *benefit on the government of that country), effective 1*
19 *year after the date on which the Director submits the*
20 *report in which the determination is included, if the*
21 *Secretary of State, in the next annual report of the*
22 *Director under section 6, determines that the country*
23 *is engaged in category 1 persecution or that category*
24 *2 persecution exists in that country.*

1 (3) *REPORTS TO CONGRESS.*—If a country de-
2 scribed in paragraph (1) or (2) is granted a loan or
3 other utilization of funds notwithstanding the objec-
4 tion of the United States under this subsection, the
5 Secretary of the Treasury shall report to the Congress
6 on the efforts made to deny loans or other utilization
7 of funds to that country, and shall include in the re-
8 port specific and explicit recommendations designed
9 to ensure that such loans or other utilization of funds
10 are denied to that country in the future.

11 (4) *DEFINITION.*—As used in this subsection, the
12 term “multilateral development bank” means any of
13 the multilateral development banks as defined in sec-
14 tion 1701(c)(4) of the International Financial Insti-
15 tutions Act (22 U.S.C. 262r(c)(4)).

16 (d) *DENIAL OF VISAS.*—No consular officer shall issue
17 a visa to, and the Attorney General shall exclude from the
18 United States, any alien who the Director determines car-
19 ried out or directed the carrying out of any act of category
20 1 or category 2 persecution.

21 (e) *RELATIONSHIP TO OTHER PROVISIONS.*—The effec-
22 tive dates of the sanctions provided in this section are sub-
23 ject to sections 8 and 11.

24 (f) *DULY AUTHORIZED INTELLIGENCE ACTIVITIES.*—
25 The prohibitions and restrictions of this section shall not

1 *apply to the conduct of duly authorized intelligence activi-*
2 *ties of the United States Government.*

3 (g) *EFFECT ON EXISTING CONTRACTS.—The imposi-*
4 *tion of sanctions under this section shall not affect any con-*
5 *tract that is entered into by the Overseas Private Invest-*
6 *ment Corporation before the sanctions are imposed, is in*
7 *force on the date on which the sanctions are imposed, and*
8 *is enforceable in a court of law on such date.*

9 (h) *EFFECT OF WAIVERS.—Any sanction under this*
10 *section shall not take effect during the period after the*
11 *President has notified the Congress of a waiver of that sanc-*
12 *tion under section 8 and before the waiver has taken effect*
13 *under that section.*

14 **SEC. 8. WAIVER OF SANCTIONS.**

15 (a) *WAIVER AUTHORITY.—Subject to subsection (b),*
16 *the President may waive the imposition of any sanction*
17 *against a country under section 7 for periods of not more*
18 *than 12 months each, if the President, for each waiver—*

19 (1) *determines—*

20 (A) *that the national security interests of*
21 *the United States justify such a waiver; or*

22 (B) *that such a waiver will substantially*
23 *promote the purposes of this Act as set forth in*
24 *section 2; and*

1 (2) *provides to the Committees on Foreign Rela-*
2 *tions, Finance, the Judiciary, and Appropriations of*
3 *the Senate and to the Committees on International*
4 *Relations, the Judiciary, and Appropriations of the*
5 *House of Representatives a written notification of the*
6 *President's intention to waive any such sanction.*

7 *The notification shall contain an explanation of the reasons*
8 *why the President considers the waiver to be necessary, the*
9 *type and amount of goods, services, or assistance to be pro-*
10 *vided pursuant to the waiver, and the period of time during*
11 *which such a waiver will be effective. When the President*
12 *considers it appropriate, the explanation under the preced-*
13 *ing sentence, or any part of the explanation, may be sub-*
14 *mitted in classified form.*

15 (b) *ADDITIONAL INFORMATION.—In the case of a waiv-*
16 *er under subsection (a)(1)(B), the notification shall contain*
17 *a detailed statement of the facts particular to the country*
18 *subject to the waiver which justifies the President's deter-*
19 *mination, and of the alternative measures the President in-*
20 *tends to implement in order to achieve the objectives of this*
21 *Act.*

22 (c) *TAKING EFFECT OF WAIVER.—*

23 (1) *IN GENERAL.—Subject to paragraph (2), a*
24 *waiver under subsection (a) shall take effect 45 days*
25 *after its submission to the Congress, or on the day*

1 *after the 15th legislative day after such submission,*
2 *whichever is later.*

3 (2) *IN EMERGENCY CONDITIONS.—The President*
4 *may waive the imposition of sanctions against a*
5 *country under subsection (b) or (c) of section 7 to take*
6 *effect immediately if the President, in the written no-*
7 *tification of intention to waive the sanctions, certifies*
8 *that emergency conditions exist that make an imme-*
9 *diate waiver necessary.*

10 (d) *SENSE OF CONGRESS.—It is the sense of Congress*
11 *that in order to achieve the objectives of this Act, the waiver*
12 *authority provided in this section should be used only in*
13 *extraordinary circumstances.*

14 **SEC. 9. MODIFICATION OF IMMIGRATION POLICY.**

15 (a) *CREDIBLE FEAR OF PERSECUTION DEFINED.—*
16 *Section 235(b)(1)(B)(v) of the Immigration and National-*
17 *ity Act (8 U.S.C. 1225(b)(1)(B)(v)) (as amended by section*
18 *302 of the Illegal Immigration Reform and Immigrant Re-*
19 *sponsibility Act of 1996; Public Law 104–208; 110 Stat.*
20 *3009–582) is amended by adding at the end the following:*

21 *“Any alien who can credibly claim member-*
22 *ship in a persecuted community found to be*
23 *subject to category 1 or category 2 religious*
24 *persecution in the most recent annual re-*
25 *port sent by the Director of the Office of Re-*

1 *ligious Persecution Monitoring to the Con-*
2 *gress under section 6 of the Freedom From*
3 *Religious Persecution Act of 1997 shall be*
4 *considered to have a credible fear of persecu-*
5 *tion within the meaning of the preceding*
6 *sentence.”.*

7 **(b) TRAINING FOR CERTAIN IMMIGRATION OFFI-**
8 **CERS.—***Section 235 of the Immigration and Nationality*
9 *Act (8 U.S.C. 1225) (as amended by section 302 of the Ille-*
10 *gal Immigration Reform and Immigrant Responsibility Act*
11 *of 1996; Public Law 104–208; 110 Stat. 3009–579) is*
12 *amended by adding at the end the following:*

13 **“(d) TRAINING ON RELIGIOUS PERSECUTION.—***The*
14 *Attorney General shall establish and operate a program to*
15 *provide to immigration officers performing functions under*
16 *subsection (b), or section 207 or 208, training on religious*
17 *persecution, including training on—*

18 **“(1) the fundamental components of the right to**
19 *freedom of religion;*

20 **“(2) the variation in beliefs of religious groups;**
21 *and*

22 **“(3) the governmental and nongovernmental**
23 *methods used in violation of the right to freedom of*
24 *religion.”.*

1 (c) *ASYLUM*.—Section 208 of the Immigration and Na-
2 tionality Act (8 U.S.C. 1158) (as amended by section 604
3 of the Illegal Immigration Reform and Immigrant Respon-
4 sibility Act of 1996; Public Law 104–208; 1110 Stat. 3009–
5 690) is amended by adding at the end the following:

6 “(e) *SPECIAL RULES FOR RELIGIOUS PERSECUTION*
7 *CLAIMS*.—

8 “(1) *PROCEDURES UPON DENIAL*.—

9 “(A) *IN GENERAL*.—In any case in which
10 the Service denies or refers to an immigration
11 judge an asylum application filed by an alien
12 described in the second sentence of section
13 235(b)(1)(B)(v), or any case in which an immi-
14 gration judge denies such an application on the
15 ground that the alien is not a refugee within the
16 meaning of section 101(a)(42)(A), the Service
17 shall provide the alien with the following:

18 “(i) A written statement containing
19 the reasons for the denial, which shall be
20 supported by references to—

21 “(I) the most recent annual report
22 sent by the Director of the Office of Re-
23 ligious Persecution Monitoring to the
24 Congress under section 6 of the Free-

1 *dom From Religious Persecution Act of*
2 *1997; and*

3 *“(II) either—*

4 *“(aa) the most recent country*
5 *report on human rights practices*
6 *issued by the Secretary of State;*
7 *or*

8 *“(bb) any other report issued*
9 *by the Secretary of State concern-*
10 *ing conditions in the country of*
11 *which the alien is a national (or,*
12 *in the case of an alien having no*
13 *nationality, the country of the*
14 *alien’s last habitual residence).*

15 *“(ii) A copy of any assessment sheet*
16 *prepared by an asylum officer for a super-*
17 *visory asylum officer with respect to the ap-*
18 *plication.*

19 *“(iii) A list of any publicly available*
20 *materials relied upon by an asylum officer*
21 *as a basis for denying the application.*

22 *“(iv) A copy of any materials relied*
23 *upon by an asylum officer as a basis for de-*
24 *nying the application that are not available*
25 *to the public, except Federal agency records*

1 that are exempt from disclosure under sec-
2 tion 552(b) of title 5, United States Code.

3 “(B) *CREDIBILITY IN ISSUE.*—In any case
4 described in subparagraph (A) in which the de-
5 nial is based, in whole or in part, on credibility
6 grounds, the Service shall also provide the alien
7 with the following:

8 “(i) *The statements by the applicant,*
9 *or other evidence, that were found not to be*
10 *credible.*

11 “(ii) *A statement certifying that the*
12 *applicant was provided an opportunity to*
13 *respond to the Service’s position on the*
14 *credibility issue.*

15 “(iii) *A brief summary of such re-*
16 *sponse, if any was made.*

17 “(iv) *An explanation of how the nega-*
18 *tive determination on the credibility issue*
19 *relates to the applicant’s religious persecu-*
20 *tion claim.*

21 “(2) *EFFECT IN SUBSEQUENT PROCEEDINGS.*—

22 “(A) *USE AT OPTION OF APPLICANT.*—Any
23 material provided to an alien under paragraph
24 (1) shall be considered part of the official record

1 *pertaining to the alien’s asylum application sole-*
2 *ly at the option of the alien.*

3 “(B) *NO EFFECT ON REVIEW.*—*The provi-*
4 *sion of any material under paragraph (1) to an*
5 *alien shall not be construed to alter any stand-*
6 *ard of review otherwise applicable in any ad-*
7 *ministrative or judicial adjudication concerning*
8 *the alien’s asylum application.*

9 “(3) *DUTY TO SUBMIT REPORT ON RELIGIOUS*
10 *PERSECUTION.*—*In any judicial or administrative*
11 *proceeding in which the Service opposes granting asy-*
12 *lum to an alien described in the second sentence of*
13 *section 235(b)(1)(B)(v), the Service shall submit to*
14 *the court or administrative adjudicator a copy of the*
15 *most recent annual report submitted to the Congress*
16 *by the Director of the Office of Religious Persecution*
17 *Monitoring under section 6 of the Freedom From Re-*
18 *ligious Persecution Act of 1997, and any interim re-*
19 *ports issued by such Director after such annual re-*
20 *port.”.*

21 “(d) *ANNUAL REPORT.*—*Not later than January 1 of*
22 *each year, the Attorney General shall submit to the Director*
23 *an annual report that includes the following:*

24 “(1) *With respect to the year that is the subject*
25 *of the report, the number of applicants for asylum or*

1 *refugee status whose applications were based, in whole*
2 *or in part, on religious persecution.*

3 *(2) In the case of such applications, the number*
4 *that were proposed to be denied, and the number that*
5 *were finally denied.*

6 *(3) In the case of such applications, the number*
7 *that were granted.*

8 *(4) A description of developments with respect to*
9 *the adjudication of applications for asylum or refugee*
10 *status filed by an alien who claims to be a member*
11 *of a persecuted community that the Director found to*
12 *be subject to category 1 or category 2 religious perse-*
13 *cution in the most recent annual report submitted to*
14 *the Congress under section 6.*

15 *(5) With respect to the year that is the subject*
16 *of the report, a description of training on religious*
17 *persecution provided under section 235(d) of the Im-*
18 *migration and Nationality Act (as added by sub-*
19 *section (b)) to immigration officers performing func-*
20 *tions under section 235(b) of such Act, or adjudicat-*
21 *ing applications under section 207 or 208 of such Act,*
22 *including a list of speakers and materials used in*
23 *such training and the number of officers who received*
24 *such training.*

1 (e) *ADMISSION PRIORITY.*—For purposes of section
2 207(a)(3) of the Immigration and Nationality Act, an indi-
3 vidual who is a member of a persecuted community that
4 the Director found to be subject to category 1 or category
5 2 religious persecution in the most recent annual report
6 submitted to the Congress under section 6, and is deter-
7 mined by the Attorney General to be a refugee within the
8 meaning of section 101(a)(42)(A) of the Immigration and
9 Nationality Act, shall be considered a refugee of special hu-
10 manitarian concern to the United States. In carrying out
11 such section, such an individual shall be given priority sta-
12 tus at least as high as that given to any member of any
13 other specific group of refugees of special concern to the
14 United States.

15 (f) *NO EFFECT ON OTHERS' RIGHTS.*—Nothing in this
16 section, or any amendment made by this section, shall be
17 construed to deny any applicant for asylum or refugee sta-
18 tus (including any applicant who is not a member of a
19 persecuted community but whose claim is based on religious
20 persecution) any right, privilege, protection, or eligibility
21 otherwise provided by law.

22 (g) *NO DISPLACEMENT OF OTHER REFUGEES.*—Refu-
23 gees admitted to the United States as a result of the proce-
24 dures set forth in this section shall not displace other refu-

1 *gees in need of resettlement who would otherwise have been*
2 *admitted in accordance with existing law and procedures.*

3 *(h) PERIOD FOR PUBLIC COMMENT AND REVIEW.—*
4 *Section 207(d) of the Immigration and Nationality Act is*
5 *amended by adding at the end the following:*

6 *“(4)(A) Notwithstanding any other provision of law,*
7 *prior to each annual determination regarding refugee ad-*
8 *missions under this subsection, there shall be a period of*
9 *public review and comment, particularly by appropriate*
10 *nongovernmental organizations, churches, and other reli-*
11 *gious communities and organizations, and the general pub-*
12 *lic.*

13 *“(B) Nothing in this paragraph may be construed to*
14 *apply subchapter II of chapter 5 of title 5, United States*
15 *Code, to the period of review and comment referred to in*
16 *subparagraph (A).”.*

17 **SEC. 10. STATE DEPARTMENT HUMAN RIGHTS REPORTS.**

18 *(a) ANNUAL HUMAN RIGHTS REPORT.—In preparing*
19 *the annual reports of the State Department on human*
20 *rights under sections 116(d) and 502B(b) of the Foreign*
21 *Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)),*
22 *the Secretary of State shall, in the section on religious free-*
23 *dom—*

24 *(1) consider the facts and circumstances of the*
25 *violation of the right to freedom of religion presented*

1 *by independent human rights groups and nongovern-*
2 *mental organizations;*

3 *(2) report on the extent of the violations of the*
4 *right to freedom of religion, specifically including*
5 *whether the violations arise from governmental or*
6 *nongovernmental sources, and whether the violations*
7 *are encouraged by the government or whether the gov-*
8 *ernment fails to exercise satisfactory efforts to control*
9 *such violations;*

10 *(3) report on whether freedom of religion viola-*
11 *tions occur on a nationwide, regional, or local level;*
12 *and*

13 *(4) identify whether the violations are focused on*
14 *an entire religion or on certain denominations or*
15 *sects.*

16 *(b) TRAINING.—The Secretary of State shall—*

17 *(1) institute programs to provide training for*
18 *chiefs of mission as well as Department of State offi-*
19 *cial's having reporting responsibilities regarding the*
20 *freedom of religion, which shall include training on—*

21 *(A) the fundamental components of the*
22 *right to freedom of religion, the variation in be-*
23 *liefs of religious groups, and the governmental*
24 *and nongovernmental methods used in the viola-*
25 *tion of the right to freedom of religion; and*

1 (B) the identification of independent human
2 rights groups and nongovernmental organiza-
3 tions with expertise in the matters described in
4 subparagraph (A); and

5 (2) submit to the Director, not later than Janu-
6 ary 1 of each year, a report describing all training
7 provided to Department of State officials with respect
8 to religious persecution during the preceding 1-year
9 period, including a list of instructors and materials
10 used in such training and the number and rank of
11 individuals who received such training.

12 **SEC. 11. TERMINATION OF SANCTIONS.**

13 (a) *TERMINATION.*—The sanctions described in section
14 7 shall cease to apply with respect to a sanctioned country
15 45 days, or the day after the 15th legislative day, whichever
16 is later, after the Director, in an annual report described
17 in section 6(b), does not include a determination by the Sec-
18 retary of State that the sanctioned country is among those
19 in which category 1 or category 2 persecution continues to
20 exist, or in an interim report under section 6(c), includes
21 a determination by the Secretary of State that neither cat-
22 egory 1 nor category 2 persecution exists in such country.

23 (b) *WITHDRAWAL OF FINDING.*—Any determination of
24 the Secretary of State under section 5(g) may be withdrawn
25 before taking effect if the Secretary makes a written deter-

1 *mination, on the basis of a preponderance of the evidence,*
2 *that the country substantially eliminated any category 1*
3 *or category 2 persecution that existed in that country. The*
4 *Director shall submit to the Congress each determination*
5 *under this subsection.*

6 **SEC. 12. SANCTIONS AGAINST SUDAN.**

7 (a) *EXTENSION OF SANCTIONS UNDER EXISTING*
8 *LAW.—Any sanction imposed on Sudan because of a deter-*
9 *mination that the government of that country has provided*
10 *support for acts of international terrorism, including—*

11 (1) *export controls imposed pursuant to the Ex-*
12 *port Administration Act of 1979;*

13 (2) *prohibitions on transfers of munitions under*
14 *section 40 of the Arms Export Control Act;*

15 (3) *the prohibition on assistance under section*
16 *620A of the Foreign Assistance Act of 1961;*

17 (4) *section 2327(b) of title 10, United States*
18 *Code;*

19 (5) *section 6 of the Bretton Woods Agreements*
20 *Act Amendments, 1978 (22 U.S.C. 286e–11);*

21 (6) *section 527 of the Foreign Operations, Ex-*
22 *port Financing, and Related Programs Appropria-*
23 *tions Act, 1998 (as contained in Public Law 105–*
24 *118); and*

1 (7) *section 901(j) of the Internal Revenue Code*
2 *of 1986;*
3 *shall continue in effect after the enactment of this Act until*
4 *the Secretary of State determines that Sudan has substan-*
5 *tially eliminated religious persecution in that country, or*
6 *the determination that the government of that country has*
7 *provided support for acts of international terrorism is no*
8 *longer in effect, whichever occurs later.*

9 (b) *ADDITIONAL SANCTIONS ON SUDAN.—Effective 90*
10 *days after the date of the enactment of this Act, the follow-*
11 *ing sanctions (to the extent not covered under subsection*
12 *(a)) shall apply with respect to Sudan:*

13 (1) *PROHIBITION ON FINANCIAL TRANSACTIONS*
14 *WITH GOVERNMENT OF SUDAN.—*

15 (A) *OFFENSE.—Any United States person*
16 *who knowingly engages in any financial trans-*
17 *action, including any loan or other extension of*
18 *credit, directly or indirectly, with the Govern-*
19 *ment of Sudan shall be fined in accordance with*
20 *title 18, United States Code, or imprisoned for*
21 *not more than 10 years, or both.*

22 (B) *DEFINITIONS.—As used in this para-*
23 *graph:*

24 (i) *FINANCIAL TRANSACTION.—The*
25 *term “financial transaction” has the mean-*

1 *ing given that term in section 1956(c)(4) of*
2 *title 18, United States Code.*

3 *(ii) UNITED STATES PERSON.—The*
4 *term “United States person” means—*

5 *(I) any United States citizen or*
6 *national;*

7 *(II) any alien lawfully admitted*
8 *into the United States for permanent*
9 *residence;*

10 *(III) any juridical person orga-*
11 *nized under the laws of the United*
12 *States; and*

13 *(IV) any person in the United*
14 *States.*

15 *(2) PROHIBITION ON IMPORTS FROM SUDAN.—No*
16 *article which is grown, produced, manufactured by,*
17 *marketed, or otherwise exported by the Government of*
18 *Sudan, may be imported into the United States.*

19 *(3) PROHIBITIONS ON UNITED STATES EXPORTS*
20 *TO SUDAN.—*

21 *(A) PROHIBITION ON COMPUTER EX-*
22 *PORTS.—No computers, computer software, or*
23 *goods or technology intended to manufacture or*
24 *service computers may be exported to or for use*
25 *of the Government of Sudan.*

1 (B) *REGULATIONS OF THE SECRETARY OF*
2 *COMMERCE.—The Secretary of Commerce may*
3 *prescribe such regulations as may be necessary to*
4 *carry out subparagraph (A).*

5 (C) *PENALTIES.—Any person who violates*
6 *this paragraph shall be subject to the penalties*
7 *provided in section 11 of the Export Administra-*
8 *tion Act of 1979 (50 U.S.C. App. 2410) for vio-*
9 *lations under that Act.*

10 (4) *PROHIBITION ON NEW INVESTMENT IN*
11 *SUDAN.—*

12 (A) *PROHIBITION.—No United States per-*
13 *son may, directly or through another person,*
14 *make any new investment in Sudan that is not*
15 *prohibited by paragraph (1).*

16 (B) *REGULATIONS.—The Secretary of Com-*
17 *merce may prescribe such regulations as may be*
18 *necessary to carry out subparagraph (A).*

19 (C) *PENALTIES.—Any person who violates*
20 *this paragraph shall be subject to the penalties*
21 *provided in section 11 of the Export Administra-*
22 *tion Act of 1979 (50 U.S.C. App. 2410) for vio-*
23 *lations under that Act.*

24 (5) *AVIATION RIGHTS.—*

1 (A) *AIR TRANSPORTATION RIGHTS.*—*The*
2 *Secretary of Transportation shall prohibit any*
3 *aircraft of a foreign air carrier owned or con-*
4 *trolled, directly or indirectly, by the Government*
5 *of Sudan or operating pursuant to a contract*
6 *with the Government of Sudan from engaging in*
7 *air transportation with respect to the United*
8 *States, except that such aircraft shall be allowed*
9 *to land in the event of an emergency for which*
10 *the safety of an aircraft’s crew or passengers is*
11 *threatened.*

12 (B) *TAKEOFFS AND LANDINGS.*—*The Sec-*
13 *retary of Transportation shall prohibit the take-*
14 *off and landing in Sudan of any aircraft by an*
15 *air carrier owned, directly or indirectly, or con-*
16 *trolled by a United States person, except that*
17 *such aircraft shall be allowed to land in the*
18 *event of an emergency for which the safety of an*
19 *aircraft’s crew or passengers is threatened, or for*
20 *humanitarian purposes.*

21 (C) *TERMINATION OF AIR SERVICE AGREE-*
22 *MENTS.*—*To carry out subparagraphs (A) and*
23 *(B), the Secretary of State shall terminate any*
24 *agreement between the Government of Sudan and*

1 *the Government of the United States relating to*
2 *air services between their respective territories.*

3 (D) *DEFINITIONS.*—*For purposes of this*
4 *paragraph, the terms “aircraft”, “air transpor-*
5 *tation”, and “foreign air carrier” have the*
6 *meanings given those terms in section 40102 of*
7 *title 49, United States Code.*

8 (6) *PROHIBITION ON PROMOTION OF UNITED*
9 *STATES TOURISM.*—*None of the funds appropriated or*
10 *otherwise made available by any provision of law*
11 *may be available to promote United States tourism in*
12 *Sudan.*

13 (7) *GOVERNMENT OF SUDAN BANK ACCOUNTS.*—

14 (A) *PROHIBITION.*—*A United States deposi-*
15 *tory institution may not accept, receive, or hold*
16 *a deposit account from the Government of*
17 *Sudan, except for such accounts which may be*
18 *authorized by the President for diplomatic or*
19 *consular purposes.*

20 (B) *ANNUAL REPORTS.*—*The Secretary of*
21 *the Treasury shall submit annual reports to the*
22 *Congress on the nature and extent of assets held*
23 *in the United States by the Government of*
24 *Sudan.*

1 (C) *DEFINITION.*—*For purposes of this*
2 *paragraph, the term “depository institution” has*
3 *the meaning given that term in section 19(b)(1)*
4 *of the Act of December 23, 1913 (12 U.S.C.*
5 *461(b)(1)).*

6 (8) *PROHIBITION ON UNITED STATES GOVERN-*
7 *MENT PROCUREMENT FROM SUDAN.—*

8 (A) *PROHIBITION.*—*No department, agency,*
9 *or any other entity of the United States Govern-*
10 *ment may enter into a contract for the procure-*
11 *ment of goods or services from parastatal organi-*
12 *zations of Sudan, except for items necessary for*
13 *diplomatic or consular purposes.*

14 (B) *DEFINITION.*—*As used in this para-*
15 *graph, the term “parastatal organization of*
16 *Sudan” means a corporation, partnership, or en-*
17 *tity owned, controlled, or subsidized by the Gov-*
18 *ernment of Sudan.*

19 (9) *PROHIBITION ON UNITED STATES APPRO-*
20 *PRIATIONS FOR USE AS INVESTMENTS IN OR TRADE*
21 *SUBSIDIES FOR SUDAN.—None of the funds appro-*
22 *priated or otherwise made available by any provision*
23 *of law may be available for any new investment in,*
24 *or any subsidy for trade with, Sudan, including*

1 *funding for trade missions in Sudan and for partici-*
2 *ipation in exhibitions and trade fairs in Sudan.*

3 (10) *PROHIBITION ON COOPERATION WITH*
4 *ARMED FORCES OF SUDAN.—No agency or entity of*
5 *the United States may engage in any form of co-*
6 *operation, direct or indirect, with the armed forces of*
7 *Sudan, except for activities which are reasonably nec-*
8 *essary to facilitate the collection of necessary intel-*
9 *ligence. Each such activity shall be considered as sig-*
10 *nificant anticipated intelligence activity for purposes*
11 *of section 501 of the National Security Act of 1947*
12 *(50 U.S.C. 413).*

13 (11) *PROHIBITION ON COOPERATION WITH IN-*
14 *TELLIGENCE SERVICES OF SUDAN.—*

15 (A) *SANCTION.—No agency or entity of the*
16 *United States involved in intelligence activities*
17 *may engage in any form of cooperation, direct or*
18 *indirect, with the Government of Sudan, except*
19 *for activities which are reasonably designed to*
20 *facilitate the collection of necessary intelligence.*

21 (B) *POLICY.—It is the policy of the United*
22 *States that no agency or entity of the United*
23 *States involved in intelligence activities may*
24 *provide any intelligence information to the Gov-*
25 *ernment of Sudan which pertains to any inter-*

1 *nal group within Sudan. Any change in such*
2 *policy or any provision of intelligence informa-*
3 *tion contrary to this policy shall be considered a*
4 *significant anticipated intelligence activity for*
5 *purposes of section 501 of the National Security*
6 *Act of 1947 (50 U.S.C. 413).*

7 *The sanctions described in this subsection shall apply until*
8 *the Secretary of State determines that Sudan has substan-*
9 *tially eliminated religious persecution in that country.*

10 *(c) MULTILATERAL EFFORTS TO END RELIGIOUS*
11 *PERSECUTION IN SUDAN.—*

12 *(1) EFFORTS TO OBTAIN MULTILATERAL MEAS-*
13 *URES AGAINST SUDAN.—It is the policy of the United*
14 *States to seek an international agreement with the*
15 *other industrialized democracies to bring about an*
16 *end to religious persecution by the Government of*
17 *Sudan. The net economic effect of such international*
18 *agreement should be measurably greater than the net*
19 *economic effect of the other measures imposed by this*
20 *section.*

21 *(2) COMMENCEMENT OF NEGOTIATIONS TO INITI-*
22 *ATE MULTILATERAL SANCTIONS AGAINST SUDAN.—It*
23 *is the sense of the Congress that the President or, at*
24 *his direction, the Secretary of State should convene*
25 *an international conference of the industrialized de-*

1 *mocracies in order to reach an international agree-*
2 *ment to bring about an end to religious persecution*
3 *in Sudan. The international conference should begin*
4 *promptly and should be concluded not later than 180*
5 *days after the date of the enactment of this Act.*

6 (3) *PRESIDENTIAL REPORT.—Not less than 210*
7 *days after the date of the enactment of this Act, the*
8 *President shall submit to the Congress a report con-*
9 *taining—*

10 (A) *a description of efforts by the United*
11 *States to negotiate multilateral measures to*
12 *bring about an end to religious persecution in*
13 *Sudan; and*

14 (B) *a detailed description of economic and*
15 *other measures adopted by the other industri-*
16 *alized countries to bring about an end to reli-*
17 *gious persecution in Sudan, including an assess-*
18 *ment of the stringency with which such measures*
19 *are enforced by those countries.*

20 (4) *CONFORMITY OF UNITED STATES MEASURES*
21 *TO INTERNATIONAL AGREEMENT.—If the President*
22 *successfully concludes an international agreement de-*
23 *scribed in paragraph (2), the President may, after*
24 *such agreement enters into force with respect to the*
25 *United States, adjust, modify, or otherwise amend the*

1 *measures imposed under any provision of this section*
2 *to conform with such agreement.*

3 (5) *PROCEDURES FOR AGREEMENT TO ENTER*
4 *INTO FORCE.—Each agreement submitted to the Con-*
5 *gress under this subsection shall enter into force with*
6 *respect to the United States if—*

7 (A) *the President, not less than 30 days be-*
8 *fore the day on which the President enters into*
9 *such agreement, notifies the House of Representa-*
10 *tives and the Senate of the President’s intention*
11 *to enter into such an agreement, and promptly*
12 *thereafter publishes notice of such intention in*
13 *the Federal Register;*

14 (B) *after entering into the agreement, the*
15 *President transmits to the House of Representa-*
16 *tives and to the Senate a document containing*
17 *a copy of the final text of such agreement, to-*
18 *gether with—*

19 (i) *a description of any administrative*
20 *action proposed to implement such agree-*
21 *ment and an explanation as to how the pro-*
22 *posed administrative action would change*
23 *or affect existing law; and*

24 (ii) *a statement of the President’s rea-*
25 *sons regarding—*

1 (I) *how the agreement serves the*
2 *interest of United States foreign policy;*
3 *and*

4 (II) *why the proposed administra-*
5 *tive action is required or appropriate*
6 *to carry out the agreement; and*

7 (C) *a joint resolution approving such agree-*
8 *ment has been enacted, in accordance with sec-*
9 *tion 8066(c) of the Department of Defense Ap-*
10 *propriations Act, 1985 (as contained in Public*
11 *Law 98–473 (98 Stat. 1936)), within 30 days of*
12 *transmittal of such document to the Congress.*

13 *For purposes of applying such section 8066(c), any*
14 *reference in such section to “joint resolution”, “resolu-*
15 *tion”, or “resolution described in paragraph (1)”*
16 *shall be deemed to refer to a joint resolution described*
17 *in subparagraph (C) of this paragraph.*

18 (6) *UNITED NATIONS SECURITY COUNCIL IMPOSI-*
19 *TION OF SAME MEASURES AGAINST SUDAN.—It is the*
20 *sense of the Congress that the President should in-*
21 *struct the Permanent Representative of the United*
22 *States to the United Nations to propose that the*
23 *United Nations Security Council, pursuant to Article*
24 *41 of the United Nations Charter, impose measures*

1 *against Sudan of the same type as are imposed by*
2 *this section.*

3 (d) *ADDITIONAL MEASURES AND REPORTS; REC-*
4 *COMMENDATIONS OF THE PRESIDENT.—*

5 (1) *UNITED STATES POLICY TO END RELIGIOUS*
6 *PERSECUTION.—It shall be the policy of the United*
7 *States to impose additional measures against the*
8 *Government of Sudan if its policy of religious perse-*
9 *cution has not ended on or before December 25, 1998.*

10 (2) *REPORT TO CONGRESS.—The Director shall*
11 *prepare and transmit to the Speaker of the House of*
12 *Representatives and the Chairman of the Committee*
13 *on Foreign Relations of the Senate on or before Feb-*
14 *ruary 1, 1999, and every 12 months thereafter, a re-*
15 *port containing a determination by the Secretary of*
16 *State of whether the policy of religious persecution by*
17 *the Government of Sudan has ended.*

18 (3) *RECOMMENDATION FOR IMPOSITION OF ADDI-*
19 *TIONAL MEASURES.—If the Secretary of State deter-*
20 *mines that the policy of religious persecution by the*
21 *Government of Sudan has not ended, the President*
22 *shall prepare and transmit to the Speaker of the*
23 *House of Representatives and the Chairman of the*
24 *Committee on Foreign Relations of the Senate on or*
25 *before March 1, 1999, and every 12 months thereafter,*

1 *a report setting forth such recommendations for such*
2 *additional measures and actions against the Govern-*
3 *ment of Sudan as will end that government’s policy*
4 *of religious persecution.*

5 *(e) DEFINITIONS.—As used in this section:*

6 *(1) GOVERNMENT OF SUDAN.—The term “Gov-*
7 *ernment of Sudan” includes any agency or instru-*
8 *mentality of the Government of Sudan.*

9 *(2) NEW INVESTMENT IN SUDAN.—The term*
10 *“new investment in Sudan”—*

11 *(A) means—*

12 *(i) a commitment or contribution of*
13 *funds or other assets, or*

14 *(ii) a loan or other extension of credit,*
15 *that is made on or after the effective date of this*
16 *subsection; and*

17 *(B) does not include—*

18 *(i) the reinvestment of profits gen-*
19 *erated by a controlled Sudanese entity into*
20 *that same controlled Sudanese entity, or the*
21 *investment of such profits in a Sudanese en-*
22 *tity;*

23 *(ii) contributions of money or other as-*
24 *sets where such contributions are necessary*
25 *to enable a controlled Sudanese entity to*

1 *operate in an economically sound manner,*
2 *without expanding its operations; or*

3 (iii) *the ownership or control of a*
4 *share or interest in a Sudanese entity or a*
5 *controlled Sudanese entity or a debt or eq-*
6 *uity security issued by the Government of*
7 *Sudan or a Sudanese entity before the date*
8 *of the enactment of this Act, or the transfer*
9 *or acquisition of such a share or interest, or*
10 *debt or equity security, if any such transfer*
11 *or acquisition does not result in a payment,*
12 *contribution of funds or assets, or credit to*
13 *a Sudanese entity, a controlled Sudanese*
14 *entity, or the Government of Sudan.*

15 (3) *CONTROLLED SUDANESE ENTITY.*—*The term*
16 *“controlled Sudanese entity” means—*

17 (A) *a corporation, partnership, or other*
18 *business association or entity organized in*
19 *Sudan and owned or controlled, directly or indi-*
20 *rectly, by a United States person; or*

21 (B) *a branch, office, agency, or sole propri-*
22 *etorship in Sudan of a United States person.*

23 (4) *SUDANESE ENTITY.*—*The term “Sudanese en-*
24 *tity” means—*

1 (A) a corporation, partnership, or other
2 business association or entity organized in
3 Sudan; or

4 (B) a branch, office, agency, or sole propri-
5 etorship in Sudan of a person that resides or is
6 organized outside Sudan.

7 (5) SUDAN.—The term “Sudan” means any area
8 controlled by the Government of Sudan or by any en-
9 tity allied with the Government of Sudan, and does
10 not include any area in which effective control is ex-
11 ercised by an entity engaged in active resistance to
12 the Government of Sudan.

13 (f) WAIVER AUTHORITY.—The President may waive
14 the imposition of any sanction against Sudan under para-
15 graph (3) or (9) of subsection (b) of this section for periods
16 of not more than 12 months each, if the President, for each
17 waiver—

18 (1) determines that the national security inter-
19 ests of the United States justify such a waiver; and

20 (2) provides to the Committees on Foreign Rela-
21 tions, Finance, the Judiciary, and Appropriations of
22 the Senate and to the Committees on International
23 Relations, Ways and Means, the Judiciary, and Ap-
24 propriations of the House of Representatives a writ-

1 *ten notification of the President's intention to waive*
2 *any such sanction.*

3 *The notification shall contain an explanation of the reasons*
4 *why the President considers the waiver to be necessary, the*
5 *type and amount of goods, services, or assistance to be pro-*
6 *vided pursuant to the waiver, and the period of time during*
7 *which such a waiver will be effective. When the President*
8 *considers it appropriate, the explanation under the preced-*
9 *ing sentence, or any part of the explanation, may be sub-*
10 *mitted in classified form.*

11 *(g) DULY AUTHORIZED INTELLIGENCE ACTIVITIES.—*
12 *The prohibitions and restrictions contained in paragraphs*
13 *(1), (2), (3), (4), and (8) of subsection (b) shall not apply*
14 *to the conduct of duly authorized intelligence activities of*
15 *the United States Government.*

16 **SEC. 13. EXCEPTION FOR IMPORTATION OF CERTAIN AGRI-**
17 **CULTURAL PRODUCTS.**

18 *Notwithstanding any other provision of law, none of*
19 *the provisions of this Act shall restrict the importation of*
20 *gum Arabic from Sudan during a calendar year if, during*
21 *the preceding calendar year, a supply of that commodity*
22 *in unprocessed form of equal quality to that cultivated in*
23 *Sudan and not attributable to Sudan is not available in*
24 *sufficient supply to meet the needs of United States consum-*
25 *ers, processors, and manufacturers.*

1 **SEC. 14. EFFECTIVE DATE.**

2 (a) *IN GENERAL.*—Subject to subsections (b) and (c),
3 this Act and the amendments made by this Act shall take
4 effect 120 days after the date of the enactment of this Act.

5 (b) *APPOINTMENT OF DIRECTOR.*—The Director shall
6 be appointed not later than 60 days after the date of the
7 enactment of this Act.

8 (c) *REGULATIONS.*—Each Federal department or agen-
9 cy responsible for carrying out any of the sanctions under
10 section 7 shall issue all necessary regulations to carry out
11 such sanctions within 120 days after the date of the enact-
12 ment of this Act.

13 **SECTION 1. SHORT TITLE.**

14 **This Act may be cited as the “Freedom**
15 **From Religious Persecution Act of 1998”.**

16 **SEC. 2. FINDINGS AND PURPOSE.**

17 (a) **FINDINGS.**—The Congress makes the
18 **following findings:**

19 (1) **Governments have a primary re-**
20 **sponsibility to promote, encourage, and**
21 **protect respect for the fundamental and**
22 **internationally recognized right to free-**
23 **dom of religion.**

24 (2)(A) **Since its inception, the United**
25 **States Government has rested upon cer-**
26 **tain founding principles. One of those**

1 principles is that all people have the in-
2 alienable right to worship freely, which
3 demands that religion be protected from
4 unnecessary government intervention.
5 The Founding Fathers of the United
6 States incorporated that principle in the
7 Declaration of Independence, which
8 states that mankind has the inalienable
9 right to “life, liberty, and the pursuit of
10 happiness”, and in the United States Con-
11 stitution, the first amendment to which
12 states that “Congress shall make no law
13 respecting an establishment of religion,
14 or prohibiting the free exercise thereof”.
15 Therefore, in accordance with this belief
16 in the inalienable right of freedom of reli-
17 gion for all people, as expressed by the
18 Declaration of Independence, and the be-
19 lief that religion should be protected
20 from government interference, as ex-
21 pressed by the United States Constitu-
22 tion, the Congress opposes international
23 religious persecution and believes that
24 the policies of the United States Govern-
25 ment and its relations with foreign gov-

1 ernments should be consistent with the
2 commitment to this principle.

3 (B) Numerous international agree-
4 ments and covenants also identify man-
5 kind's inherent right to freedom of reli-
6 gion. These include the following:

7 (i) Article 18 of the Universal Dec-
8 laration of Human Rights states that
9 "Everyone has the right to freedom of
10 thought, conscience and religion; this
11 right includes freedom to change his
12 religion or belief, and freedom, either
13 alone or in community with others
14 and in public or private, to manifest
15 his religion or belief in teaching,
16 practice, worship and observance".

17 (ii) Article 18 of the Covenant on
18 Civil and Political Rights declares
19 that "Everyone shall have the right to
20 freedom of thought, conscience, and
21 religion . . ." and further delineates
22 the privileges under this right.

23 (iii) The Declaration on the Elim-
24 nation of All Forms of Intolerance
25 and of Discrimination Based on Reli-

1 **gion and Belief, adopted by the**
2 **United Nations General Assembly on**
3 **November 25, 1981, declares that “re-**
4 **ligion or belief, for anyone who pro-**
5 **fesses either, is one of the fundamen-**
6 **tal elements in his conception of**
7 **life . . .” and that “freedom of reli-**
8 **gion and belief should also contribute**
9 **to the attainment of the goals of**
10 **world peace, social justice and friend-**
11 **ship among peoples and to the elimi-**
12 **nation of ideologies or practices of**
13 **colonialism and racial discrimina-**
14 **tion”.**

15 **(iv) The Concluding Document of**
16 **the Third Follow-Up Meeting of the**
17 **Organization for Security and Co-**
18 **operation in Europe commits states**
19 **to “ensure in their laws and regula-**
20 **tions and in their application the full**
21 **and effective exercise of the freedom**
22 **of thought, conscience, religion or be-**
23 **lief”.**

24 **(3) Persecution of religious believers,**
25 **particularly Roman Catholic and evan-**

1 **gical Protestant Christians, in Com-**
2 **munist countries persists and in some**
3 **cases is increasing.**

4 **(4) In many countries and regions**
5 **thereof, governments dominated by ex-**
6 **tremist movements persecute non-Mus-**
7 **lims and religious converts from Islam**
8 **using means such as “blasphemy” and**
9 **“apostasy” laws, and such movements**
10 **seek to corrupt a historically tolerant Is-**
11 **lamic faith and culture through the per-**
12 **secution of Baha’is, Christians, and other**
13 **religious minorities.**

14 **(5) The extremist Government of**
15 **Sudan is waging a self-described reli-**
16 **gious war against Christians, other non-**
17 **Muslims, and moderate Muslims by using**
18 **torture, starvation, enslavement, and**
19 **murder.**

20 **(6) In Tibet, where Tibetan Buddhism**
21 **is inextricably linked to the Tibetan iden-**
22 **tity, the Government of the People’s Re-**
23 **public of China has intensified its control**
24 **over the Tibetan people by interfering in**
25 **the selection of the Panchen Lama, prop-**

1 **agandizing against the religious author-**
2 **ity of the Dalai Lama, restricting reli-**
3 **gious study and traditional religious**
4 **practices, and increasing the persecution**
5 **of monks and nuns.**

6 **(7) In Xinjiang Autonomous Region of**
7 **China, formerly the independent republic**
8 **of East Turkistan, where the Muslim reli-**
9 **gion is inextricably linked to the domi-**
10 **nant Uyghur culture, the Government of**
11 **the People's Republic of China has inten-**
12 **sified its control over the Uyghur people**
13 **by systematically repressing religious au-**
14 **thority, restricting religious study and**
15 **traditional practices, destroying**
16 **mosques, and increasing the persecution**
17 **of religious clergy and practitioners.**

18 **(8) In countries around the world,**
19 **Christians, Jews, Muslims, Hindus, and**
20 **other religious believers continue to be**
21 **persecuted on account of their religious**
22 **beliefs, practices, and affiliations.**

23 **(9) The 104th Congress recognized the**
24 **facts set forth in this section and stated**
25 **clearly the sense of the Senate and the**

1 **House of Representatives regarding these**
2 **matters in approving—**

3 **(A) House Resolution 515, ex-**
4 **pressing the sense of the House of**
5 **Representatives with respect to the**
6 **persecution of Christians worldwide;**

7 **(B) S. Con. Res. 71, expressing the**
8 **sense of the Senate with respect to**
9 **the persecution of Christians world-**
10 **wide;**

11 **(C) H. Con. Res. 102, concerning**
12 **the emancipation of the Iranian**
13 **Baha'i community; and**

14 **(D) section 1303 of H.R. 1561, the**
15 **Foreign Relations Authorization Act,**
16 **Fiscal Years 1996 and 1997.**

17 **(10) The Department of State, in a re-**
18 **port to Congress filed pursuant to House**
19 **Report 104-863, accompanying the Omni-**
20 **bus Consolidated Appropriations Act,**
21 **1997 (Public Law 104-208) set forth**
22 **strong evidence that widespread and on-**
23 **going religious persecution is occurring**
24 **in a number of countries around the**
25 **world.**

1 **(b) PURPOSE.—It is the purpose of this Act**
2 **to reduce and eliminate the widespread and**
3 **ongoing religious persecution taking place**
4 **throughout the world today.**

5 **SEC. 3. DEFINITIONS.**

6 **As used in this Act:**

7 **(1) DIRECTOR.—The term “Director”**
8 **means the Director of the Office of Reli-**
9 **gious Persecution Monitoring established**
10 **under section 5.**

11 **(2) LEGISLATIVE DAY.—The term “legis-**
12 **lative day” means a day on which both**
13 **Houses of Congress are in session.**

14 **(3) PERSECUTED COMMUNITY.—The**
15 **term “persecuted community” means any**
16 **religious group or denomination whose**
17 **members have been found to be subject**
18 **to category 1 or category 2 persecution in**
19 **the latest annual report submitted under**
20 **section 6(a) or in any interim report sub-**
21 **mitted thereafter under section 6(c) be-**
22 **fore the next annual report.**

23 **(4) PERSECUTION FACILITATING PROD-**
24 **UCTS.—The term “persecution facilitating**
25 **products” means those crime control, de-**

1 **tection, torture, and electroshock instru-**
2 **ments and equipment (as determined**
3 **under section 6(n) of the Export Adminis-**
4 **tration Act of 1979) that are directly and**
5 **substantially used or intended for use in**
6 **carrying out acts of persecution de-**
7 **scribed in paragraphs (5) and (6).**

8 **(5) CATEGORY 1 PERSECUTION.—The**
9 **term “category 1 persecution” means**
10 **widespread and ongoing persecution of**
11 **persons on account of their religious be-**
12 **liefs or practices, or membership in or af-**
13 **filiation with a religion or religious**
14 **group or denomination, whether offi-**
15 **cially recognized or otherwise, when**
16 **such persecution—**

17 **(A) includes abduction, enslave-**
18 **ment, killing, imprisonment, forced**
19 **mass relocation, rape, crucifixion or**
20 **other forms of torture, or the system-**
21 **atic imposition of fines or penalties**
22 **which have the purpose and effect of**
23 **destroying the economic existence of**
24 **persons on whom they are imposed;**
25 **and**

1 **(B) is conducted with the involve-**
2 **ment or support of government offi-**
3 **cial or agents, or pursuant to official**
4 **government policy.**

5 **(6) CATEGORY 2 PERSECUTION.—The**
6 **term “category 2 persecution” means**
7 **widespread and ongoing persecution of**
8 **persons on account of their religious be-**
9 **liefs or practices, or membership in or af-**
10 **iliation with a religion or religious**
11 **group or denomination, whether offi-**
12 **cially recognized or otherwise, when**
13 **such persecution—**

14 **(A) includes abduction, enslave-**
15 **ment, killing, imprisonment, forced**
16 **mass relocation, rape, crucifixion or**
17 **other forms of torture, or the system-**
18 **atic imposition of fines or penalties**
19 **which have the purpose and effect of**
20 **destroying the economic existence of**
21 **persons on whom they are imposed;**
22 **and**

23 **(B) is not conducted with the in-**
24 **volvement or support of government**
25 **officials or agents, or pursuant to offi-**

1 **cial government policy, but which the**
2 **government fails to undertake seri-**
3 **ous and sustained efforts to elimi-**
4 **nate, being able to do so.**

5 **(7) RESPONSIBLE ENTITIES.—The term**
6 **“responsible entities” means the specific**
7 **government units, as narrowly defined as**
8 **practicable, which directly carry out the**
9 **acts of persecution described in para-**
10 **graphs (5) and (6).**

11 **(8) SANCTIONED COUNTRY.—The term**
12 **“sanctioned country” means a country on**
13 **which sanctions have been imposed**
14 **under section 7.**

15 **(9) UNITED STATES ASSISTANCE.—The**
16 **term “United States assistance” means—**

17 **(A) any assistance under the For-**
18 **ign Assistance Act of 1961 (including**
19 **programs under title IV of chapter 2**
20 **of part I of that Act, relating to the**
21 **Overseas Private Investment Cor-**
22 **poration), other than—**

23 **(i) assistance under chapter 8**
24 **of part I of that Act;**

1 (ii) any other narcotics-relat-
2 ed assistance under part I of that
3 Act or under chapter 4 or 5 of
4 part II of that Act, but any such
5 assistance provided under this
6 clause shall be subject to the
7 prior notification procedures ap-
8 plicable to reprogrammings pur-
9 suant to section 634A of that Act;

10 (iii) disaster relief assistance,
11 including any assistance under
12 chapter 9 of part I of that Act;

13 (iv) antiterrorism assistance
14 under chapter 8 of part II of that
15 Act;

16 (v) assistance which involves
17 the provision of food (including
18 monetization of food) or medi-
19 cine;

20 (vi) assistance for refugees;
21 and

22 (vii) humanitarian and other
23 development assistance in sup-
24 port of programs of nongovern-

1 **mental organizations under chap-**
2 **ters 1 and 10 of that Act;**

3 **(B) sales, or financing on any**
4 **terms, under the Arms Export Con-**
5 **trol Act, other than sales or financing**
6 **provided for narcotics-related pur-**
7 **poses following notification in ac-**
8 **cordance with the prior notification**
9 **procedures applicable to**
10 **reprogrammings pursuant to section**
11 **634A of the Foreign Assistance Act of**
12 **1961; and**

13 **(C) financing under the Export-**
14 **Import Bank Act of 1945.**

15 **(10) UNITED STATES PERSON.—The term**
16 **“United States person” means—**

17 **(A) any United States citizen or**
18 **alien lawfully admitted for perma-**
19 **nent residence into the United States;**
20 **and**

21 **(B) any corporation, partnership,**
22 **or other entity organized under the**
23 **laws of the United States or of any**
24 **State, the District of Columbia, or any**

1 **territory or possession of the United**
2 **States.**

3 **SEC. 4. APPLICATION AND SCOPE.**

4 **The responsibility of the Secretary of**
5 **State under section 5(g) to determine whether**
6 **category 1 or category 2 persecution exists,**
7 **and to identify persons and communities that**
8 **are subject to such persecution, extends to—**

9 **(1) all foreign countries in which al-**
10 **leged violations of religious freedom have**
11 **been set forth in the latest annual report**
12 **of the Department of State on human**
13 **rights under sections 116(d) and 502(b) of**
14 **the Foreign Assistance Act of 1961 (22**
15 **U.S.C. 2151n(d) and 2304(b)); and**

16 **(2) such other foreign countries in**
17 **which, either as a result of referral by an**
18 **independent human rights group or non-**
19 **governmental organization in accordance**
20 **with section 5(e)(2) or otherwise, the Di-**
21 **rector has reason to believe category 1 or**
22 **category 2 persecution may exist.**

23 **SEC. 5. OFFICE OF RELIGIOUS PERSECUTION MONITORING.**

24 **(a) ESTABLISHMENT.—There shall be estab-**
25 **lished in the Department of State the Office**

1 of Religious Persecution Monitoring (here-
2 after in this Act referred to as the “Office”).

3 (b) APPOINTMENT.—The head of the Office
4 shall be a Director who shall be appointed by
5 the President, by and with the advice and
6 consent of the Senate. The Director shall re-
7 ceive compensation at the rate of pay in effect
8 for level IV of the Executive Schedule under
9 section 5315 of title 5, United States Code.

10 (c) REMOVAL.—The Director shall serve at
11 the pleasure of the President.

12 (d) BARRED FROM OTHER FEDERAL POSI-
13 TIONS.—No person shall serve as Director
14 while serving in any other position in the Fed-
15 eral Government.

16 (e) RESPONSIBILITIES OF DIRECTOR.—The
17 Director shall do the following:

18 (1) Consider information regarding
19 the facts and circumstances of violations
20 of religious freedom presented in the an-
21 nual reports of the Department of State
22 on human rights under sections 116(d)
23 and 502B(b) of the Foreign Assistance Act
24 of 1961 (22 U.S.C. 2151n(d) and 2304(b)).

1 **(2) Make findings of fact on violations**
2 **of religious freedom based on informa-**
3 **tion—**

4 **(A) considered under paragraph**
5 **(1); or**

6 **(B) presented by independent**
7 **human rights groups, nongovern-**
8 **mental organizations, or other inter-**
9 **ested parties, at any stage of the**
10 **process provided in this Act.**

11 **When appropriate, the Director may hold**
12 **public hearings subject to notice at**
13 **which such groups, organizations, or**
14 **other interested parties can present testi-**
15 **mony and evidence of acts of persecution**
16 **occurring in countries being examined by**
17 **the Office.**

18 **(3) On the basis of information and**
19 **findings of fact described in paragraphs**
20 **(1) and (2), make recommendations to the**
21 **Secretary of State for consideration by**
22 **the Secretary in making determinations**
23 **of countries in which there is category 1**
24 **or category 2 persecution under sub-**
25 **section (g), identify the responsible enti-**

1 **ties within such countries, and prepare**
2 **and submit the annual report described**
3 **in section 6.**

4 **(4) Maintain the lists of persecution**
5 **facilitating products, and the responsible**
6 **entities within countries determined to**
7 **be engaged in persecution described in**
8 **paragraph (3), revising the lists in ac-**
9 **cordance with section 6(c) as additional**
10 **information becomes available. These**
11 **lists shall be published in the Federal**
12 **Register.**

13 **(5) In consultation with the Secretary**
14 **of State, make policy recommendations to**
15 **the President regarding the policies of**
16 **the United States Government toward**
17 **governments which are determined to be**
18 **engaged in religious persecution.**

19 **(6) Report directly to the President**
20 **and the Secretary of State, and coordi-**
21 **nate with the appropriate officials of the**
22 **Department of State, the Department of**
23 **Justice, the Department of Commerce,**
24 **and the Department of the Treasury, to**

1 **ensure that the provisions of this Act are**
2 **fully and effectively implemented.**

3 **(f) ADMINISTRATIVE MATTERS.—**

4 **(1) PERSONNEL.—The Director may ap-**
5 **point such personnel as may be necessary**
6 **to carry out the functions of the Office.**

7 **(2) SERVICES OF OTHER AGENCIES.—The**
8 **Director may use the personnel, services,**
9 **and facilities of any other department or**
10 **agency, on a reimbursable basis, in carry-**
11 **ing out the functions of the Office.**

12 **(g) RESPONSIBILITIES OF THE SECRETARY OF**
13 **STATE.—The Secretary of State, in time for in-**
14 **clusion in the annual report described in sub-**
15 **sections (a) and (b) of section 6, shall deter-**
16 **mine with respect to each country described**
17 **in section 4 whether there is category 1 or cat-**
18 **egory 2 persecution, and shall include in each**
19 **such determination the communities against**
20 **which such persecution is directed. Any de-**
21 **termination in any interim report described**
22 **in subsection (c) of section 6 that there is cat-**
23 **egory 1 or category 2 persecution in a country**
24 **shall be made by the Secretary of State.**

1 SEC. 6. REPORTS TO CONGRESS.

2 (a) ANNUAL REPORTS.—Not later than April
3 30 of each year, the Director shall submit to
4 the Committees on Foreign Relations, the Ju-
5 diciary, Appropriations, and Banking, Hous-
6 ing, and Urban Affairs of the Senate and to
7 the Committees on International Relations,
8 the Judiciary, Appropriations, and Banking
9 and Financial Services of the House of Rep-
10 resentatives a report described in subsection
11 (b).

12 (b) CONTENTS OF ANNUAL REPORT.—The an-
13 nual report of the Director shall include the
14 following:

15 (1) DETERMINATION OF RELIGIOUS PER-
16 SECUTION.—A copy of the determinations
17 of the Secretary of State pursuant to sub-
18 section (g) of section 5.

19 (2) IDENTIFICATION OF PERSECUTION FA-
20 CILITATING PRODUCTS.—With respect to
21 each country in which the Secretary of
22 State has determined that there is either
23 category 1 or category 2 persecution, the
24 Director, in consultation with the Sec-
25 retary of Commerce, shall identify and
26 list the items on the list established

1 under section 6(n) of the Export Adminis-
2 tration Act of 1979 that are directly and
3 substantially used or intended for use in
4 carrying out acts of religious persecution
5 in such country.

6 (3) IDENTIFICATION OF RESPONSIBLE EN-
7 TITIES.—With respect to each country in
8 which the Secretary of State has deter-
9 mined that there is category 1 persecu-
10 tion, the Director shall identify and list
11 the responsible entities within that coun-
12 try that are engaged in such persecution.
13 Such entities shall be defined as nar-
14 rowly as possible.

15 (4) OTHER REPORTS.—The Director
16 shall include the reports submitted to the
17 Director by the Attorney General under
18 section 9 and by the Secretary of State
19 under section 10.

20 (c) INTERIM REPORTS.—The Director may
21 submit interim reports to the Congress con-
22 taining such matters as the Director consid-
23 ers necessary, including revisions to the lists
24 issued under paragraphs (2) and (3) of sub-
25 section (b). The Director shall submit an in-

1 **terim report in the case of a determination by**
2 **the Secretary of State under section 5(g),**
3 **other than in an annual report of the Direc-**
4 **tor, that category 1 or category 2 persecution**
5 **exists, or in the case of a determination by the**
6 **Secretary of State under section 11(a) that**
7 **neither category 1 or category 2 persecution**
8 **exists.**

9 **(d) PERSECUTION IN REGIONS OF A COUN-**
10 **TRY.—In determining whether category 1 or**
11 **category 2 persecution exists in a country, the**
12 **Secretary of State shall include such persecu-**
13 **tion that is limited to one or more regions**
14 **within the country, and shall indicate such re-**
15 **gions in the reports described in this section.**

16 **SEC. 7. SANCTIONS.**

17 **(a) PROHIBITION ON EXPORTS RELATING TO**
18 **RELIGIOUS PERSECUTION.—**

19 **(1) ACTIONS BY RESPONSIBLE DEPART-**
20 **MENTS AND AGENCIES.—With respect to any**
21 **country in which—**

22 **(A) the Secretary of State finds**
23 **the occurrence of category 1 persecu-**
24 **tion, the Director shall so notify the**
25 **relevant United States departments**

1 **and agencies, and such departments**
2 **and agencies shall—**

3 **(i) prohibit all exports to the**
4 **responsible entities identified in**
5 **the lists issued under subsections**
6 **(b)(3) and (c) of section 6; and**

7 **(ii) prohibit the export to**
8 **such country of the persecution**
9 **facilitating products identified in**
10 **the lists issued under subsections**
11 **(b)(2) and (c) of section 6; or**

12 **(B) the Secretary of State finds**
13 **the occurrence of category 2 persecu-**
14 **tion, the Director shall so notify the**
15 **relevant United States departments**
16 **and agencies, and such departments**
17 **and agencies shall prohibit the export**
18 **to such country of the persecution fa-**
19 **ilitating products identified in the**
20 **lists issued under subsections (b)(2)**
21 **and (c) of section 6.**

22 **(2) PROHIBITIONS ON U.S. PERSONS.—(A)**

23 **With respect to any country in which the**
24 **Secretary of State finds the occurrence of**

1 **category 1 persecution, no United States**
2 **person may—**

3 **(i) export any item to the respon-**
4 **sible entities identified in the lists**
5 **issued under subsections (b)(3) and**
6 **(c) of section 6; and**

7 **(ii) export to that country any**
8 **persecution facilitating products**
9 **identified in the lists issued under**
10 **subsections (b)(2) and (c) of section 6.**

11 **(B) With respect to any country in**
12 **which the Secretary of State finds the oc-**
13 **currence of category 2 persecution, no**
14 **United States person may export to that**
15 **country any persecution facilitating**
16 **products identified in the lists issued**
17 **under subsections (b)(2) and (c) of section**
18 **6.**

19 **(3) PENALTIES.—Any person who**
20 **knowingly violates the provisions of**
21 **paragraph (2) shall be subject to the pen-**
22 **alties set forth in subsections (a) and**
23 **(b)(1) of section 16 of the Trading With**
24 **the Enemy Act (50 U.S.C. App. 16 (a) and**
25 **(b)(1)) for violations under that Act.**

1 **(4) EFFECTIVE DATE OF PROHIBITIONS.—**

2 **The prohibitions on exports under para-**
3 **graphs (1) and (2) shall take effect with**
4 **respect to a country 90 days after the**
5 **date on which—**

6 **(A) the country is identified in a**
7 **report of the Director under section 6**
8 **as a country in which category 1 or**
9 **category 2 persecution exists,**

10 **(B) responsible entities are identi-**
11 **fied in that country in a list issued**
12 **under subsection (b)(3) or (c) of sec-**
13 **tion 6, or**

14 **(C) persecution facilitating prod-**
15 **ucts are identified in a list issued**
16 **under subsection (b)(2) or (c) of sec-**
17 **tion 6,**

18 **as the case may be.**

19 **(b) UNITED STATES ASSISTANCE.—**

20 **(1) CATEGORY 1 PERSECUTION.—No**
21 **United States assistance may be provided**
22 **to the government of any country which**
23 **the Secretary of State determines is en-**
24 **gaged in category 1 persecution, effective**
25 **90 days after the date on which the Di-**

1 **rector submits the report in which the**
2 **determination is included.**

3 **(2) CATEGORY 2 PERSECUTION.—No**
4 **United States assistance may be provided**
5 **to the government of any country in**
6 **which the Secretary of State determines**
7 **that there is category 2 persecution, ef-**
8 **fective 1 year after the date on which the**
9 **Director submits the report in which the**
10 **determination is included, if the Sec-**
11 **retary of State, in the next annual report**
12 **of the Director under section 6, deter-**
13 **mines that the country is engaged in cat-**
14 **egory 1 persecution or that category 2**
15 **persecution exists in that country.**

16 **(c) MULTILATERAL ASSISTANCE.—**

17 **(1) CATEGORY 1 PERSECUTION.—With re-**
18 **spect to any country which the Secretary**
19 **of State determines is engaged in cat-**
20 **egory 1 persecution, the President shall**
21 **instruct the United States Executive Di-**
22 **rector of each multilateral development**
23 **bank and of the International Monetary**
24 **Fund to vote against, and use his or her**
25 **best efforts to deny, any loan or other uti-**

1 **lization of the funds of their respective**
2 **institutions to that country (other than**
3 **for humanitarian assistance, or for devel-**
4 **opment assistance which directly ad-**
5 **dresses basic human needs, is not admin-**
6 **istered by the government of the sanc-**
7 **tioned country, and confers no benefit on**
8 **the government of that country), effective**
9 **90 days after the Director submits the re-**
10 **port in which the determination is in-**
11 **cluded.**

12 **(2) CATEGORY 2 PERSECUTION.—With re-**
13 **spect to any country in which the Sec-**
14 **retary of State determines there is cat-**
15 **egory 2 persecution, the President shall**
16 **instruct the United States Executive Di-**
17 **rector of each multilateral development**
18 **bank and of the International Monetary**
19 **Fund to vote against, and use his or her**
20 **best efforts to deny, any loan or other uti-**
21 **lization of the funds of their respective**
22 **institutions to that country (other than**
23 **for humanitarian assistance, or for devel-**
24 **opment assistance which directly ad-**
25 **dresses basic human needs, is not admin-**

1 **istered by the government of the sanc-**
2 **tioned country, and confers no benefit on**
3 **the government of that country), effective**
4 **1 year after the date on which the Direc-**
5 **tor submits the report in which the deter-**
6 **mination is included, if the Secretary of**
7 **State, in the next annual report of the Di-**
8 **rector under section 6, determines that**
9 **the country is engaged in category 1 per-**
10 **secution or that category 2 persecution**
11 **exists in that country.**

12 **(3) REPORTS TO CONGRESS.—If a coun-**
13 **try described in paragraph (1) or (2) is**
14 **granted a loan or other utilization of**
15 **funds notwithstanding the objection of**
16 **the United States under this subsection,**
17 **the Secretary of the Treasury shall report**
18 **to the Congress on the efforts made to**
19 **deny loans or other utilization of funds to**
20 **that country, and shall include in the re-**
21 **port specific and explicit recommenda-**
22 **tions designed to ensure that such loans**
23 **or other utilization of funds are denied to**
24 **that country in the future.**

1 **(4) DEFINITION.—**As used in this sub-
2 section, the term “multilateral develop-
3 ment bank” means any of the multilateral
4 development banks as defined in section
5 1701(c)(4) of the International Financial
6 Institutions Act (22 U.S.C. 262r(c)(4)).

7 **(d) DENIAL OF VISAS.—**No consular officer
8 shall issue a visa to, and the Attorney General
9 shall exclude from the United States, any
10 alien who the Director determines carried out
11 or directed the carrying out of any act of cat-
12 egory 1 or category 2 persecution.

13 **(e) RELATIONSHIP TO OTHER PROVISIONS.—**
14 The effective dates of the sanctions provided
15 in this section are subject to sections 8 and 11.

16 **(f) DULY AUTHORIZED INTELLIGENCE ACTIVI-**
17 **TIES.—**The prohibitions and restrictions of
18 this section shall not apply to the conduct of
19 duly authorized intelligence activities of the
20 United States Government.

21 **(g) EFFECT ON EXISTING CONTRACTS.—**The
22 imposition of sanctions under this section
23 shall not affect any contract that is entered
24 into by the Overseas Private Investment Cor-
25 poration before the sanctions are imposed, is

1 in force on the date on which the sanctions
2 are imposed, and is enforceable in a court of
3 law on such date.

4 (h) EFFECT OF WAIVERS.—Any sanction
5 under this section shall not take effect during
6 the period after the President has notified the
7 Congress of a waiver of that sanction under
8 section 8 and before the waiver has taken ef-
9 fect under that section.

10 SEC. 8. WAIVER OF SANCTIONS.

11 (a) WAIVER AUTHORITY.—Subject to sub-
12 section (b), the President may waive the impo-
13 sition of any sanction against a country under
14 section 7 for periods of not more than 12
15 months each, if the President, for each waiv-
16 er—

17 (1) determines—

18 (A) that the national security in-
19 terests of the United States justify
20 such a waiver; or

21 (B) that such a waiver will sub-
22 stantially promote the purposes of
23 this Act as set forth in section 2; and

24 (2) provides to the Committees on
25 Foreign Relations, Finance, the Judici-

1 ary, and Appropriations of the Senate
2 and to the Committees on International
3 Relations, the Judiciary, and Appropria-
4 tions of the House of Representatives a
5 written notification of the President's in-
6 tention to waive any such sanction.

7 The notification shall contain an explanation
8 of the reasons why the President considers
9 the waiver to be necessary, the type and
10 amount of goods, services, or assistance to be
11 provided pursuant to the waiver, and the pe-
12 riod of time during which such a waiver will
13 be effective. When the President considers it
14 appropriate, the explanation under the pre-
15 ceding sentence, or any part of the expla-
16 nation, may be submitted in classified form.

17 **(b) ADDITIONAL INFORMATION.**—In the case
18 of a waiver under subsection (a)(1)(B), the no-
19 tification shall contain a detailed statement of
20 the facts particular to the country subject to
21 the waiver which justifies the President's de-
22 termination, and of the alternative measures
23 the President intends to implement in order
24 to achieve the objectives of this Act.

25 **(c) TAKING EFFECT OF WAIVER.**—

1 **(1) IN GENERAL.—Subject to paragraph**
2 **(2), a waiver under subsection (a) shall**
3 **take effect 45 days after its submission to**
4 **the Congress, or on the day after the 15th**
5 **legislative day after such submission,**
6 **whichever is later.**

7 **(2) IN EMERGENCY CONDITIONS.—The**
8 **President may waive the imposition of**
9 **sanctions against a country under sub-**
10 **section (b) or (c) of section 7 to take ef-**
11 **fect immediately if the President, in the**
12 **written notification of intention to waive**
13 **the sanctions, certifies that emergency**
14 **conditions exist that make an immediate**
15 **waiver necessary.**

16 **(d) SENSE OF CONGRESS.—It is the sense of**
17 **Congress that in order to achieve the objec-**
18 **tives of this Act, the waiver authority pro-**
19 **vided in this section should be used only in**
20 **extraordinary circumstances.**

21 **SEC. 9. MODIFICATION OF IMMIGRATION POLICY.**

22 **(a) CREDIBLE FEAR OF PERSECUTION DE-**
23 **FINED.—Section 235(b)(1)(B)(v) of the Immi-**
24 **gration and Nationality Act (8 U.S.C.**
25 **1225(b)(1)(B)(v)) (as amended by section 302 of**

1 **the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; Public Law**
2 **104–208; 110 Stat. 3009–582) is amended by**
3 **adding at the end the following:**

4
5 **“Any alien who can credibly claim**
6 **membership in a persecuted com-**
7 **munity found to be subject to cat-**
8 **egory 1 or category 2 religious**
9 **persecution in the most recent**
10 **annual report sent by the Direc-**
11 **tor of the Office of Religious Per-**
12 **secution Monitoring to the Con-**
13 **gress under section 6 of the Free-**
14 **dom From Religious Persecution**
15 **Act of 1997 shall be considered to**
16 **have a credible fear of persecu-**
17 **tion within the meaning of the**
18 **preceding sentence.”.**

19 **(b) TRAINING FOR CERTAIN IMMIGRATION OF-**
20 **FICERS.—Section 235 of the Immigration and**
21 **Nationality Act (8 U.S.C. 1225) (as amended by**
22 **section 302 of the Illegal Immigration Reform**
23 **and Immigrant Responsibility Act of 1996;**
24 **Public Law 104–208; 110 Stat. 3009–579) is**
25 **amended by adding at the end the following:**

1 **“(d) TRAINING ON RELIGIOUS PERSECU-**
2 **TION.—The Attorney General shall establish**
3 **and operate a program to provide to immigra-**
4 **tion officers performing functions under sub-**
5 **section (b), or section 207 or 208, training on**
6 **religious persecution, including training on—**

7 **“(1) the fundamental components of**
8 **the right to freedom of religion;**

9 **“(2) the variation in beliefs of reli-**
10 **gious groups; and**

11 **“(3) the governmental and nongovern-**
12 **mental methods used in violation of the**
13 **right to freedom of religion.”.**

14 **(c) ASYLUM.—Section 208 of the Immigra-**
15 **tion and Nationality Act (8 U.S.C. 1158) (as**
16 **amended by section 604 of the Illegal Immi-**
17 **gration Reform and Immigrant Responsibility**
18 **Act of 1996; Public Law 104–208; 1110 Stat.**
19 **3009–690) is amended by adding at the end the**
20 **following:**

21 **“(e) SPECIAL RULES FOR RELIGIOUS PERSE-**
22 **CUTION CLAIMS.—**

23 **“(1) PROCEDURES UPON DENIAL.—**

24 **“(A) IN GENERAL.—In any case in**
25 **which the Service denies or refers to**

1 **an immigration judge an asylum ap-**
2 **plication filed by an alien described**
3 **in the second sentence of section**
4 **235(b)(1)(B)(v), or any case in which**
5 **an immigration judge denies such an**
6 **application on the ground that the**
7 **alien is not a refugee within the**
8 **meaning of section 101(a)(42)(A), the**
9 **Service shall provide the alien with**
10 **the following:**

11 **“(i) A written statement con-**
12 **taining the reasons for the denial,**
13 **which shall be supported by ref-**
14 **erences to—**

15 **“(I) the most recent an-**
16 **ual report sent by the Direc-**
17 **tor of the Office of Religious**
18 **Persecution Monitoring to the**
19 **Congress under section 6 of**
20 **the Freedom From Religious**
21 **Persecution Act of 1997; and**

22 **“(II) either—**

23 **“(aa) the most recent**
24 **country report on human**

1 **rights practices issued by**
2 **the Secretary of State; or**

3 **“(bb) any other report**
4 **issued by the Secretary of**
5 **State concerning condi-**
6 **tions in the country of**
7 **which the alien is a na-**
8 **tional (or, in the case of**
9 **an alien having no nation-**
10 **ality, the country of the**
11 **alien’s last habitual resi-**
12 **dence).**

13 **“(ii) A copy of any assessment**
14 **sheet prepared by an asylum offi-**
15 **cer for a supervisory asylum offi-**
16 **cer with respect to the applica-**
17 **tion.**

18 **“(iii) A list of any publicly**
19 **available materials relied upon by**
20 **an asylum officer as a basis for**
21 **denying the application.**

22 **“(iv) A copy of any materials**
23 **relied upon by an asylum officer**
24 **as a basis for denying the applica-**
25 **tion that are not available to the**

1 **public, except Federal agency**
2 **records that are exempt from dis-**
3 **closure under section 552(b) of**
4 **title 5, United States Code.**

5 **“(B) CREDIBILITY IN ISSUE.—In any**
6 **case described in subparagraph (A) in**
7 **which the denial is based, in whole or**
8 **in part, on credibility grounds, the**
9 **Service shall also provide the alien**
10 **with the following:**

11 **“(i) The statements by the ap-**
12 **plicant, or other evidence, that**
13 **were found not to be credible.**

14 **“(ii) A statement certifying**
15 **that the applicant was provided**
16 **an opportunity to respond to the**
17 **Service’s position on the credibil-**
18 **ity issue.**

19 **“(iii) A brief summary of such**
20 **response, if any was made.**

21 **“(iv) An explanation of how**
22 **the negative determination on the**
23 **credibility issue relates to the ap-**
24 **plicant’s religious persecution**
25 **claim.**

1 **“(2) EFFECT IN SUBSEQUENT PROCEED-**
2 **INGS.—**

3 **“(A) USE AT OPTION OF APPLI-**
4 **CANT.—Any material provided to an**
5 **alien under paragraph (1) shall be**
6 **considered part of the official record**
7 **pertaining to the alien’s asylum appli-**
8 **cation solely at the option of the**
9 **alien.**

10 **“(B) NO EFFECT ON REVIEW.—The**
11 **provision of any material under para-**
12 **graph (1) to an alien shall not be con-**
13 **strued to alter any standard of review**
14 **otherwise applicable in any adminis-**
15 **trative or judicial adjudication con-**
16 **cerning the alien’s asylum applica-**
17 **tion.**

18 **“(3) DUTY TO SUBMIT REPORT ON RELI-**
19 **GIOUS PERSECUTION.—In any judicial or**
20 **administrative proceeding in which the**
21 **Service opposes granting asylum to an**
22 **alien described in the second sentence of**
23 **section 235(b)(1)(B)(v), the Service shall**
24 **submit to the court or administrative ad-**
25 **judicator a copy of the most recent an-**

1 nual report submitted to the Congress by
2 the Director of the Office of Religious
3 Persecution Monitoring under section 6
4 of the Freedom From Religious Persecu-
5 tion Act of 1997, and any interim reports
6 issued by such Director after such annual
7 report.”.

8 (d) ANNUAL REPORT.—Not later than Janu-
9 ary 1 of each year, the Attorney General shall
10 submit to the Director an annual report that
11 includes the following:

12 (1) With respect to the year that is
13 the subject of the report, the number of
14 applicants for asylum or refugee status
15 whose applications were based, in whole
16 or in part, on religious persecution.

17 (2) In the case of such applications,
18 the number that were proposed to be de-
19 nied, and the number that were finally
20 denied.

21 (3) In the case of such applications,
22 the number that were granted.

23 (4) A description of developments
24 with respect to the adjudication of appli-
25 cations for asylum or refugee status filed

1 by an alien who claims to be a member of
2 a persecuted community that the Direc-
3 tor found to be subject to category 1 or
4 category 2 religious persecution in the
5 most recent annual report submitted to
6 the Congress under section 6.

7 (5) With respect to the year that is
8 the subject of the report, a description of
9 training on religious persecution pro-
10 vided under section 235(d) of the Immi-
11 gration and Nationality Act (as added by
12 subsection (b)) to immigration officers
13 performing functions under section
14 235(b) of such Act, or adjudicating appli-
15 cations under section 207 or 208 of such
16 Act, including a list of speakers and ma-
17 terials used in such training and the
18 number of officers who received such
19 training.

20 (e) **ADMISSION PRIORITY.**—For purposes of
21 section 207(a)(3) of the Immigration and Na-
22 tionality Act, an individual who is a member
23 of a persecuted community that the Director
24 found to be subject to category 1 or category
25 2 religious persecution in the most recent an-

1 nual report submitted to the Congress under
2 section 6, and is determined by the Attorney
3 General to be a refugee within the meaning
4 of section 101(a)(42)(A) of the Immigration
5 and Nationality Act, shall be considered a ref-
6 ugee of special humanitarian concern to the
7 United States. In carrying out such section,
8 such an individual shall be given priority sta-
9 tus at least as high as that given to any mem-
10 ber of any other specific group of refugees of
11 special concern to the United States.

12 (f) NO EFFECT ON OTHERS' RIGHTS.—Noth-
13 ing in this section, or any amendment made
14 by this section, shall be construed to deny any
15 applicant for asylum or refugee status (in-
16 cluding any applicant who is not a member of
17 a persecuted community but whose claim is
18 based on religious persecution) any right,
19 privilege, protection, or eligibility otherwise
20 provided by law.

21 (g) NO DISPLACEMENT OF OTHER REFU-
22 GEES.—Refugees admitted to the United States
23 as a result of the procedures set forth in this
24 section shall not displace other refugees in
25 need of resettlement who would otherwise

1 have been admitted in accordance with exist-
2 ing law and procedures.

3 (h) PERIOD FOR PUBLIC COMMENT AND RE-
4 VIEW.—Section 207(d) of the Immigration and
5 Nationality Act is amended by adding at the
6 end the following:

7 “(4)(A) Notwithstanding any other provi-
8 sion of law, prior to each annual determina-
9 tion regarding refugee admissions under this
10 subsection, there shall be a period of public
11 review and comment, particularly by appro-
12 priate nongovernmental organizations,
13 churches, and other religious communities
14 and organizations, and the general public.

15 “(B) Nothing in this paragraph may be
16 construed to apply subchapter II of chapter 5
17 of title 5, United States Code, to the period of
18 review and comment referred to in subpara-
19 graph (A).”.

20 SEC. 10. STATE DEPARTMENT HUMAN RIGHTS REPORTS.

21 (a) ANNUAL HUMAN RIGHTS REPORT.—In
22 preparing the annual reports of the State De-
23 partment on human rights under sections
24 116(d) and 502B(b) of the Foreign Assistance
25 Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)),

1 **the Secretary of State shall, in the section on**
2 **religious freedom—**

3 **(1) consider the facts and cir-**
4 **cumstances of the violation of the right**
5 **to freedom of religion presented by inde-**
6 **pendent human rights groups and non-**
7 **governmental organizations;**

8 **(2) report on the extent of the viola-**
9 **tions of the right to freedom of religion,**
10 **specifically including whether the viola-**
11 **tions arise from governmental or non-**
12 **governmental sources, and whether the**
13 **violations are encouraged by the govern-**
14 **ment or whether the government fails to**
15 **exercise satisfactory efforts to control**
16 **such violations;**

17 **(3) report on whether freedom of reli-**
18 **gion violations occur on a nationwide, re-**
19 **gional, or local level; and**

20 **(4) identify whether the violations are**
21 **focused on an entire religion or on cer-**
22 **tain denominations or sects.**

23 **(b) TRAINING.—The Secretary of State**
24 **shall—**

1 (1) institute programs to provide
2 training for chiefs of mission as well as
3 Department of State officials having re-
4 porting responsibilities regarding the
5 freedom of religion, which shall include
6 training on—

7 (A) the fundamental components
8 of the right to freedom of religion, the
9 variation in beliefs of religious
10 groups, and the governmental and
11 nongovernmental methods used in
12 the violation of the right to freedom
13 of religion; and

14 (B) the identification of independ-
15 ent human rights groups and non-
16 governmental organizations with ex-
17 pertise in the matters described in
18 subparagraph (A); and

19 (2) submit to the Director, not later
20 than January 1 of each year, a report de-
21 scribing all training provided to Depart-
22 ment of State officials with respect to re-
23 ligious persecution during the preceding
24 1-year period, including a list of instruc-
25 tors and materials used in such training

1 **and the number and rank of individuals**
2 **who received such training.**

3 **SEC. 11. TERMINATION OF SANCTIONS.**

4 **(a) TERMINATION.—The sanctions de-**
5 **scribed in section 7 shall cease to apply with**
6 **respect to a sanctioned country 45 days, or**
7 **the day after the 15th legislative day, which-**
8 **ever is later, after the Director, in an annual**
9 **report described in section 6(b), does not in-**
10 **clude a determination by the Secretary of**
11 **State that the sanctioned country is among**
12 **those in which category 1 or category 2 perse-**
13 **cution continues to exist, or in an interim re-**
14 **port under section 6(c), includes a determina-**
15 **tion by the Secretary of State that neither cat-**
16 **egory 1 nor category 2 persecution exists in**
17 **such country.**

18 **(b) WITHDRAWAL OF FINDING.—Any deter-**
19 **mination of the Secretary of State under sec-**
20 **tion 5(g) may be withdrawn before taking ef-**
21 **fect if the Secretary makes a written deter-**
22 **mination, on the basis of a preponderance of**
23 **the evidence, that the country substantially**
24 **eliminated any category 1 or category 2 perse-**
25 **cution that existed in that country. The Direc-**

1 **tor shall submit to the Congress each deter-**
2 **mination under this subsection.**

3 **SEC. 12. SANCTIONS AGAINST SUDAN.**

4 **(a) EXTENSION OF SANCTIONS UNDER EXIST-**
5 **ING LAW.—Any sanction imposed on Sudan be-**
6 **cause of a determination that the government**
7 **of that country has provided support for acts**
8 **of international terrorism, including—**

9 **(1) export controls imposed pursuant**
10 **to the Export Administration Act of 1979;**

11 **(2) prohibitions on transfers of muni-**
12 **tions under section 40 of the Arms Export**
13 **Control Act;**

14 **(3) the prohibition on assistance**
15 **under section 620A of the Foreign Assist-**
16 **ance Act of 1961;**

17 **(4) section 2327(b) of title 10, United**
18 **States Code;**

19 **(5) section 6 of the Bretton Woods**
20 **Agreements Act Amendments, 1978 (22**
21 **U.S.C. 286e–11); and**

22 **(6) section 527 of the Foreign Oper-**
23 **ations, Export Financing, and Related**
24 **Programs Appropriations Act, 1998 (as**
25 **contained in Public Law 105–118);**

1 shall continue in effect after the enactment of
2 this Act until the Secretary of State deter-
3 mines that Sudan has substantially elimi-
4 nated religious persecution in that country,
5 or the determination that the government of
6 that country has provided support for acts of
7 international terrorism is no longer in effect,
8 whichever occurs later.

9 (b) **ADDITIONAL SANCTIONS ON SUDAN.—Ef-**
10 **fective 90 days after the date of the enactment**
11 **of this Act, the following sanctions (to the ex-**
12 **tent not covered under subsection (a)) shall**
13 **apply with respect to Sudan:**

14 (1) **PROHIBITION ON FINANCIAL TRANS-**
15 **ACTIONS WITH GOVERNMENT OF SUDAN.—**

16 (A) **OFFENSE.—Any United States**
17 **person who knowingly engages in any**
18 **financial transaction, including any**
19 **loan or other extension of credit, di-**
20 **rectly or indirectly, with the Govern-**
21 **ment of Sudan shall be fined in ac-**
22 **cordance with title 18, United States**
23 **Code, or imprisoned for not more**
24 **than 10 years, or both.**

1 **(B) DEFINITIONS.—As used in this**
2 **paragraph:**

3 **(i) FINANCIAL TRANSACTION.—**
4 **The term “financial transaction”**
5 **has the meaning given that term**
6 **in section 1956(c)(4) of title 18,**
7 **United States Code.**

8 **(ii) UNITED STATES PERSON.—**
9 **The term “United States person”**
10 **means—**

11 **(I) any United States citi-**
12 **zen or national;**

13 **(II) any alien lawfully ad-**
14 **mitted into the United States**
15 **for permanent residence;**

16 **(III) any juridical person**
17 **organized under the laws of**
18 **the United States; and**

19 **(IV) any person in the**
20 **United States.**

21 **(2) PROHIBITIONS ON UNITED STATES EX-**
22 **PORTS TO SUDAN.—**

23 **(A) PROHIBITION ON COMPUTER EX-**
24 **PORTS.—No computers, computer soft-**
25 **ware, or goods or technology in-**

1 **tended to manufacture or service**
2 **computers may be exported to or for**
3 **use of the Government of Sudan.**

4 **(B) REGULATIONS OF THE SEC-**
5 **RETARY OF COMMERCE.—The Secretary**
6 **of Commerce may prescribe such reg-**
7 **ulations as may be necessary to carry**
8 **out subparagraph (A).**

9 **(C) PENALTIES.—Any person who**
10 **violates this paragraph shall be sub-**
11 **ject to the penalties provided in sec-**
12 **tion 11 of the Export Administration**
13 **Act of 1979 (50 U.S.C. App. 2410) for**
14 **violations under that Act.**

15 **(3) PROHIBITION ON NEW INVESTMENT IN**
16 **SUDAN.—**

17 **(A) PROHIBITION.—No United**
18 **States person may, directly or**
19 **through another person, make any**
20 **new investment in Sudan that is not**
21 **prohibited by paragraph (1).**

22 **(B) REGULATIONS.—The Secretary**
23 **of Commerce may prescribe such reg-**
24 **ulations as may be necessary to carry**
25 **out subparagraph (A).**

1 **(C) PENALTIES.—Any person who**
2 **violates this paragraph shall be sub-**
3 **ject to the penalties provided in sec-**
4 **tion 11 of the Export Administration**
5 **Act of 1979 (50 U.S.C. App. 2410) for**
6 **violations under that Act.**

7 **(4) AVIATION RIGHTS.—**

8 **(A) AIR TRANSPORTATION RIGHTS.—**
9 **The Secretary of Transportation shall**
10 **prohibit any aircraft of a foreign air**
11 **carrier owned or controlled, directly**
12 **or indirectly, by the Government of**
13 **Sudan or operating pursuant to a**
14 **contract with the Government of**
15 **Sudan from engaging in air transpor-**
16 **tation with respect to the United**
17 **States, except that such aircraft shall**
18 **be allowed to land in the event of an**
19 **emergency for which the safety of an**
20 **aircraft's crew or passengers is**
21 **threatened.**

22 **(B) TAKEOFFS AND LANDINGS.—The**
23 **Secretary of Transportation shall pro-**
24 **hibit the takeoff and landing in**
25 **Sudan of any aircraft by an air car-**

1 rier owned, directly or indirectly, or
2 controlled by a United States person,
3 except that such aircraft shall be al-
4 lowed to land in the event of an emer-
5 gency for which the safety of an air-
6 craft’s crew or passengers is threat-
7 ened, or for humanitarian purposes.

8 (C) **TERMINATION OF AIR SERVICE**
9 **AGREEMENTS.**—To carry out subpara-
10 graphs (A) and (B), the Secretary of
11 State shall terminate any agreement
12 between the Government of Sudan
13 and the Government of the United
14 States relating to air services be-
15 tween their respective territories.

16 (D) **DEFINITIONS.**—For purposes of
17 this paragraph, the terms “aircraft”,
18 “air transportation”, and “foreign air
19 carrier” have the meanings given
20 those terms in section 40102 of title
21 49, United States Code.

22 (5) **PROHIBITION ON PROMOTION OF**
23 **UNITED STATES TOURISM.**—None of the
24 funds appropriated or otherwise made
25 available by any provision of law may be

1 **available to promote United States tour-**
2 **ism in Sudan.**

3 **(6) GOVERNMENT OF SUDAN BANK AC-**
4 **COUNTS.—**

5 **(A) PROHIBITION.—A United States**
6 **depository institution may not ac-**
7 **cept, receive, or hold a deposit ac-**
8 **count from the Government of Sudan,**
9 **except for such accounts which may**
10 **be authorized by the President for**
11 **diplomatic or consular purposes.**

12 **(B) ANNUAL REPORTS.—The Sec-**
13 **retary of the Treasury shall submit**
14 **annual reports to the Congress on the**
15 **nature and extent of assets held in**
16 **the United States by the Government**
17 **of Sudan.**

18 **(C) DEFINITION.—For purposes of**
19 **this paragraph, the term “depository**
20 **institution” has the meaning given**
21 **that term in section 19(b)(1) of the**
22 **Act of December 23, 1913 (12 U.S.C.**
23 **461(b)(1)).**

24 **(7) PROHIBITION ON UNITED STATES GOV-**
25 **ERNMENT PROCUREMENT FROM SUDAN.—**

1 **(A) PROHIBITION.—No department,**
2 **agency, or any other entity of the**
3 **United States Government may enter**
4 **into a contract for the procurement**
5 **of goods or services from parastatal**
6 **organizations of Sudan, except for**
7 **items necessary for diplomatic or**
8 **consular purposes.**

9 **(B) DEFINITION.—As used in this**
10 **paragraph, the term “parastatal orga-**
11 **nization of Sudan” means a corpora-**
12 **tion, partnership, or entity owned,**
13 **controlled, or subsidized by the Gov-**
14 **ernment of Sudan.**

15 **(8) PROHIBITION ON UNITED STATES AP-**
16 **PROPRIATIONS FOR USE AS INVESTMENTS IN**
17 **OR TRADE SUBSIDIES FOR SUDAN.—None of**
18 **the funds appropriated or otherwise**
19 **made available by any provision of law**
20 **may be available for any new investment**
21 **in, or any subsidy for trade with, Sudan,**
22 **including funding for trade missions in**
23 **Sudan and for participation in exhibi-**
24 **tions and trade fairs in Sudan.**

1 **(9) PROHIBITION ON COOPERATION WITH**
2 **ARMED FORCES OF SUDAN.—No agency or**
3 **entity of the United States may engage in**
4 **any form of cooperation, direct or indi-**
5 **rect, with the armed forces of Sudan, ex-**
6 **cept for activities which are reasonably**
7 **necessary to facilitate the collection of**
8 **necessary intelligence. Each such activity**
9 **shall be considered as significant antici-**
10 **pated intelligence activity for purposes of**
11 **section 501 of the National Security Act**
12 **of 1947 (50 U.S.C. 413).**

13 **(10) PROHIBITION ON COOPERATION**
14 **WITH INTELLIGENCE SERVICES OF SUDAN.—**

15 **(A) SANCTION.—No agency or en-**
16 **tity of the United States involved in**
17 **intelligence activities may engage in**
18 **any form of cooperation, direct or in-**
19 **direct, with the Government of**
20 **Sudan, except for activities which are**
21 **reasonably designed to facilitate the**
22 **collection of necessary intelligence.**

23 **(B) POLICY.—It is the policy of the**
24 **United States that no agency or en-**
25 **tity of the United States involved in**

1 intelligence activities may provide
2 any intelligence information to the
3 Government of Sudan which pertains
4 to any internal group within Sudan.
5 Any change in such policy or any pro-
6 vision of intelligence information
7 contrary to this policy shall be con-
8 sidered a significant anticipated in-
9 telligence activity for purposes of sec-
10 tion 501 of the National Security Act
11 of 1947 (50 U.S.C. 413).

12 The sanctions described in this subsection
13 shall apply until the Secretary of State deter-
14 mines that Sudan has substantially elimi-
15 nated religious persecution in that country.

16 (c) MULTILATERAL EFFORTS TO END RELI-
17 GIOUS PERSECUTION IN SUDAN.—

18 (1) EFFORTS TO OBTAIN MULTILATERAL
19 MEASURES AGAINST SUDAN.—It is the policy
20 of the United States to seek an inter-
21 national agreement with the other indus-
22 trialized democracies to bring about an
23 end to religious persecution by the Gov-
24 ernment of Sudan. The net economic ef-
25 fect of such international agreement

1 **should be measurably greater than the**
2 **net economic effect of the other measures**
3 **imposed by this section.**

4 **(2) COMMENCEMENT OF NEGOTIATIONS**
5 **TO INITIATE MULTILATERAL SANCTIONS**
6 **AGAINST SUDAN.—It is the sense of the**
7 **Congress that the President or, at his di-**
8 **rection, the Secretary of State should**
9 **convene an international conference of**
10 **the industrialized democracies in order**
11 **to reach an international agreement to**
12 **bring about an end to religious persecu-**
13 **tion in Sudan. The international con-**
14 **ference should begin promptly and**
15 **should be concluded not later than 180**
16 **days after the date of the enactment of**
17 **this Act.**

18 **(3) PRESIDENTIAL REPORT.—Not less**
19 **than 210 days after the date of the enact-**
20 **ment of this Act, the President shall sub-**
21 **mit to the Congress a report containing—**

22 **(A) a description of efforts by the**
23 **United States to negotiate multilat-**
24 **eral measures to bring about an end**

1 to religious persecution in Sudan;
2 and

3 (B) a detailed description of eco-
4 nomic and other measures adopted
5 by the other industrialized countries
6 to bring about an end to religious
7 persecution in Sudan, including an
8 assessment of the stringency with
9 which such measures are enforced by
10 those countries.

11 (4) CONFORMITY OF UNITED STATES
12 MEASURES TO INTERNATIONAL AGREEMENT.—

13 If the President successfully concludes an
14 international agreement described in
15 paragraph (2), the President may, after
16 such agreement enters into force with re-
17 spect to the United States, adjust, modify,
18 or otherwise amend the measures im-
19 posed under any provision of this section
20 to conform with such agreement.

21 (5) PROCEDURES FOR AGREEMENT TO
22 ENTER INTO FORCE.—Each agreement sub-
23 mitted to the Congress under this sub-
24 section shall enter into force with respect
25 to the United States if—

1 **(A) the President, not less than 30**
2 **days before the day on which the**
3 **President enters into such agree-**
4 **ment, notifies the House of Rep-**
5 **resentatives and the Senate of the**
6 **President's intention to enter into**
7 **such an agreement, and promptly**
8 **thereafter publishes notice of such in-**
9 **tention in the Federal Register;**

10 **(B) after entering into the agree-**
11 **ment, the President transmits to the**
12 **House of Representatives and to the**
13 **Senate a document containing a copy**
14 **of the final text of such agreement,**
15 **together with—**

16 **(i) a description of any admin-**
17 **istrative action proposed to im-**
18 **plement such agreement and an**
19 **explanation as to how the pro-**
20 **posed administrative action**
21 **would change or affect existing**
22 **law; and**

23 **(ii) a statement of the Presi-**
24 **dent's reasons regarding—**

1 **(I) how the agreement**
2 **serves the interest of United**
3 **States foreign policy; and**

4 **(II) why the proposed ad-**
5 **ministrative action is re-**
6 **quired or appropriate to**
7 **carry out the agreement; and**

8 **(C) a joint resolution approving**
9 **such agreement has been enacted, in**
10 **accordance with section 8066(c) of**
11 **the Department of Defense Appro-**
12 **priations Act, 1985 (as contained in**
13 **Public Law 98-473 (98 Stat. 1936)),**
14 **within 30 days of transmittal of such**
15 **document to the Congress.**

16 **For purposes of applying such section**
17 **8066(c), any reference in such section to**
18 **“joint resolution”, “resolution”, or “reso-**
19 **lution described in paragraph (1)” shall**
20 **be deemed to refer to a joint resolution**
21 **described in subparagraph (C) of this**
22 **paragraph.**

23 **(6) UNITED NATIONS SECURITY COUNCIL**
24 **IMPOSITION OF SAME MEASURES AGAINST**
25 **SUDAN.—It is the sense of the Congress**

1 that the President should instruct the
2 Permanent Representative of the United
3 States to the United Nations to propose
4 that the United Nations Security Council,
5 pursuant to Article 41 of the United Na-
6 tions Charter, impose measures against
7 Sudan of the same type as are imposed by
8 this section.

9 **(d) ADDITIONAL MEASURES AND REPORTS;**
10 **RECOMMENDATIONS OF THE PRESIDENT.—**

11 **(1) UNITED STATES POLICY TO END RELI-**
12 **GIUS PERSECUTION.—It shall be the policy**
13 **of the United States to impose additional**
14 **measures against the Government of**
15 **Sudan if its policy of religious persecu-**
16 **tion has not ended on or before Decem-**
17 **ber 25, 1998.**

18 **(2) REPORT TO CONGRESS.—The Direc-**
19 **tor shall prepare and transmit to the**
20 **Speaker of the House of Representatives**
21 **and the Chairman of the Committee on**
22 **Foreign Relations of the Senate on or be-**
23 **fore February 1, 1999, and every 12**
24 **months thereafter, a report containing a**
25 **determination by the Secretary of State**

1 of whether the policy of religious perse-
2 cution by the Government of Sudan has
3 ended.

4 (3) **RECOMMENDATION FOR IMPOSITION**
5 **OF ADDITIONAL MEASURES.—**If the Sec-
6 retary of State determines that the policy
7 of religious persecution by the Govern-
8 ment of Sudan has not ended, the Presi-
9 dent shall prepare and transmit to the
10 Speaker of the House of Representatives
11 and the Chairman of the Committee on
12 Foreign Relations of the Senate on or be-
13 fore March 1, 1999, and every 12 months
14 thereafter, a report setting forth such
15 recommendations for such additional
16 measures and actions against the Govern-
17 ment of Sudan as will end that govern-
18 ment’s policy of religious persecution.

19 (e) **DEFINITIONS.—**As used in this section:

20 (1) **GOVERNMENT OF SUDAN.—**The term
21 “Government of Sudan” includes any
22 agency or instrumentality of the Govern-
23 ment of Sudan.

24 (2) **NEW INVESTMENT IN SUDAN.—**The
25 term “new investment in Sudan”—

1 **(A) means—**

2 **(i) a commitment or contribu-**
3 **tion of funds or other assets, or**

4 **(ii) a loan or other extension**
5 **of credit,**

6 **that is made on or after the effective**
7 **date of this subsection; and**

8 **(B) does not include—**

9 **(i) the reinvestment of profits**
10 **generated by a controlled Suda-**
11 **nese entity into that same con-**
12 **trolled Sudanese entity, or the in-**
13 **vestment of such profits in a Su-**
14 **danese entity;**

15 **(ii) contributions of money or**
16 **other assets where such contribu-**
17 **tions are necessary to enable a**
18 **controlled Sudanese entity to op-**
19 **erate in an economically sound**
20 **manner, without expanding its**
21 **operations; or**

22 **(iii) the ownership or control**
23 **of a share or interest in a Suda-**
24 **nese entity or a controlled Suda-**
25 **nese entity or a debt or equity se-**

1 curity issued by the Government
2 of Sudan or a Sudanese entity be-
3 fore the date of the enactment of
4 this Act, or the transfer or acqui-
5 sition of such a share or interest,
6 or debt or equity security, if any
7 such transfer or acquisition does
8 not result in a payment, contribu-
9 tion of funds or assets, or credit
10 to a Sudanese entity, a controlled
11 Sudanese entity, or the Govern-
12 ment of Sudan.

13 (3) CONTROLLED SUDANESE ENTITY.—

14 The term “controlled Sudanese entity”
15 means—

16 (A) a corporation, partnership, or
17 other business association or entity
18 organized in Sudan and owned or
19 controlled, directly or indirectly, by a
20 United States person; or

21 (B) a branch, office, agency, or
22 sole proprietorship in Sudan of a
23 United States person.

24 (4) SUDANESE ENTITY.—The term “Su-
25 danese entity” means—

1 **(A) a corporation, partnership, or**
2 **other business association or entity**
3 **organized in Sudan; or**

4 **(B) a branch, office, agency, or**
5 **sole proprietorship in Sudan of a per-**
6 **son that resides or is organized out-**
7 **side Sudan.**

8 **(5) SUDAN.—The term “Sudan” means**
9 **any area controlled by the Government of**
10 **Sudan or by any entity allied with the**
11 **Government of Sudan, and does not in-**
12 **clude any area in which effective control**
13 **is exercised by an entity engaged in ac-**
14 **tive resistance to the Government of**
15 **Sudan.**

16 **(f) WAIVER AUTHORITY.—The President**
17 **may waive the imposition of any sanction**
18 **against Sudan under paragraph (2) or (8) of**
19 **subsection (b) of this section for periods of**
20 **not more than 12 months each, if the Presi-**
21 **dent, for each waiver—**

22 **(1) determines that the national secu-**
23 **urity interests of the United States justify**
24 **such a waiver; and**

1 **(2) provides to the Committees on**
2 **Foreign Relations, Finance, the Judici-**
3 **ary, and Appropriations of the Senate**
4 **and to the Committees on International**
5 **Relations, the Judiciary, and Appropria-**
6 **tions of the House of Representatives a**
7 **written notification of the President's in-**
8 **tention to waive any such sanction.**

9 **The notification shall contain an explanation**
10 **of the reasons why the President considers**
11 **the waiver to be necessary, the type and**
12 **amount of goods, services, or assistance to be**
13 **provided pursuant to the waiver, and the pe-**
14 **riod of time during which such a waiver will**
15 **be effective. When the President considers it**
16 **appropriate, the explanation under the pre-**
17 **ceding sentence, or any part of the expla-**
18 **nation, may be submitted in classified form.**

19 **(g) DULY AUTHORIZED INTELLIGENCE ACTIVI-**
20 **TIES.—The prohibitions and restrictions con-**
21 **tained in paragraphs (1), (2), (3), and (7) of**
22 **subsection (b) shall not apply to the conduct**
23 **of duly authorized intelligence activities of**
24 **the United States Government.**

1 SEC. 13. EFFECTIVE DATE.

2 (a) IN GENERAL.—Subject to subsections
3 (b) and (c), this Act and the amendments
4 made by this Act shall take effect 120 days
5 after the date of the enactment of this Act.

6 (b) APPOINTMENT OF DIRECTOR.—The Di-
7 rector shall be appointed not later than 60
8 days after the date of the enactment of this
9 Act.

10 (c) REGULATIONS.—Each Federal depart-
11 ment or agency responsible for carrying out
12 any of the sanctions under section 7 shall
13 issue all necessary regulations to carry out
14 such sanctions within 120 days after the date
15 of the enactment of this Act.

16 SECTION 1. SHORT TITLE.

17 *This Act may be cited as the “Freedom*
18 *From Religious Persecution Act of 1998”.*

19 SEC. 2. FINDINGS AND PURPOSE.

20 (a) FINDINGS.—*The Congress makes the fol-*
21 *lowing findings:*

22 (1) *Governments have a primary re-*
23 *sponsibility to promote, encourage, and*
24 *protect respect for the fundamental and*
25 *internationally recognized right to free-*
26 *dom of religion.*

1 ***(2)(A) Since its inception, the United***
2 ***States Government has rested upon cer-***
3 ***tain founding principles. One of those***
4 ***principles is that all people have the in-***
5 ***alienable right to worship freely, which***
6 ***demands that religion be protected from***
7 ***unnecessary government intervention. The***
8 ***Founding Fathers of the United States in-***
9 ***corporated that principle in the Declara-***
10 ***tion of Independence, which states that***
11 ***mankind has the inalienable right to***
12 ***“life, liberty, and the pursuit of happi-***
13 ***ness”, and in the United States Constitu-***
14 ***tion, the first amendment to which states***
15 ***that “Congress shall make no law respect-***
16 ***ing an establishment of religion, or pro-***
17 ***hibiting the free exercise thereof”. There-***
18 ***fore, in accordance with this belief in the***
19 ***inalienable right of freedom of religion***
20 ***for all people, as expressed by the Dec-***
21 ***laration of Independence, and the belief***
22 ***that religion should be protected from***
23 ***government interference, as expressed by***
24 ***the United States Constitution, the Con-***
25 ***gress opposes international religious per-***

1 *secution and believes that the policies of*
2 *the United States Government and its re-*
3 *lations with foreign governments should*
4 *be consistent with the commitment to this*
5 *principle.*

6 (B) *Numerous international agree-*
7 *ments and covenants also identify man-*
8 *kind's inherent right to freedom of reli-*
9 *gion. These include the following:*

10 (i) *Article 18 of the Universal Dec-*
11 *laration of Human Rights states that*
12 *“Everyone has the right to freedom of*
13 *thought, conscience and religion; this*
14 *right includes freedom to change his*
15 *religion or belief, and freedom, either*
16 *alone or in community with others*
17 *and in public or private, to manifest*
18 *his religion or belief in teaching,*
19 *practice, worship and observance”.*

20 (ii) *Article 18 of the Covenant on*
21 *Civil and Political Rights declares*
22 *that “Everyone shall have the right to*
23 *freedom of thought, conscience, and*
24 *religion . . .” and further delineates*
25 *the privileges under this right.*

1 ***(iii) The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief, adopted by the United Nations General Assembly on November 25, 1981, declares that “religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life . . .” and that “freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination”.***

17 ***(iv) The Concluding Document of the Third Follow-Up Meeting of the Organization for Security and Cooperation in Europe commits states to “ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief”.***

1 ***(3) Persecution of religious believers,***
2 ***particularly Roman Catholic and evan-***
3 ***gelical Protestant Christians, in Com-***
4 ***munist countries persists and in some***
5 ***cases is increasing.***

6 ***(4) In many countries and regions***
7 ***thereof, governments dominated by ex-***
8 ***tremist movements persecute non-Muslims***
9 ***and religious converts from Islam using***
10 ***means such as “blasphemy” and “apos-***
11 ***tasy” laws, and such movements seek to***
12 ***corrupt a historically tolerant Islamic***
13 ***faith and culture through the persecution***
14 ***of Baha’is, Christians, and other religious***
15 ***minorities.***

16 ***(5) The extremist Government of***
17 ***Sudan is waging a self-described religious***
18 ***war against Christians, other non-Mus-***
19 ***lims, and moderate Muslims by using tor-***
20 ***ture, starvation, enslavement, and mur-***
21 ***der.***

22 ***(6) In Tibet, where Tibetan Buddhism***
23 ***is inextricably linked to the Tibetan iden-***
24 ***tity, the Government of the People’s Re-***
25 ***public of China has intensified its control***

1 *over the Tibetan people by interfering in*
2 *the selection of the Panchen Lama, propa-*
3 *gandizing against the religious authority*
4 *of the Dalai Lama, restricting religious*
5 *study and traditional religious practices,*
6 *and increasing the persecution of monks*
7 *and nuns.*

8 *(7) In Xinjiang Autonomous Region of*
9 *China, formerly the independent republic*
10 *of East Turkistan, where the Muslim reli-*
11 *gion is inextricably linked to the domi-*
12 *nant Uyghur culture, the Government of*
13 *the People's Republic of China has inten-*
14 *sified its control over the Uyghur people*
15 *by systematically repressing religious au-*
16 *thority, restricting religious study and*
17 *traditional practices, destroying mosques,*
18 *and increasing the persecution of reli-*
19 *gious clergy and practitioners.*

20 *(8) In countries around the world,*
21 *Christians, Jews, Muslims, Hindus, and*
22 *other religious believers continue to be*
23 *persecuted on account of their religious*
24 *beliefs, practices, and affiliations.*

1 ***(9) The 104th Congress recognized the***
2 ***facts set forth in this section and stated***
3 ***clearly the sense of the Senate and the***
4 ***House of Representatives regarding these***
5 ***matters in approving—***

6 ***(A) House Resolution 515, express-***
7 ***ing the sense of the House of Rep-***
8 ***resentatives with respect to the perse-***
9 ***cution of Christians worldwide;***

10 ***(B) S. Con. Res. 71, expressing the***
11 ***sense of the Senate with respect to the***
12 ***persecution of Christians worldwide;***

13 ***(C) H. Con. Res. 102, concerning***
14 ***the emancipation of the Iranian***
15 ***Baha'i community; and***

16 ***(D) section 1303 of H.R. 1561, the***
17 ***Foreign Relations Authorization Act,***
18 ***Fiscal Years 1996 and 1997.***

19 ***(10) The Department of State, in a re-***
20 ***port to Congress filed pursuant to House***
21 ***Report 104–863, accompanying the Omni-***
22 ***bus Consolidated Appropriations Act,***
23 ***1997 (Public Law 104–208) set forth strong***
24 ***evidence that widespread and ongoing re-***

1 *ligious persecution is occurring in a num-*
2 *ber of countries around the world.*

3 **(b) PURPOSE.**—*It is the purpose of this Act*
4 *to reduce and eliminate the widespread and*
5 *ongoing religious persecution taking place*
6 *throughout the world today.*

7 **SEC. 3. DEFINITIONS.**

8 **As used in this Act:**

9 **(1) DIRECTOR.**—*The term “Director”*
10 *means the Director of the Office of Reli-*
11 *gious Persecution Monitoring established*
12 *under section 5.*

13 **(2) LEGISLATIVE DAY.**—*The term “legis-*
14 *lative day” means a day on which both*
15 *Houses of Congress are in session.*

16 **(3) PERSECUTED COMMUNITY.**—*The term*
17 *“persecuted community” means any reli-*
18 *gious group or denomination whose mem-*
19 *bers have been found to be subject to cat-*
20 *egory 1 or category 2 persecution in the*
21 *latest annual report submitted under sec-*
22 *tion 6(a) or in any interim report submit-*
23 *ted thereafter under section 6(c) before*
24 *the next annual report.*

1 **(4) PERSECUTION FACILITATING PROD-**
2 **UCTS.—The term “persecution facilitating**
3 **products” means those crime control, de-**
4 **tection, torture, and electroshock instru-**
5 **ments and equipment (as determined**
6 **under section 6(n) of the Export Adminis-**
7 **tration Act of 1979) that are directly and**
8 **substantially used or intended for use in**
9 **carrying out acts of persecution described**
10 **in paragraphs (5) and (6).**

11 **(5) CATEGORY 1 PERSECUTION.—The**
12 **term “category 1 persecution” means wide-**
13 **spread and ongoing persecution of per-**
14 **sons on account of their religious beliefs**
15 **or practices, or membership in or affili-**
16 **ation with a religion or religious group or**
17 **denomination, whether officially recog-**
18 **nized or otherwise, when such persecu-**
19 **tion—**

20 **(A) includes abduction, enslave-**
21 **ment, killing, imprisonment, forced**
22 **mass relocation, rape, crucifixion or**
23 **other forms of torture, or the system-**
24 **atic imposition of fines or penalties**
25 **which have the purpose and effect of**

1 *destroying the economic existence of*
2 *persons on whom they are imposed;*
3 *and*

4 *(B) is conducted with the involve-*
5 *ment or support of government offi-*
6 *cial or agents, or pursuant to official*
7 *government policy.*

8 **(6) CATEGORY 2 PERSECUTION.—***The*
9 *term “category 2 persecution” means wide-*
10 *spread and ongoing persecution of per-*
11 *sons on account of their religious beliefs*
12 *or practices, or membership in or affili-*
13 *ation with a religion or religious group or*
14 *denomination, whether officially recog-*
15 *nized or otherwise, when such persecu-*
16 *tion—*

17 *(A) includes abduction, enslave-*
18 *ment, killing, imprisonment, forced*
19 *mass relocation, rape, crucifixion or*
20 *other forms of torture, or the system-*
21 *atic imposition of fines or penalties*
22 *which have the purpose and effect of*
23 *destroying the economic existence of*
24 *persons on whom they are imposed;*
25 *and*

1 ***(B) is not conducted with the in-***
2 ***volvement or support of government***
3 ***officials or agents, or pursuant to offi-***
4 ***cial government policy, but which the***
5 ***government fails to undertake serious***
6 ***and sustained efforts to eliminate,***
7 ***being able to do so.***

8 ***(7) RESPONSIBLE ENTITIES.—The term***
9 ***“responsible entities” means the specific***
10 ***government units, as narrowly defined as***
11 ***practicable, which directly carry out the***
12 ***acts of persecution described in para-***
13 ***graphs (5) and (6).***

14 ***(8) SANCTIONED COUNTRY.—The term***
15 ***“sanctioned country” means a country on***
16 ***which sanctions have been imposed under***
17 ***section 7.***

18 ***(9) UNITED STATES ASSISTANCE.—The***
19 ***term “United States assistance” means—***

20 ***(A) any assistance under the For-***
21 ***ign Assistance Act of 1961 (including***
22 ***programs under title IV of chapter 2***
23 ***of part I of that Act, relating to the***
24 ***Overseas Private Investment Corpora-***
25 ***tion), other than—***

1 ***(i) assistance under chapter 8***
2 ***of part I of that Act;***

3 ***(ii) any other narcotics-related***
4 ***assistance under part I of that Act***
5 ***or under chapter 4 or 5 of part II***
6 ***of that Act, but any such assist-***
7 ***ance provided under this clause***
8 ***shall be subject to the prior notifi-***
9 ***cation procedures applicable to***
10 ***reprogrammings pursuant to sec-***
11 ***tion 634A of that Act;***

12 ***(iii) disaster relief assistance,***
13 ***including any assistance under***
14 ***chapter 9 of part I of that Act;***

15 ***(iv) antiterrorism assistance***
16 ***under chapter 8 of part II of that***
17 ***Act;***

18 ***(v) assistance which involves***
19 ***the provision of food (including***
20 ***monetization of food) or medicine;***

21 ***(vi) assistance for refugees;***
22 ***and***

23 ***(vii) humanitarian and other***
24 ***development assistance in support***
25 ***of programs of nongovernmental***

1 *organizations under chapters 1*
2 *and 10 of that Act;*

3 *(B) sales, or financing on any*
4 *terms, under the Arms Export Control*
5 *Act, other than sales or financing pro-*
6 *vided for narcotics-related purposes*
7 *following notification in accordance*
8 *with the prior notification procedures*
9 *applicable to reprogrammings pursu-*
10 *ant to section 634A of the Foreign As-*
11 *istance Act of 1961; and*

12 *(C) financing under the Export-*
13 *Import Bank Act of 1945.*

14 *(10) UNITED STATES PERSON.—The term*
15 *“United States person” means—*

16 *(A) any United States citizen or*
17 *alien lawfully admitted for permanent*
18 *residence into the United States; and*

19 *(B) any corporation, partnership,*
20 *or other entity organized under the*
21 *laws of the United States or of any*
22 *State, the District of Columbia, or any*
23 *territory or possession of the United*
24 *States.*

1 **SEC. 4. APPLICATION AND SCOPE.**

2 ***The responsibility of the Secretary of State***
3 ***under section 5(g) to determine whether cat-***
4 ***egory 1 or category 2 persecution exists, and to***
5 ***identify persons and communities that are***
6 ***subject to such persecution, extends to—***

7 ***(1) all foreign countries in which al-***
8 ***leged violations of religious freedom have***
9 ***been set forth in the latest annual report***
10 ***of the Department of State on human***
11 ***rights under sections 116(d) and 502(b) of***
12 ***the Foreign Assistance Act of 1961 (22***
13 ***U.S.C. 2151n(d) and 2304(b)); and***

14 ***(2) such other foreign countries in***
15 ***which, either as a result of referral by an***
16 ***independent human rights group or non-***
17 ***governmental organization in accordance***
18 ***with section 5(e)(2) or otherwise, the Di-***
19 ***rector has reason to believe category 1 or***
20 ***category 2 persecution may exist.***

21 **SEC. 5. OFFICE OF RELIGIOUS PERSECUTION MONITORING.**

22 ***(a) ESTABLISHMENT.—There shall be estab-***
23 ***lished in the Department of State the Office of***
24 ***Religious Persecution Monitoring (hereafter in***
25 ***this Act referred to as the “Office”).***

1 **(b) APPOINTMENT.—***The head of the Office*
2 *shall be a Director who shall be appointed by*
3 *the President, by and with the advice and con-*
4 *sent of the Senate. The Director shall receive*
5 *compensation at the rate of pay in effect for*
6 *level IV of the Executive Schedule under sec-*
7 *tion 5315 of title 5, United States Code.*

8 **(c) REMOVAL.—***The Director shall serve at*
9 *the pleasure of the President.*

10 **(d) BARRED FROM OTHER FEDERAL POSI-**
11 *TIONS.—No person shall serve as Director*
12 *while serving in any other position in the Fed-*
13 *eral Government.*

14 **(e) RESPONSIBILITIES OF DIRECTOR.—***The*
15 *Director shall do the following:*

16 **(1) Consider information regarding**
17 *the facts and circumstances of violations*
18 *of religious freedom presented in the an-*
19 *nuual reports of the Department of State*
20 *on human rights under sections 116(d)*
21 *and 502B(b) of the Foreign Assistance Act*
22 *of 1961 (22 U.S.C. 2151n(d) and 2304(b)).*

23 **(2) Make findings of fact on violations**
24 *of religious freedom based on informa-*
25 *tion—*

1 (A) *considered under paragraph*
2 (1); or

3 (B) *presented by independent*
4 *human rights groups, nongovern-*
5 *mental organizations, or other inter-*
6 *ested parties, at any stage of the proc-*
7 *ess provided in this Act.*

8 *When appropriate, the Director may hold*
9 *public hearings subject to notice at which*
10 *such groups, organizations, or other inter-*
11 *ested parties can present testimony and*
12 *evidence of acts of persecution occurring*
13 *in countries being examined by the Office.*

14 (3) *On the basis of information and*
15 *findings of fact described in paragraphs*
16 *(1) and (2), make recommendations to the*
17 *Secretary of State for consideration by the*
18 *Secretary in making determinations of*
19 *countries in which there is category 1 or*
20 *category 2 persecution under subsection*
21 *(g), identify the responsible entities within*
22 *such countries, and prepare and submit*
23 *the annual report described in section 6.*

24 (4) *Maintain the lists of persecution*
25 *facilitating products, and the responsible*

1 *entities within countries determined to be*
2 *engaged in persecution described in para-*
3 *graph (3), revising the lists in accordance*
4 *with section 6(c) as additional informa-*
5 *tion becomes available. These lists shall*
6 *be published in the Federal Register.*

7 *(5) In consultation with the Secretary*
8 *of State, make policy recommendations to*
9 *the President regarding the policies of the*
10 *United States Government toward govern-*
11 *ments which are determined to be en-*
12 *gaged in religious persecution.*

13 *(6) Report directly to the President*
14 *and the Secretary of State, and coordinate*
15 *with the appropriate officials of the De-*
16 *partment of State, the Department of Jus-*
17 *tice, the Department of Commerce, and*
18 *the Department of the Treasury, to ensure*
19 *that the provisions of this Act are fully*
20 *and effectively implemented.*

21 *(f) ADMINISTRATIVE MATTERS.—*

22 *(1) PERSONNEL.—The Director may ap-*
23 *point such personnel as may be necessary*
24 *to carry out the functions of the Office.*

1 **(2) SERVICES OF OTHER AGENCIES.—***The*
2 *Director may use the personnel, services,*
3 *and facilities of any other department or*
4 *agency, on a reimbursable basis, in carry-*
5 *ing out the functions of the Office.*

6 **(g) RESPONSIBILITIES OF THE SECRETARY OF**
7 **STATE.—***The Secretary of State, in time for in-*
8 *clusion in the annual report described in sub-*
9 *sections (a) and (b) of section 6, shall deter-*
10 *mine with respect to each country described in*
11 *section 4 whether there is category 1 or cat-*
12 *egory 2 persecution, and shall include in each*
13 *such determination the communities against*
14 *which such persecution is directed. Any deter-*
15 *mination in any interim report described in*
16 *subsection (c) of section 6 that there is cat-*
17 *egory 1 or category 2 persecution in a country*
18 *shall be made by the Secretary of State.*

19 **SEC. 6. REPORTS TO CONGRESS.**

20 **(a) ANNUAL REPORTS.—***Not later than April*
21 *30 of each year, the Director shall submit to*
22 *the Committees on Foreign Relations, the Ju-*
23 *diciary, Appropriations, and Banking, Hous-*
24 *ing, and Urban Affairs of the Senate and to*
25 *the Committees on International Relations,*

1 *the Judiciary, Appropriations, and Banking*
2 *and Financial Services of the House of Rep-*
3 *resentatives a report described in subsection*
4 *(b).*

5 **(b) CONTENTS OF ANNUAL REPORT.**—*The an-*
6 *nual report of the Director shall include the*
7 *following:*

8 **(1) DETERMINATION OF RELIGIOUS PER-**
9 **SECUTION.**—*A copy of the determinations*
10 *of the Secretary of State pursuant to sub-*
11 *section (g) of section 5.*

12 **(2) IDENTIFICATION OF PERSECUTION FA-**
13 **CILITATING PRODUCTS.**—*With respect to*
14 *each country in which the Secretary of*
15 *State has determined that there is either*
16 *category 1 or category 2 persecution, the*
17 *Director, in consultation with the Sec-*
18 *retary of Commerce, shall identify and list*
19 *the items on the list established under sec-*
20 *tion 6(n) of the Export Administration Act*
21 *of 1979 that are directly and substantially*
22 *used or intended for use in carrying out*
23 *acts of religious persecution in such coun-*
24 *try.*

1 **(3) IDENTIFICATION OF RESPONSIBLE EN-**
2 **TITIES.—***With respect to each country in*
3 *which the Secretary of State has deter-*
4 *mined that there is category 1 persecu-*
5 *tion, the Director shall identify and list*
6 *the responsible entities within that coun-*
7 *try that are engaged in such persecution.*
8 *Such entities shall be defined as narrowly*
9 *as possible.*

10 **(4) OTHER REPORTS.—***The Director*
11 *shall include the reports submitted to the*
12 *Director by the Attorney General under*
13 *section 9 and by the Secretary of State*
14 *under section 10.*

15 **(c) INTERIM REPORTS.—***The Director may*
16 *submit interim reports to the Congress con-*
17 *taining such matters as the Director considers*
18 *necessary, including revisions to the lists*
19 *issued under paragraphs (2) and (3) of sub-*
20 *section (b). The Director shall submit an in-*
21 *terim report in the case of a determination by*
22 *the Secretary of State under section 5(g), other*
23 *than in an annual report of the Director, that*
24 *category 1 or category 2 persecution exists, or*
25 *in the case of a determination by the Secretary*

1 *of State under section 11(a) that neither cat-*
2 *egory 1 or category 2 persecution exists.*

3 *(d) PERSECUTION IN REGIONS OF A COUN-*
4 *TRY.—In determining whether category 1 or*
5 *category 2 persecution exists in a country, the*
6 *Secretary of State shall include such persecu-*
7 *tion that is limited to one or more regions*
8 *within the country, and shall indicate such re-*
9 *gions in the reports described in this section.*

10 *SEC. 7. SANCTIONS.*

11 *(a) PROHIBITION ON EXPORTS RELATING TO*
12 *RELIGIOUS PERSECUTION.—*

13 *(1) ACTIONS BY RESPONSIBLE DEPART-*
14 *MENTS AND AGENCIES.—With respect to any*
15 *country in which—*

16 *(A) the Secretary of State finds the*
17 *occurrence of category 1 persecution,*
18 *the Director shall so notify the rel-*
19 *evant United States departments and*
20 *agencies, and such departments and*
21 *agencies shall—*

22 *(i) prohibit all exports to the*
23 *responsible entities identified in*
24 *the lists issued under subsections*
25 *(b)(3) and (c) of section 6; and*

1 (ii) *prohibit the export to such*
2 *country of the persecution facili-*
3 *tating products identified in the*
4 *lists issued under subsections*
5 *(b)(2) and (c) of section 6; or*

6 (B) *the Secretary of State finds the*
7 *occurrence of category 2 persecution,*
8 *the Director shall so notify the rel-*
9 *evant United States departments and*
10 *agencies, and such departments and*
11 *agencies shall prohibit the export to*
12 *such country of the persecution facili-*
13 *tating products identified in the lists*
14 *issued under subsections (b)(2) and (c)*
15 *of section 6.*

16 (2) *PROHIBITIONS ON U.S. PERSONS.—(A)*
17 *With respect to any country in which the*
18 *Secretary of State finds the occurrence of*
19 *category 1 persecution, no United States*
20 *person may—*

21 (i) *export any item to the respon-*
22 *sible entities identified in the lists*
23 *issued under subsections (b)(3) and (c)*
24 *of section 6; and*

1 (ii) *export to that country any per-*
2 *secution facilitating products identi-*
3 *fied in the lists issued under sub-*
4 *sections (b)(2) and (c) of section 6.*

5 (B) *With respect to any country in*
6 *which the Secretary of State finds the oc-*
7 *currence of category 2 persecution, no*
8 *United States person may export to that*
9 *country any persecution facilitating prod-*
10 *ucts identified in the lists issued under*
11 *subsections (b)(2) and (c) of section 6.*

12 (3) *PENALTIES.—Any person who know-*
13 *ingly violates the provisions of paragraph*
14 *(2) shall be subject to the penalties set*
15 *forth in subsections (a) and (b)(1) of sec-*
16 *tion 16 of the Trading With the Enemy Act*
17 *(50 U.S.C. App. 16 (a) and (b)(1)) for viola-*
18 *tions under that Act.*

19 (4) *EFFECTIVE DATE OF PROHIBITIONS.—*
20 *The prohibitions on exports under para-*
21 *graphs (1) and (2) shall take effect with*
22 *respect to a country 90 days after the date*
23 *on which—*

24 (A) *the country is identified in a*
25 *report of the Director under section 6*

1 *as a country in which category 1 or*
2 *category 2 persecution exists,*

3 *(B) responsible entities are identi-*
4 *fied in that country in a list issued*
5 *under subsection (b)(3) or (c) of sec-*
6 *tion 6, or*

7 *(C) persecution facilitating prod-*
8 *ucts are identified in a list issued*
9 *under subsection (b)(2) or (c) of sec-*
10 *tion 6,*

11 *as the case may be.*

12 **(b) UNITED STATES ASSISTANCE.—**

13 **(1) CATEGORY 1 PERSECUTION.—***No*
14 *United States assistance may be provided*
15 *to the government of any country which*
16 *the Secretary of State determines is en-*
17 *gaged in category 1 persecution, effective*
18 *90 days after the date on which the Direc-*
19 *tor submits the report in which the deter-*
20 *mination is included.*

21 **(2) CATEGORY 2 PERSECUTION.—***No*
22 *United States assistance may be provided*
23 *to the government of any country in which*
24 *the Secretary of State determines that*
25 *there is category 2 persecution, effective 1*

1 *year after the date on which the Director*
2 *submits the report in which the deter-*
3 *mination is included, if the Secretary of*
4 *State, in the next annual report of the Di-*
5 *rector under section 6, determines that*
6 *the country is engaged in category 1 per-*
7 *secution or that category 2 persecution ex-*
8 *ists in that country.*

9 **(c) MULTILATERAL ASSISTANCE.—**

10 **(1) CATEGORY 1 PERSECUTION.—***With re-*
11 *spect to any country which the Secretary*
12 *of State determines is engaged in category*
13 *1 persecution, the President shall instruct*
14 *the United States Executive Director of*
15 *each multilateral development bank and*
16 *of the International Monetary Fund to*
17 *vote against, and use his or her best ef-*
18 *forts to deny, any loan or other utilization*
19 *of the funds of their respective institu-*
20 *tions to that country (other than for hu-*
21 *manitarian assistance, or for development*
22 *assistance which directly addresses basic*
23 *human needs, is not administered by the*
24 *government of the sanctioned country,*
25 *and confers no benefit on the government*

1 *of that country), effective 90 days after the*
2 *Director submits the report in which the*
3 *determination is included.*

4 (2) *CATEGORY 2 PERSECUTION.—With re-*
5 *spect to any country in which the Sec-*
6 *retary of State determines there is cat-*
7 *egory 2 persecution, the President shall*
8 *instruct the United States Executive Di-*
9 *rector of each multilateral development*
10 *bank and of the International Monetary*
11 *Fund to vote against, and use his or her*
12 *best efforts to deny, any loan or other uti-*
13 *lization of the funds of their respective in-*
14 *stitutions to that country (other than for*
15 *humanitarian assistance, or for develop-*
16 *ment assistance which directly addresses*
17 *basic human needs, is not administered*
18 *by the government of the sanctioned coun-*
19 *try, and confers no benefit on the govern-*
20 *ment of that country), effective 1 year*
21 *after the date on which the Director sub-*
22 *mits the report in which the determina-*
23 *tion is included, if the Secretary of State,*
24 *in the next annual report of the Director*
25 *under section 6, determines that the coun-*

1 *try is engaged in category 1 persecution or*
2 *that category 2 persecution exists in that*
3 *country.*

4 (3) *REPORTS TO CONGRESS.—If a coun-*
5 *try described in paragraph (1) or (2) is*
6 *granted a loan or other utilization of*
7 *funds notwithstanding the objection of the*
8 *United States under this subsection, the*
9 *Secretary of the Treasury shall report to*
10 *the Congress on the efforts made to deny*
11 *loans or other utilization of funds to that*
12 *country, and shall include in the report*
13 *specific and explicit recommendations de-*
14 *signed to ensure that such loans or other*
15 *utilization of funds are denied to that*
16 *country in the future.*

17 (4) *DEFINITION.—As used in this sub-*
18 *section, the term “multilateral develop-*
19 *ment bank” means any of the multilateral*
20 *development banks as defined in section*
21 *1701(c)(4) of the International Financial*
22 *Institutions Act (22 U.S.C. 262r(c)(4)).*

23 (d) *RELATIONSHIP TO OTHER PROVISIONS.—*
24 *The effective dates of the sanctions provided in*
25 *this section are subject to sections 8 and 11.*

1 **(e) DULY AUTHORIZED INTELLIGENCE ACTIVI-**
2 **TIES.—The prohibitions and restrictions of this**
3 **section shall not apply to the conduct of duly**
4 **authorized intelligence activities of the United**
5 **States Government.**

6 **(f) EFFECT ON EXISTING CONTRACTS.—The**
7 **imposition of sanctions under this section**
8 **shall not affect any contract that is entered**
9 **into by the Overseas Private Investment Cor-**
10 **poration before the sanctions are imposed, is**
11 **in force on the date on which the sanctions are**
12 **imposed, and is enforceable in a court of law**
13 **on such date.**

14 **(g) EFFECT OF WAIVERS.—Any sanction**
15 **under this section shall not take effect during**
16 **the period after the President has notified the**
17 **Congress of a waiver of that sanction under**
18 **section 8 and before the waiver has taken ef-**
19 **fect under that section.**

20 **SEC. 8. WAIVER OF SANCTIONS.**

21 **(a) WAIVER AUTHORITY.—Subject to sub-**
22 **section (b), the President may waive the impo-**
23 **sition of any sanction against a country under**
24 **section 7 for periods of not more than 12**

1 *months each, if the President, for each waiv-*
2 *er—*

3 *(1) determines—*

4 *(A) that the national security in-*
5 *terests of the United States justify*
6 *such a waiver; or*

7 *(B) that such a waiver will sub-*
8 *stantially promote the purposes of this*
9 *Act as set forth in section 2; and*

10 *(2) provides to the Committees on For-*
11 *eign Relations, Finance, the Judiciary,*
12 *and Appropriations of the Senate and to*
13 *the Committees on International Rela-*
14 *tions, the Judiciary, and Appropriations*
15 *of the House of Representatives a written*
16 *notification of the President's intention to*
17 *waive any such sanction.*

18 *The notification shall contain an explanation*
19 *of the reasons why the President considers the*
20 *waiver to be necessary, the type and amount of*
21 *goods, services, or assistance to be provided*
22 *pursuant to the waiver, and the period of time*
23 *during which such a waiver will be effective.*
24 *When the President considers it appropriate,*
25 *the explanation under the preceding sentence,*

1 *or any part of the explanation, may be submit-*
2 *ted in classified form.*

3 **(b) ADDITIONAL INFORMATION.—***In the case*
4 *of a waiver under subsection (a)(1)(B), the no-*
5 *tification shall contain a detailed statement of*
6 *the facts particular to the country subject to*
7 *the waiver which justifies the President’s de-*
8 *termination, and of the alternative measures*
9 *the President intends to implement in order to*
10 *achieve the objectives of this Act.*

11 **(c) TAKING EFFECT OF WAIVER.—**

12 **(1) IN GENERAL.—***Subject to paragraph*
13 *(2), a waiver under subsection (a) shall*
14 *take effect 45 days after its submission to*
15 *the Congress, or on the day after the 15th*
16 *legislative day after such submission,*
17 *whichever is later.*

18 **(2) IN EMERGENCY CONDITIONS.—***The*
19 *President may waive the imposition of*
20 *sanctions against a country under sub-*
21 *section (b) or (c) of section 7 to take effect*
22 *immediately if the President, in the writ-*
23 *ten notification of intention to waive the*
24 *sanctions, certifies that emergency condi-*

1 *tions exist that make an immediate waiver*
2 *er necessary.*

3 *(d) SENSE OF CONGRESS.—It is the sense of*
4 *Congress that in order to achieve the objec-*
5 *tives of this Act, the waiver authority provided*
6 *in this section should be used only in extraor-*
7 *dinary circumstances.*

8 *SEC. 9. MODIFICATION OF IMMIGRATION POLICY.*

9 *(a) INADMISSIBILITY OF CERTAIN PARTICI-*
10 *PANTS IN RELIGIOUS PERSECUTION.—*

11 *(1) IN GENERAL.—Section 212(a)(3) of*
12 *the Immigration and Nationality Act (8*
13 *U.S.C. 1182(a)(3)) is amended by adding*
14 *at the end the following:*

15 *“(F) PARTICIPANTS IN RELIGIOUS*
16 *PERSECUTION.—Any alien who carried*
17 *out or directed the carrying out of cat-*
18 *egory 1 persecution (as defined in sec-*
19 *tion 3 of the Freedom from Religious*
20 *Persecution Act of 1998) or category 2*
21 *persecution (as so defined) is inadmis-*
22 *sible.”.*

23 *(2) APPLICABILITY.—The amendment*
24 *made by paragraph (1) shall apply to per-*

1 *secution occurring before, on, or after the*
2 *date of the enactment of this Act.*

3 **(b) REFUGEES.—**

4 **(1) GUIDELINES FOR ADDRESSING BIAS**
5 **AFFECTING REFUGEES.—***Not later than 180*
6 *days after the date of the enactment of*
7 *this Act, the Attorney General and the*
8 *Secretary of State shall jointly promul-*
9 *gate and implement guidelines for identi-*
10 *fying and addressing improper biases, af-*
11 *fecting the treatment of persons who may*
12 *be eligible for admission into the United*
13 *States as a refugee based upon a claim of*
14 *persecution or a well-founded fear of per-*
15 *secution on account of religion, on the*
16 *part of—*

17 **(A) immigration officers adju-**
18 **dicating applications for admission**
19 **as a refugee submitted by such per-**
20 **sons and interpreters assisting immi-**
21 **gration officers in adjudicating such**
22 **applications; and**

23 **(B) individuals and entities assist-**
24 **ing in the identification of such per-**

1 *sons and the preparation of such ap-*
2 *plications.*

3 **(2) ADMISSION PRIORITY.**—*For purposes*
4 *of section 207(a)(3) of the Immigration*
5 *and Nationality Act, an individual who is*
6 *a member of a persecuted community, and*
7 *is determined by the Attorney General to*
8 *be a refugee within the meaning of section*
9 *101(a)(42)(A) of the Immigration and Na-*
10 *tionality Act, shall be considered a refu-*
11 *gee of special humanitarian concern to*
12 *the United States. In carrying out such*
13 *section 207(a)(3), applicants for refugee*
14 *status who are members of a persecuted*
15 *community shall be given priority status*
16 *equal to that given to applicants who are*
17 *members of other specific groups of spe-*
18 *cial concern to the United States. This*
19 *paragraph shall be construed only to re-*
20 *quire that members of a persecuted com-*
21 *munity be accorded equal consideration*
22 *in determining admissions under section*
23 *207(a) of such Act, and shall not be con-*
24 *strued to require that any particular indi-*

1 *vidual or group be admitted under that*
2 *section.*

3 (3) *NO EFFECT ON OTHERS' RIGHTS.—*
4 *Nothing in this section, or any amend-*
5 *ment made by this section, shall be con-*
6 *strued to deny any applicant for asylum*
7 *or refugee status (including any applicant*
8 *who is not a member of a persecuted com-*
9 *munity but whose claim is based on race,*
10 *religion, nationality, membership in a*
11 *particular social group, or political opin-*
12 *ion) any right, privilege, protection, or eli-*
13 *gibility otherwise provided by law.*

14 (4) *NO DISPLACEMENT OF OTHER REFU-*
15 *GEES.—Refugees admitted to the United*
16 *States as a result of the procedures set*
17 *forth in this section shall not displace*
18 *other refugees in need of resettlement who*
19 *would otherwise have been admitted in*
20 *accordance with existing law and proce-*
21 *dures.*

22 (5) *PERIOD FOR PUBLIC COMMENT AND*
23 *REVIEW.—Section 207(d) of the Immigra-*
24 *tion and Nationality Act is amended by*
25 *adding at the end the following:*

1 ***“(4)(A) Notwithstanding any other provi-***
2 ***sion of law, prior to each annual determina-***
3 ***tion regarding refugee admissions under this***
4 ***subsection, there shall be a period of public re-***
5 ***view and comment, particularly by appro-***
6 ***priate nongovernmental organizations,***
7 ***churches, and other religious communities***
8 ***and organizations, and the general public.***

9 ***“(B) Nothing in this paragraph may be***
10 ***construed to apply subchapter II of chapter 5***
11 ***of title 5, United States Code, to the period of***
12 ***review and comment referred to in subpara-***
13 ***graph (A).”.***

14 ***(c) ASYLEES.—***

15 ***(1) GUIDELINES FOR ADDRESSING BIAS.—***

16 ***Not later than 180 days after the date of***
17 ***the enactment of this Act, the Attorney***
18 ***General shall develop and implement***
19 ***guidelines for identifying and addressing***
20 ***improper biases, affecting the treatment***
21 ***of persons who may be eligible for asylum***
22 ***in the United States, based upon a claim***
23 ***of persecution or a well-founded fear of***
24 ***persecution on account of religion, on the***
25 ***part of immigration officers carrying out***

1 *functions under section 208 or 235 of the*
2 *Immigration and Nationality Act and in-*
3 *terpreters assisting immigration officers*
4 *in carrying out such functions.*

5 (2) *STUDIES OF EFFECT OF EXPEDITED*
6 *REMOVAL PROVISIONS ON ASYLUM CLAIMS.—*

7 (A) *STUDIES.—*

8 (i) *PARTICIPATION BY UNITED*
9 *NATIONS HIGH COMMISSIONER FOR*
10 *REFUGEES.—The Attorney General*
11 *shall invite the United Nations*
12 *High Commissioner for Refugees*
13 *to conduct a study, alone or in co-*
14 *operation with the Comptroller*
15 *General of the United States (as*
16 *determined in the discretion of the*
17 *United Nations High Commis-*
18 *sioner for Refugees), to determine*
19 *whether immigration officers de-*
20 *scribed in clause (ii) are engaging*
21 *in any of the conduct described in*
22 *such clause.*

23 (ii) *DUTIES OF COMPTROLLER*
24 *GENERAL.—The Comptroller Gen-*
25 *eral of the United States shall*

1 *conduct a study, alone or, upon re-*
2 *quest by the United Nations High*
3 *Commissioner for Refugees, in co-*
4 *operation with the United Nations*
5 *High Commissioner for Refugees,*
6 *to determine whether immigration*
7 *officers performing duties under*
8 *section 235(b) of the Immigration*
9 *and Nationality Act with respect*
10 *to aliens who may be eligible to be*
11 *granted asylum are engaging in*
12 *any of the following conduct:*

13 *(I) Improperly encourag-*
14 *ing such aliens to withdraw*
15 *their applications for admis-*
16 *sion.*

17 *(II) Incorrectly failing to*
18 *refer such aliens for an inter-*
19 *view by an asylum officer for a*
20 *determination of whether they*
21 *have a credible fear of perse-*
22 *cution (within the meaning of*
23 *section 235(b)(1)(B)(v) of such*
24 *Act).*

1 ***(III) Incorrectly removing***
2 ***such aliens to a country where***
3 ***they may be persecuted.***

4 ***(IV) Detaining such aliens***
5 ***improperly or in inappropri-***
6 ***ate conditions.***

7 ***(B) REPORTS.—***

8 ***(i) PARTICIPATION BY UNITED***
9 ***NATIONS HIGH COMMISSIONER FOR***
10 ***REFUGEES.—The United Nations***
11 ***High Commissioner for Refugees***
12 ***may submit to the committees de-***
13 ***scribed in clause (ii) a report con-***
14 ***taining the results of a study con-***
15 ***ducted under subparagraph (A)(i)***
16 ***or, if the United Nations High***
17 ***Commissioner for Refugees elected***
18 ***to participate in the study con-***
19 ***ducted under subparagraph***
20 ***(A)(ii), may submit with the Comp-***
21 ***troller General of the United***
22 ***States a report under clause (ii).***

23 ***(ii) DUTIES OF COMPTROLLER***
24 ***GENERAL.—Not later than Septem-***
25 ***ber 30, 1999, the Comptroller Gen-***

1 *eral of the United States shall*
2 *submit to the Committees on the*
3 *Judiciary of the House of Rep-*
4 *resentatives and the Senate, the*
5 *Committee on International Rela-*
6 *tions of the House of Representa-*
7 *tives, and the Committee on For-*
8 *oreign Relations of the Senate a re-*
9 *port containing the results of the*
10 *study conducted under subpara-*
11 *graph (A)(ii). If the United Na-*
12 *tions High Commissioner for Refu-*
13 *gees requests to participate with*
14 *the Comptroller General in the*
15 *preparation and submission of the*
16 *report, the Comptroller General*
17 *shall grant the request.*

18 **(C) ACCESS TO PROCEEDINGS.—**

19 *(i) IN GENERAL.—Except as pro-*
20 *vided in clause (ii), to facilitate*
21 *the studies and reports, the Attor-*
22 *ney General shall permit the*
23 *United Nations High Commis-*
24 *sioner for Refugees and the Comp-*
25 *troller General of the United*

1 *States to have unrestricted access*
2 *to all stages of all proceedings*
3 *conducted under section 235(b).*

4 (ii) *EXCEPTIONS.—Clause (i)*
5 *shall not apply in cases in which*
6 *the alien objects to such access, or*
7 *the Attorney General determines*
8 *that the security of a particular*
9 *proceeding would be threatened by*
10 *such access, so long as any restric-*
11 *tions on the United Nations High*
12 *Commissioner for Refugees' access*
13 *under this subparagraph do not*
14 *contravene international law.*

15 (D) *AUTHORIZATION OF APPROPRIA-*
16 *TIONS.—There are authorized to be ap-*
17 *propriated for fiscal year 1999 to*
18 *carry out this paragraph not to exceed*
19 *\$1,000,000 to the Attorney General (for*
20 *a United States contribution to the Of-*
21 *fice of the United Nations High Com-*
22 *mission for Refugees for the activities*
23 *of the United Nations High Commis-*
24 *sioner for Refugees under this para-*
25 *graph) and not to exceed \$1,000,000 to*

1 *the Comptroller General of the United*
2 *States.*

3 ***(d) TRAINING.—***

4 ***(1) TRAINING ON RELIGIOUS PERSECUTION.—****The Attorney General shall provide*
5 *training regarding religious persecution*
6 *to all immigration officers and immigration*
7 *judges adjudicating applications for*
8 *admission as a refugee or asylum applica-*
9 *tions, including—*

11 ***(A) country-specific instruction on***
12 *the practices and beliefs of religious*
13 *groups, and on the methods of govern-*
14 *mental and nongovernmental persecu-*
15 *tion employed on account of religious*
16 *practices and beliefs; and*

17 ***(B) other relevant information***
18 *contained in the most recent annual*
19 *report submitted by the Director to the*
20 *Congress under section 6.*

21 ***(2) INSTRUCTION BY NONGOVERNMENTAL***
22 ***EXPERTS.—****It is the sense of the Congress*
23 *that the Attorney General, in carrying out*
24 *paragraph (1)(A), should include in the*
25 *training under the paragraph, where*

1 *practicable, instruction by nongovern-*
2 *mental experts on religious persecution.*

3 (3) *TRAINING FOR IMMIGRATION OFFI-*
4 *CERS ADJUDICATING REFUGEE APPLICA-*
5 *TIONS.—Section 207 of the Immigration*
6 *and Nationality Act (8 U.S.C. 1157) is*
7 *amended by adding at the end the follow-*
8 *ing:*

9 “(f) *The Attorney General shall provide*
10 *training in country conditions, refugee law,*
11 *and interview techniques, comparable to that*
12 *provided to full-time adjudicators of applica-*
13 *tions under section 208, to all immigration of-*
14 *ficers adjudicating applications for admission*
15 *as a refugee under this section.”.*

16 (e) *REPORTING.—Not later than March 30*
17 *of each year, the Attorney General shall pro-*
18 *vide to the Director, for inclusion in the Direc-*
19 *tor’s annual report under section 6(b)(4), a re-*
20 *port containing the following:*

21 (1) *With respect to the year that is the*
22 *subject of the report, the number of appli-*
23 *cants for asylum or refugee status whose*
24 *applications were based, in whole or in*
25 *part, on religious persecution.*

1 ***(2) In the case of such applications,***
2 ***the number that were proposed to be de-***
3 ***denied, and the number that were finally de-***
4 ***nied.***

5 ***(3) In the case of such applications,***
6 ***the number that were granted.***

7 ***(4) A description of other develop-***
8 ***ments with respect to the adjudication of***
9 ***applications for asylum or refugee status***
10 ***that were based, in whole or in part, on***
11 ***religious persecution.***

12 ***(5) A description of the training con-***
13 ***ducted for immigration officers and immi-***
14 ***gration judges under subsection (d)(1), in-***
15 ***cluding a list of speakers and materials***
16 ***used in such training and the number of***
17 ***immigration officers and immigration***
18 ***judges who received such training.***

19 ***(6) A description of the development***
20 ***and implementation of anti-bias guide-***
21 ***lines under subsections (b)(1) and (c)(1).***

22 **SEC. 10. STATE DEPARTMENT HUMAN RIGHTS REPORTS.**

23 ***(a) ANNUAL HUMAN RIGHTS REPORT.—In***
24 ***preparing the annual reports of the State De-***
25 ***partment on human rights under sections***

1 *116(d) and 502B(b) of the Foreign Assistance*
2 *Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)),*
3 *the Secretary of State shall, in the section on*
4 *religious freedom—*

5 (1) *consider the facts and cir-*
6 *cumstances of the violation of the right to*
7 *freedom of religion presented by inde-*
8 *pendent human rights groups and non-*
9 *governmental organizations;*

10 (2) *report on the extent of the viola-*
11 *tions of the right to freedom of religion,*
12 *specifically including whether the viola-*
13 *tions arise from governmental or non-*
14 *governmental sources, and whether the*
15 *violations are encouraged by the govern-*
16 *ment or whether the government fails to*
17 *exercise satisfactory efforts to control*
18 *such violations;*

19 (3) *report on whether freedom of reli-*
20 *gion violations occur on a nationwide, re-*
21 *gional, or local level; and*

22 (4) *identify whether the violations are*
23 *focused on an entire religion or on certain*
24 *denominations or sects.*

1 ***(b) TRAINING.—The Secretary of State***
2 ***shall—***

3 ***(1) institute programs to provide***
4 ***training for chiefs of mission as well as***
5 ***Department of State officials having re-***
6 ***porting responsibilities regarding the***
7 ***freedom of religion, which shall include***
8 ***training on—***

9 ***(A) the fundamental components***
10 ***of the right to freedom of religion, the***
11 ***variation in beliefs of religious***
12 ***groups, and the governmental and***
13 ***nongovernmental methods used in the***
14 ***violation of the right to freedom of re-***
15 ***ligion; and***

16 ***(B) the identification of independ-***
17 ***ent human rights groups and non-***
18 ***governmental organizations with ex-***
19 ***pertise in the matters described in***
20 ***subparagraph (A); and***

21 ***(2) submit to the Director, not later***
22 ***than January 1 of each year, a report de-***
23 ***scribing all training provided to Depart-***
24 ***ment of State officials with respect to reli-***
25 ***gious persecution during the preceding 1-***

1 *year period, including a list of instructors*
2 *and materials used in such training and*
3 *the number and rank of individuals who*
4 *received such training.*

5 *SEC. 11. TERMINATION OF SANCTIONS.*

6 *(a) TERMINATION.—The sanctions described*
7 *in section 7 shall cease to apply with respect*
8 *to a sanctioned country 45 days, or the day*
9 *after the 15th legislative day, whichever is*
10 *later, after the Director, in an annual report*
11 *described in section 6(b), does not include a*
12 *determination by the Secretary of State that*
13 *the sanctioned country is among those in*
14 *which category 1 or category 2 persecution*
15 *continues to exist, or in an interim report*
16 *under section 6(c), includes a determination*
17 *by the Secretary of State that neither category*
18 *1 nor category 2 persecution exists in such*
19 *country.*

20 *(b) WITHDRAWAL OF FINDING.—Any deter-*
21 *mination of the Secretary of State under sec-*
22 *tion 5(g) may be withdrawn before taking ef-*
23 *fect if the Secretary makes a written deter-*
24 *mination, on the basis of a preponderance of*
25 *the evidence, that the country substantially*

1 *eliminated any category 1 or category 2 perse-*
2 *cution that existed in that country. The Direc-*
3 *tor shall submit to the Congress each deter-*
4 *mination under this subsection.*

5 *SEC. 12. SANCTIONS AGAINST SUDAN.*

6 *(a) EXTENSION OF SANCTIONS UNDER EXIST-*
7 *ING LAW.—Any sanction imposed on Sudan be-*
8 *cause of a determination that the government*
9 *of that country has provided support for acts*
10 *of international terrorism, including—*

11 *(1) export controls imposed pursuant*
12 *to the Export Administration Act of 1979;*

13 *(2) prohibitions on transfers of muni-*
14 *tions under section 40 of the Arms Export*
15 *Control Act;*

16 *(3) the prohibition on assistance*
17 *under section 620A of the Foreign Assist-*
18 *ance Act of 1961;*

19 *(4) section 2327(b) of title 10, United*
20 *States Code;*

21 *(5) section 6 of the Bretton Woods*
22 *Agreements Act Amendments, 1978 (22*
23 *U.S.C. 286e–11);*

24 *(6) section 527 of the Foreign Oper-*
25 *ations, Export Financing, and Related*

1 *Programs Appropriations Act, 1998 (as*
2 *contained in Public Law 105–118); and*

3 *(7) section 901(j) of the Internal Reve-*
4 *nue Code of 1986;*

5 *shall continue in effect after the enactment of*
6 *this Act until the Secretary of State determines*
7 *that Sudan has substantially eliminated reli-*
8 *gious persecution in that country, or the deter-*
9 *mination that the government of that country*
10 *has provided support for acts of international*
11 *terrorism is no longer in effect, whichever oc-*
12 *curs later.*

13 *(b) ADDITIONAL SANCTIONS ON SUDAN.—Ef-*
14 *fective 90 days after the date of the enactment*
15 *of this Act, the following sanctions (to the ex-*
16 *tent not covered under subsection (a)) shall*
17 *apply with respect to Sudan:*

18 *(1) PROHIBITION ON FINANCIAL TRANS-*
19 *ACTIONS WITH GOVERNMENT OF SUDAN.—*

20 *(A) OFFENSE.—Any United States*
21 *person who knowingly engages in any*
22 *financial transaction, including any*
23 *loan or other extension of credit, di-*
24 *rectly or indirectly, with the Govern-*
25 *ment of Sudan shall be fined in ac-*

1 *cordance with title 18, United States*
2 *Code, or imprisoned for not more than*
3 *10 years, or both.*

4 **(B) DEFINITIONS.—As used in this**
5 **paragraph:**

6 **(i) FINANCIAL TRANSACTION.—**
7 **The term “financial transaction”**
8 **has the meaning given that term**
9 **in section 1956(c)(4) of title 18,**
10 **United States Code.**

11 **(ii) UNITED STATES PERSON.—**
12 **The term “United States person”**
13 **means—**

14 **(I) any United States citi-**
15 **zen or national;**

16 **(II) any alien lawfully ad-**
17 **mitted into the United States**
18 **for permanent residence;**

19 **(III) any juridical person**
20 **organized under the laws of**
21 **the United States; and**

22 **(IV) any person in the**
23 **United States.**

24 **(2) PROHIBITION ON IMPORTS FROM**
25 **SUDAN.—No article which is grown, pro-**

1 *duced, manufactured by, marketed, or*
2 *otherwise exported by the Government of*
3 *Sudan, may be imported into the United*
4 *States.*

5 **(3) PROHIBITIONS ON UNITED STATES EX-**
6 **PORTS TO SUDAN.—**

7 **(A) PROHIBITION ON COMPUTER EX-**
8 **PORTS.—***No computers, computer soft-*
9 *ware, or goods or technology intended*
10 *to manufacture or service computers*
11 *may be exported to or for use of the*
12 *Government of Sudan.*

13 **(B) REGULATIONS OF THE SEC-**
14 **RETARY OF COMMERCE.—***The Secretary*
15 *of Commerce may prescribe such regu-*
16 *lations as may be necessary to carry*
17 *out subparagraph (A).*

18 **(C) PENALTIES.—***Any person who*
19 *violates this paragraph shall be sub-*
20 *ject to the penalties provided in sec-*
21 *tion 11 of the Export Administration*
22 *Act of 1979 (50 U.S.C. App. 2410) for*
23 *violations under that Act.*

24 **(4) PROHIBITION ON NEW INVESTMENT IN**
25 **SUDAN.—**

1 **(A) PROHIBITION.**—*No United*
2 *States person may, directly or through*
3 *another person, make any new invest-*
4 *ment in Sudan that is not prohibited*
5 *by paragraph (1).*

6 **(B) REGULATIONS.**—*The Secretary*
7 *of Commerce may prescribe such regu-*
8 *lations as may be necessary to carry*
9 *out subparagraph (A).*

10 **(C) PENALTIES.**—*Any person who*
11 *violates this paragraph shall be sub-*
12 *ject to the penalties provided in sec-*
13 *tion 11 of the Export Administration*
14 *Act of 1979 (50 U.S.C. App. 2410) for*
15 *violations under that Act.*

16 **(5) AVIATION RIGHTS.**—

17 **(A) AIR TRANSPORTATION RIGHTS.**—
18 *The Secretary of Transportation shall*
19 *prohibit any aircraft of a foreign air*
20 *carrier owned or controlled, directly*
21 *or indirectly, by the Government of*
22 *Sudan or operating pursuant to a*
23 *contract with the Government of*
24 *Sudan from engaging in air transpor-*
25 *tation with respect to the United*

1 *States, except that such aircraft shall*
2 *be allowed to land in the event of an*
3 *emergency for which the safety of an*
4 *aircraft's crew or passengers is threat-*
5 *ened.*

6 **(B) TAKEOFFS AND LANDINGS.**—*The*
7 *Secretary of Transportation shall pro-*
8 *hibit the takeoff and landing in*
9 *Sudan of any aircraft by an air car-*
10 *rier owned, directly or indirectly, or*
11 *controlled by a United States person,*
12 *except that such aircraft shall be al-*
13 *lowed to land in the event of an emer-*
14 *gency for which the safety of an air-*
15 *craft's crew or passengers is threat-*
16 *ened, or for humanitarian purposes.*

17 **(C) TERMINATION OF AIR SERVICE**
18 **AGREEMENTS.**—*To carry out subpara-*
19 *graphs (A) and (B), the Secretary of*
20 *State shall terminate any agreement*
21 *between the Government of Sudan and*
22 *the Government of the United States*
23 *relating to air services between their*
24 *respective territories.*

1 **(D) DEFINITIONS.**—*For purposes of*
2 *this paragraph, the terms “aircraft”,*
3 *“air transportation”, and “foreign air*
4 *carrier” have the meanings given*
5 *those terms in section 40102 of title 49,*
6 *United States Code.*

7 **(6) PROHIBITION ON PROMOTION OF**
8 **UNITED STATES TOURISM.**—*None of the*
9 *funds appropriated or otherwise made*
10 *available by any provision of law may be*
11 *available to promote United States tour-*
12 *ism in Sudan.*

13 **(7) GOVERNMENT OF SUDAN BANK AC-**
14 **COUNTS.**—

15 **(A) PROHIBITION.**—*A United States*
16 *depository institution may not accept,*
17 *receive, or hold a deposit account*
18 *from the Government of Sudan, except*
19 *for such accounts which may be au-*
20 *thorized by the President for diplo-*
21 *matic or consular purposes.*

22 **(B) ANNUAL REPORTS.**—*The Sec-*
23 *retary of the Treasury shall submit*
24 *annual reports to the Congress on the*
25 *nature and extent of assets held in the*

1 *United States by the Government of*
2 *Sudan.*

3 (C) *DEFINITION.—For purposes of*
4 *this paragraph, the term “depository*
5 *institution” has the meaning given*
6 *that term in section 19(b)(1) of the Act*
7 *of December 23, 1913 (12 U.S.C.*
8 *461(b)(1)).*

9 (8) *PROHIBITION ON UNITED STATES GOV-*
10 *ERNMENT PROCUREMENT FROM SUDAN.—*

11 (A) *PROHIBITION.—No department,*
12 *agency, or any other entity of the*
13 *United States Government may enter*
14 *into a contract for the procurement of*
15 *goods or services from parastatal or-*
16 *ganizations of Sudan, except for items*
17 *necessary for diplomatic or consular*
18 *purposes.*

19 (B) *DEFINITION.—As used in this*
20 *paragraph, the term “parastatal orga-*
21 *nization of Sudan” means a corpora-*
22 *tion, partnership, or entity owned,*
23 *controlled, or subsidized by the Gov-*
24 *ernment of Sudan.*

1 **(9) PROHIBITION ON UNITED STATES AP-**
2 **PROPRIATIONS FOR USE AS INVESTMENTS IN**
3 **OR TRADE SUBSIDIES FOR SUDAN.—None of**
4 **the funds appropriated or otherwise made**
5 **available by any provision of law may be**
6 **available for any new investment in, or**
7 **any subsidy for trade with, Sudan, includ-**
8 **ing funding for trade missions in Sudan**
9 **and for participation in exhibitions and**
10 **trade fairs in Sudan.**

11 **(10) PROHIBITION ON COOPERATION WITH**
12 **ARMED FORCES OF SUDAN.—No agency or**
13 **entity of the United States may engage in**
14 **any form of cooperation, direct or indi-**
15 **rect, with the armed forces of Sudan, ex-**
16 **cept for activities which are reasonably**
17 **necessary to facilitate the collection of**
18 **necessary intelligence. Each such activity**
19 **shall be considered as significant antici-**
20 **pated intelligence activity for purposes of**
21 **section 501 of the National Security Act of**
22 **1947 (50 U.S.C. 413).**

23 **(11) PROHIBITION ON COOPERATION WITH**
24 **INTELLIGENCE SERVICES OF SUDAN.—**

1 (A) **SANCTION.**—*No agency or entity*
2 *of the United States involved in intel-*
3 *ligence activities may engage in any*
4 *form of cooperation, direct or indirect,*
5 *with the Government of Sudan, except*
6 *for activities which are reasonably de-*
7 *signed to facilitate the collection of*
8 *necessary intelligence.*

9 (B) **POLICY.**—*It is the policy of the*
10 *United States that no agency or entity*
11 *of the United States involved in intel-*
12 *ligence activities may provide any in-*
13 *telligence information to the Govern-*
14 *ment of Sudan which pertains to any*
15 *internal group within Sudan. Any*
16 *change in such policy or any provision*
17 *of intelligence information contrary to*
18 *this policy shall be considered a sig-*
19 *nificant anticipated intelligence ac-*
20 *tivity for purposes of section 501 of the*
21 *National Security Act of 1947 (50*
22 *U.S.C. 413).*

23 *The sanctions described in this subsection*
24 *shall apply until the Secretary of State deter-*

1 *mines that Sudan has substantially elimi-*
2 *nated religious persecution in that country.*

3 (c) **MULTILATERAL EFFORTS TO END RELI-**
4 **GIOUS PERSECUTION IN SUDAN.—**

5 (1) **EFFORTS TO OBTAIN MULTILATERAL**
6 **MEASURES AGAINST SUDAN.—***It is the policy*
7 *of the United States to seek an inter-*
8 *national agreement with the other indus-*
9 *trialized democracies to bring about an*
10 *end to religious persecution by the Gov-*
11 *ernment of Sudan. The net economic effect*
12 *of such international agreement should be*
13 *measurably greater than the net economic*
14 *effect of the other measures imposed by*
15 *this section.*

16 (2) **COMMENCEMENT OF NEGOTIATIONS**
17 **TO INITIATE MULTILATERAL SANCTIONS**
18 **AGAINST SUDAN.—***It is the sense of the Con-*
19 *gress that the President or, at his direc-*
20 *tion, the Secretary of State should con-*
21 *vene an international conference of the*
22 *industrialized democracies in order to*
23 *reach an international agreement to*
24 *bring about an end to religious persecu-*
25 *tion in Sudan. The international con-*

1 *ference should begin promptly and should*
2 *be concluded not later than 180 days after*
3 *the date of the enactment of this Act.*

4 (3) *PRESIDENTIAL REPORT.—Not less*
5 *than 210 days after the date of the enact-*
6 *ment of this Act, the President shall sub-*
7 *mit to the Congress a report containing—*

8 (A) *a description of efforts by the*
9 *United States to negotiate multilat-*
10 *eral measures to bring about an end*
11 *to religious persecution in Sudan; and*

12 (B) *a detailed description of eco-*
13 *nomical and other measures adopted by*
14 *the other industrialized countries to*
15 *bring about an end to religious perse-*
16 *cution in Sudan, including an assess-*
17 *ment of the stringency with which*
18 *such measures are enforced by those*
19 *countries.*

20 (4) *CONFORMITY OF UNITED STATES*
21 *MEASURES TO INTERNATIONAL AGREEMENT.—*
22 *If the President successfully concludes an*
23 *international agreement described in*
24 *paragraph (2), the President may, after*
25 *such agreement enters into force with re-*

1 *spect to the United States, adjust, modify,*
2 *or otherwise amend the measures imposed*
3 *under any provision of this section to con-*
4 *form with such agreement.*

5 (5) *PROCEDURES FOR AGREEMENT TO*
6 *ENTER INTO FORCE.—Each agreement sub-*
7 *mitted to the Congress under this sub-*
8 *section shall enter into force with respect*
9 *to the United States if—*

10 (A) *the President, not less than 30*
11 *days before the day on which the*
12 *President enters into such agreement,*
13 *notifies the House of Representatives*
14 *and the Senate of the President’s in-*
15 *tenion to enter into such an agree-*
16 *ment, and promptly thereafter pub-*
17 *lishes notice of such intention in the*
18 *Federal Register;*

19 (B) *after entering into the agree-*
20 *ment, the President transmits to the*
21 *House of Representatives and to the*
22 *Senate a document containing a copy*
23 *of the final text of such agreement, to-*
24 *gether with—*

1 *(i) a description of any admin-*
2 *istrative action proposed to imple-*
3 *ment such agreement and an ex-*
4 *planation as to how the proposed*
5 *administrative action would*
6 *change or affect existing law; and*

7 *(ii) a statement of the Presi-*
8 *dent's reasons regarding—*

9 *(I) how the agreement*
10 *serves the interest of United*
11 *States foreign policy; and*

12 *(II) why the proposed ad-*
13 *ministrative action is required*
14 *or appropriate to carry out the*
15 *agreement; and*

16 *(C) a joint resolution approving*
17 *such agreement has been enacted, in*
18 *accordance with section 8066(c) of the*
19 *Department of Defense Appropriations*
20 *Act, 1985 (as contained in Public Law*
21 *98-473 (98 Stat. 1936)), within 30 days*
22 *of transmittal of such document to the*
23 *Congress.*

24 *For purposes of applying such section*
25 *8066(c), any reference in such section to*

1 *“joint resolution”, “resolution”, or “resolu-*
2 *tion described in paragraph (1)” shall be*
3 *deemed to refer to a joint resolution de-*
4 *scribed in subparagraph (C) of this para-*
5 *graph.*

6 (6) *UNITED NATIONS SECURITY COUNCIL*
7 *IMPOSITION OF SAME MEASURES AGAINST*
8 *SUDAN.—It is the sense of the Congress*
9 *that the President should instruct the Per-*
10 *manent Representative of the United*
11 *States to the United Nations to propose*
12 *that the United Nations Security Council,*
13 *pursuant to Article 41 of the United Na-*
14 *tions Charter, impose measures against*
15 *Sudan of the same type as are imposed by*
16 *this section.*

17 (d) *ADDITIONAL MEASURES AND REPORTS;*
18 *RECOMMENDATIONS OF THE PRESIDENT.—*

19 (1) *UNITED STATES POLICY TO END RELI-*
20 *GIUS PERSECUTION.—It shall be the policy*
21 *of the United States to impose additional*
22 *measures against the Government of*
23 *Sudan if its policy of religious persecution*
24 *has not ended on or before December 25,*
25 *1998.*

1 **(2) REPORT TO CONGRESS.—***The Director shall prepare and transmit to the*
2 *Speaker of the House of Representatives*
3 *and the Chairman of the Committee on*
4 *Foreign Relations of the Senate on or be-*
5 *fore February 1, 1999, and every 12*
6 *months thereafter, a report containing a*
7 *determination by the Secretary of State of*
8 *whether the policy of religious persecution*
9 *by the Government of Sudan has ended.*

11 **(3) RECOMMENDATION FOR IMPOSITION**
12 **OF ADDITIONAL MEASURES.—***If the Secretary*
13 *of State determines that the policy of reli-*
14 *gious persecution by the Government of*
15 *Sudan has not ended, the President shall*
16 *prepare and transmit to the Speaker of*
17 *the House of Representatives and the*
18 *Chairman of the Committee on Foreign*
19 *Relations of the Senate on or before*
20 *March 1, 1999, and every 12 months there-*
21 *after, a report setting forth such rec-*
22 *ommendations for such additional meas-*
23 *ures and actions against the Government*
24 *of Sudan as will end that government's*
25 *policy of religious persecution.*

1 **(e) DEFINITIONS.—As used in this section:**

2 **(1) GOVERNMENT OF SUDAN.—The term**
3 **“Government of Sudan” includes any**
4 **agency or instrumentality of the Govern-**
5 **ment of Sudan.**

6 **(2) NEW INVESTMENT IN SUDAN.—The**
7 **term “new investment in Sudan”—**

8 **(A) means—**

9 **(i) a commitment or contribu-**
10 **tion of funds or other assets, or**

11 **(ii) a loan or other extension**
12 **of credit,**

13 **that is made on or after the effective**
14 **date of this subsection; and**

15 **(B) does not include—**

16 **(i) the reinvestment of profits**
17 **generated by a controlled Suda-**
18 **nese entity into that same con-**
19 **trolled Sudanese entity, or the in-**
20 **vestment of such profits in a Su-**
21 **danese entity;**

22 **(ii) contributions of money or**
23 **other assets where such contribu-**
24 **tions are necessary to enable a**
25 **controlled Sudanese entity to oper-**

1 *ate in an economically sound*
2 *manner, without expanding its op-*
3 *erations; or*

4 *(iii) the ownership or control*
5 *of a share or interest in a Suda-*
6 *nese entity or a controlled Suda-*
7 *nese entity or a debt or equity se-*
8 *curity issued by the Government of*
9 *Sudan or a Sudanese entity before*
10 *the date of the enactment of this*
11 *Act, or the transfer or acquisition*
12 *of such a share or interest, or debt*
13 *or equity security, if any such*
14 *transfer or acquisition does not*
15 *result in a payment, contribution*
16 *of funds or assets, or credit to a*
17 *Sudanese entity, a controlled Su-*
18 *danese entity, or the Government*
19 *of Sudan.*

20 **(3) CONTROLLED SUDANESE ENTITY.—**

21 *The term “controlled Sudanese entity”*
22 *means—*

23 *(A) a corporation, partnership, or*
24 *other business association or entity or-*
25 *ganized in Sudan and owned or con-*

1 *trolled, directly or indirectly, by a*
2 *United States person; or*

3 *(B) a branch, office, agency, or*
4 *sole proprietorship in Sudan of a*
5 *United States person.*

6 **(4) SUDANESE ENTITY.**—*The term “Su-*
7 *danese entity” means—*

8 *(A) a corporation, partnership, or*
9 *other business association or entity or-*
10 *ganized in Sudan; or*

11 *(B) a branch, office, agency, or*
12 *sole proprietorship in Sudan of a per-*
13 *son that resides or is organized out-*
14 *side Sudan.*

15 **(5) SUDAN.**—*The term “Sudan” means*
16 *any area controlled by the Government of*
17 *Sudan or by any entity allied with the*
18 *Government of Sudan, and does not in-*
19 *clude any area in which effective control*
20 *is exercised by an entity engaged in active*
21 *resistance to the Government of Sudan.*

22 **(f) WAIVER AUTHORITY.**—*The President may*
23 *waive the imposition of any sanction against*
24 *Sudan under paragraph (3) or (9) of sub-*
25 *section (b) of this section for periods of not*

1 *more than 12 months each, if the President, for*
2 *each waiver—*

3 (1) *determines that the national secu-*
4 *rity interests of the United States justify*
5 *such a waiver; and*

6 (2) *provides to the Committees on For-*
7 *ign Relations, Finance, the Judiciary,*
8 *and Appropriations of the Senate and to*
9 *the Committees on International Rela-*
10 *tions, Ways and Means, the Judiciary, and*
11 *Appropriations of the House of Represent-*
12 *atives a written notification of the Presi-*
13 *dent's intention to waive any such sanc-*
14 *tion.*

15 *The notification shall contain an explanation*
16 *of the reasons why the President considers the*
17 *waiver to be necessary, the type and amount of*
18 *goods, services, or assistance to be provided*
19 *pursuant to the waiver, and the period of time*
20 *during which such a waiver will be effective.*
21 *When the President considers it appropriate,*
22 *the explanation under the preceding sentence,*
23 *or any part of the explanation, may be submit-*
24 *ted in classified form.*

1 **(g) DULY AUTHORIZED INTELLIGENCE ACTIVI-**
2 **TIES.—The prohibitions and restrictions con-**
3 **tained in paragraphs (1), (2), (3), (4), and (8)**
4 **of subsection (b) shall not apply to the conduct**
5 **of duly authorized intelligence activities of the**
6 **United States Government.**

7 **SEC. 13. EXCEPTION FOR IMPORTATION OF CERTAIN AGRI-**
8 **CULTURAL PRODUCTS.**

9 **Notwithstanding any other provision of**
10 **law, none of the provisions of this Act shall re-**
11 **strict the importation of gum Arabic from**
12 **Sudan during a calendar year if, during the**
13 **preceding calendar year, a supply of that com-**
14 **modity in unprocessed form of equal quality to**
15 **that cultivated in Sudan and not attributable**
16 **to Sudan is not available in sufficient supply**
17 **to meet the needs of United States consumers,**
18 **processors, and manufacturers.**

19 **SEC. 14. EFFECTIVE DATE.**

20 **(a) IN GENERAL.—Subject to subsections (b)**
21 **and (c), this Act and the amendments made by**
22 **this Act shall take effect 120 days after the**
23 **date of the enactment of this Act.**

1 ***(b) APPOINTMENT OF DIRECTOR.—The Direc-***
2 ***tor shall be appointed not later than 60 days***
3 ***after the date of the enactment of this Act.***

4 ***(c) REGULATIONS.—Each Federal depart-***
5 ***ment or agency responsible for carrying out***
6 ***any of the sanctions under section 7 shall issue***
7 ***all necessary regulations to carry out such***
8 ***sanctions within 120 days after the date of the***
9 ***enactment of this Act.***