

105TH CONGRESS
2D SESSION

H. R. 3806

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

MAY 7, 1998

Mr. WOLF introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on 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

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 Reli-
5 gious Persecution Act of 1998”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress makes the following
3 findings:

4 (1) Governments have a primary responsibility
5 to promote, encourage, and protect respect for the
6 fundamental and internationally recognized right to
7 freedom of religion.

8 (2)(A) Since its inception, the United States
9 Government has rested upon certain founding prin-
10 ciples. One of those principles is that all people have
11 the inalienable right to worship freely, which de-
12 mands that religion be protected from unnecessary
13 government intervention. The Founding Fathers of
14 the United States incorporated that principle in the
15 Declaration of Independence, which states that man-
16 kind has the inalienable right to “life, liberty, and
17 the pursuit of happiness”, and in the United States
18 Constitution, the first amendment to which states
19 that “Congress shall make no law respecting an es-
20 tablishment of religion, or prohibiting the free exer-
21 cise thereof”. Therefore, in accordance with this be-
22 lief in the inalienable right of freedom of religion for
23 all people, as expressed by the Declaration of Inde-
24 pendence, and the belief that religion should be pro-
25 tected from government interference, as expressed
26 by the United States Constitution, the Congress op-

1 poses international religious persecution and believes
2 that the policies of the United States Government
3 and its relations with foreign governments should be
4 consistent with the commitment to this principle.

5 (B) Numerous international agreements and
6 covenants also identify mankind's inherent right to
7 freedom of religion. These include the following:

8 (i) Article 18 of the Universal Declaration
9 of Human Rights states that "Everyone has the
10 right to freedom of thought, conscience and re-
11 ligion; this right includes freedom to change his
12 religion or belief, and freedom, either alone or
13 in community with others and in public or pri-
14 vate, to manifest his religion or belief in teach-
15 ing, practice, worship and observance".

16 (ii) Article 18 of the Covenant on Civil and
17 Political Rights declares that "Everyone shall
18 have the right to freedom of thought, con-
19 science, and religion . . ." and further delin-
20 eates the privileges under this right.

21 (iii) The Declaration on the Elimination of
22 All Forms of Intolerance and of Discrimination
23 Based on Religion and Belief, adopted by the
24 United Nations General Assembly on November
25 25, 1981, declares that "religion or belief, for

1 anyone who professes either, is one of the fun-
2 damental elements in his conception of
3 life . . .” and that “freedom of religion and be-
4 lief should also contribute to the attainment of
5 the goals of world peace, social justice and
6 friendship among peoples and to the elimination
7 of ideologies or practices of colonialism and ra-
8 cial discrimination”.

9 (iv) The Concluding Document of the
10 Third Follow-Up Meeting of the Organization
11 for Security and Cooperation in Europe com-
12 mits states to “ensure in their laws and regula-
13 tions and in their application the full and effec-
14 tive exercise of the freedom of thought, con-
15 science, religion or belief”.

16 (3) Persecution of religious believers, particu-
17 larly Roman Catholic and evangelical Protestant
18 Christians, in Communist countries persists and in
19 some cases is increasing.

20 (4) In many countries and regions thereof, gov-
21 ernments dominated by extremist movements per-
22 secute non-Muslims and religious converts from
23 Islam using means such as “blasphemy” and “apos-
24 tasy” laws, and such movements seek to corrupt a
25 historically tolerant Islamic faith and culture

1 through the persecution of Baha'is, Christians, and
2 other religious minorities.

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

7 (6) In Tibet, where Tibetan Buddhism is inex-
8 tricably linked to the Tibetan identity, the Govern-
9 ment of the People's Republic of China has intensi-
10 fied its control over the Tibetan people by interfer-
11 ing in the selection of the Panchen Lama, propa-
12 gandizing against the religious authority of the
13 Dalai Lama, restricting religious study and tradi-
14 tional religious practices, and increasing the persecu-
15 tion of monks and nuns.

16 (7) In Xinjiang Autonomous Region of China,
17 formerly the independent republic of East Turkistan,
18 where the Muslim religion is inextricably linked to
19 the dominant Uyghur culture, the Government of
20 the People's Republic of China has intensified its
21 control over the Uyghur people by systematically re-
22 pressing religious authority, restricting religious
23 study and traditional practices, destroying mosques,
24 and increasing the persecution of religious clergy
25 and practitioners.

1 (8) In countries around the world, Christians,
2 Jews, Muslims, Hindus, and other religious believers
3 continue to be persecuted on account of their reli-
4 gious beliefs, practices, and affiliations.

5 (9) The 104th Congress recognized the facts set
6 forth in this section and stated clearly the sense of
7 the Senate and the House of Representatives regard-
8 ing these matters in approving—

9 (A) House Resolution 515, expressing the
10 sense of the House of Representatives with re-
11 spect to the persecution of Christians world-
12 wide;

13 (B) S. Con. Res. 71, expressing the sense
14 of the Senate with respect to the persecution of
15 Christians worldwide;

16 (C) H. Con. Res. 102, concerning the
17 emancipation of the Iranian Baha'i community;
18 and

19 (D) section 1303 of H.R. 1561, the For-
20 eign Relations Authorization Act, Fiscal Years
21 1996 and 1997.

22 (10) The Department of State, in a report to
23 Congress filed pursuant to House Report 104–863,
24 accompanying the Omnibus Consolidated Appropria-
25 tions Act, 1997 (Public Law 104–208) set forth

1 strong evidence that widespread and ongoing reli-
2 gious persecution is occurring in a number of coun-
3 tries around the world.

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

7 **SEC. 3. DEFINITIONS.**

8 As used in this Act:

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

12 (2) LEGISLATIVE DAY.—The term “legislative
13 day” means a day on which both Houses of Con-
14 gress are in session.

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

22 (4) PERSECUTION FACILITATING PRODUCTS.—
23 The term “persecution facilitating products” means
24 those crime control, detection, torture, and electro-
25 shock instruments and equipment (as determined

1 under section 6(n) of the Export Administration Act
2 of 1979) that are directly and substantially used or
3 intended for use in carrying out acts of persecution
4 described in paragraphs (5) and (6).

5 (5) CATEGORY 1 PERSECUTION.—The term
6 “category 1 persecution” means widespread and on-
7 going persecution of persons on account of their reli-
8 gious beliefs or practices, or membership in or affili-
9 ation with a religion or religious group or denomina-
10 tion, whether officially recognized or otherwise, when
11 such persecution—

12 (A) includes abduction, enslavement, kill-
13 ing, imprisonment, forced mass relocation, rape,
14 crucifixion or other forms of torture, or the sys-
15 tematic imposition of fines or penalties which
16 have the purpose and effect of destroying the
17 economic existence of persons on whom they are
18 imposed; and

19 (B) is conducted with the involvement or
20 support of government officials or agents, or
21 pursuant to official government policy.

22 (6) CATEGORY 2 PERSECUTION.—The term
23 “category 2 persecution” means widespread and on-
24 going persecution of persons on account of their reli-
25 gious beliefs or practices, or membership in or affili-

1 ation with a religion or religious group or denomina-
2 tion, whether officially recognized or otherwise, when
3 such persecution—

4 (A) includes abduction, enslavement, kill-
5 ing, imprisonment, forced mass relocation, rape,
6 crucifixion or other forms of torture, or the sys-
7 tematic imposition of fines or penalties which
8 have the purpose and effect of destroying the
9 economic existence of persons on whom they are
10 imposed; and

11 (B) is not conducted with the involvement
12 or support of government officials or agents, or
13 pursuant to official government policy, but
14 which the government fails to undertake serious
15 and sustained efforts to eliminate, being able to
16 do so.

17 (7) RESPONSIBLE ENTITIES.—The term “re-
18 sponsible entities” means the specific government
19 units, as narrowly defined as practicable, which di-
20 rectly carry out the acts of persecution described in
21 paragraphs (5) and (6).

22 (8) SANCTIONED COUNTRY.—The term “sanc-
23 tioned country” means a country on which sanctions
24 have been imposed under section 7.

1 (9) UNITED STATES ASSISTANCE.—The term
2 “United States assistance” means—

3 (A) any assistance under the Foreign As-
4 sistance Act of 1961 (including programs under
5 title IV of chapter 2 of part I of that Act, relat-
6 ing to the Overseas Private Investment Cor-
7 poration), other than—

8 (i) assistance under chapter 8 of part
9 I of that Act;

10 (ii) any other narcotics-related assist-
11 ance under part I of that Act or under
12 chapter 4 or 5 of part II of that Act, but
13 any such assistance provided under this
14 clause shall be subject to the prior notifica-
15 tion procedures applicable to
16 reprogrammings pursuant to section 634A
17 of that Act;

18 (iii) disaster relief assistance, includ-
19 ing any assistance under chapter 9 of part
20 I of that Act;

21 (iv) antiterrorism assistance under
22 chapter 8 of part II of that Act;

23 (v) assistance which involves the pro-
24 vision of food (including monetization of
25 food) or medicine;

1 (vi) assistance for refugees; and

2 (vii) humanitarian and other develop-
3 ment assistance in support of programs of
4 nongovernmental organizations under
5 chapters 1 and 10 of that Act;

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

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

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

17 (A) any United States citizen or alien law-
18 fully admitted for permanent residence into the
19 United States; and

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

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

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

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

12 (2) such other foreign countries in which, either
13 as a result of referral by an independent human
14 rights group or nongovernmental organization in ac-
15 cordance with section 5(e)(2) or otherwise, the Di-
16 rector has reason to believe category 1 or category
17 2 persecution may exist.

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

19 (a) ESTABLISHMENT.—There shall be established in
20 the Department of State the Office of Religious Persecu-
21 tion Monitoring (hereafter in this Act referred to as the
22 “Office”).

23 (b) APPOINTMENT.—The head of the Office shall be
24 a Director who shall be appointed by the President, by
25 and with the advice and consent of the Senate. The Direc-
26 tor shall receive compensation at the rate of pay in effect

1 for level IV of the Executive Schedule under section 5315
2 of title 5, United States Code.

3 (c) REMOVAL.—The Director shall serve at the pleas-
4 ure of the President.

5 (d) BARRED FROM OTHER FEDERAL POSITIONS.—
6 No person shall serve as Director while serving in any
7 other position in the Federal Government.

8 (e) RESPONSIBILITIES OF DIRECTOR.—The Director
9 shall do the following:

10 (1) Consider information regarding the facts
11 and circumstances of violations of religious freedom
12 presented in the annual reports of the Department
13 of State on human rights under sections 116(d) and
14 502B(b) of the Foreign Assistance Act of 1961 (22
15 U.S.C. 2151n(d) and 2304(b)).

16 (2) Make findings of fact on violations of reli-
17 gious freedom based on information—

18 (A) considered under paragraph (1); or

19 (B) presented by independent human
20 rights groups, nongovernmental organizations,
21 or other interested parties, at any stage of the
22 process provided in this Act.

23 When appropriate, the Director may hold public
24 hearings subject to notice at which such groups, or-
25 ganizations, or other interested parties can present

1 testimony and evidence of acts of persecution occur-
2 ring in countries being examined by the Office.

3 (3) On the basis of information and findings of
4 fact described in paragraphs (1) and (2), make rec-
5 ommendations to the Secretary of State for consid-
6 eration by the Secretary in making determinations
7 of countries in which there is category 1 or category
8 2 persecution under subsection (g), identify the re-
9 sponsible entities within such countries, and prepare
10 and submit the annual report described in section 6.

11 (4) Maintain the lists of persecution facilitating
12 products, and the responsible entities within coun-
13 tries determined to be engaged in persecution de-
14 scribed in paragraph (3), revising the lists in accord-
15 ance with section 6(c) as additional information be-
16 comes available. These lists shall be published in the
17 Federal Register.

18 (5) In consultation with the Secretary of State,
19 make policy recommendations to the President re-
20 garding the policies of the United States Govern-
21 ment toward governments which are determined to
22 be engaged in religious persecution.

23 (6) Report directly to the President and the
24 Secretary of State, and coordinate with the appro-
25 priate officials of the Department of State, the De-

1 partment of Justice, the Department of Commerce,
2 and the Department of the Treasury, to ensure that
3 the provisions of this Act are fully and effectively
4 implemented.

5 (f) ADMINISTRATIVE MATTERS.—

6 (1) PERSONNEL.—The Director may appoint
7 such personnel as may be necessary to carry out the
8 functions of the Office.

9 (2) SERVICES OF OTHER AGENCIES.—The Di-
10 rector may use the personnel, services, and facilities
11 of any other department or agency, on a reimburs-
12 able basis, in carrying out the functions of the Of-
13 fice.

14 (g) RESPONSIBILITIES OF THE SECRETARY OF
15 STATE.—The Secretary of State, in time for inclusion in
16 the annual report described in subsections (a) and (b) of
17 section 6, shall determine with respect to each country de-
18 scribed in section 4 whether there is category 1 or category
19 2 persecution, and shall include in each such determina-
20 tion the communities against which such persecution is di-
21 rected. Any determination in any interim report described
22 in subsection (c) of section 6 that there is category 1 or
23 category 2 persecution in a country shall be made by the
24 Secretary of State.

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

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

10 (b) CONTENTS OF ANNUAL REPORT.—The annual
11 report of the Director shall include the following:

12 (1) DETERMINATION OF RELIGIOUS PERSECU-
13 TION.—A copy of the determinations of the Sec-
14 retary of State pursuant to subsection (g) of section
15 5.

16 (2) IDENTIFICATION OF PERSECUTION FACILI-
17 TATING PRODUCTS.—With respect to each country
18 in which the Secretary of State has determined that
19 there is either category 1 or category 2 persecution,
20 the Director, in consultation with the Secretary of
21 Commerce, shall identify and list the items on the
22 list established under section 6(n) of the Export Ad-
23 ministration Act of 1979 that are directly and sub-
24 stantially used or intended for use in carrying out
25 acts of religious persecution in such country.

1 (3) IDENTIFICATION OF RESPONSIBLE ENTI-
2 TIES.—With respect to each country in which the
3 Secretary of State has determined that there is cat-
4 egory 1 persecution, the Director shall identify and
5 list the responsible entities within that country that
6 are engaged in such persecution. Such entities shall
7 be defined as narrowly as possible.

8 (4) OTHER REPORTS.—The Director shall in-
9 clude the reports submitted to the Director by the
10 Attorney General under section 9 and by the Sec-
11 retary of State under section 10.

12 (c) INTERIM REPORTS.—The Director may submit
13 interim reports to the Congress containing such matters
14 as the Director considers necessary, including revisions to
15 the lists issued under paragraphs (2) and (3) of subsection
16 (b). The Director shall submit an interim report in the
17 case of a determination by the Secretary of State under
18 section 5(g), other than in an annual report of the Direc-
19 tor, that category 1 or category 2 persecution exists, or
20 in the case of a determination by the Secretary of State
21 under section 11(a) that neither category 1 or category
22 2 persecution exists.

23 (d) PERSECUTION IN REGIONS OF A COUNTRY.—In
24 determining whether category 1 or category 2 persecution
25 exists in a country, the Secretary of State shall include

1 such persecution that is limited to one or more regions
2 within the country, and shall indicate such regions in the
3 reports described in this section.

4 **SEC. 7. SANCTIONS.**

5 (a) PROHIBITION ON EXPORTS RELATING TO RELI-
6 GIOUS PERSECUTION.—

7 (1) ACTIONS BY RESPONSIBLE DEPARTMENTS
8 AND AGENCIES.—With respect to any country in
9 which—

10 (A) the Secretary of State finds the occur-
11 rence of category 1 persecution, the Director
12 shall so notify the relevant United States de-
13 partments and agencies, and such departments
14 and agencies shall—

15 (i) prohibit all exports to the respon-
16 sible entities identified in the lists issued
17 under subsections (b)(3) and (c) of section
18 6; and

19 (ii) prohibit the export to such coun-
20 try of the persecution facilitating products
21 identified in the lists issued under sub-
22 sections (b)(2) and (c) of section 6; or

23 (B) the Secretary of State finds the occur-
24 rence of category 2 persecution, the Director
25 shall so notify the relevant United States de-

1 partments and agencies, and such departments
2 and agencies shall prohibit the export to such
3 country of the persecution facilitating products
4 identified in the lists issued under subsections
5 (b)(2) and (c) of section 6.

6 (2) PROHIBITIONS ON U.S. PERSONS.—(A) With
7 respect to any country in which the Secretary of
8 State finds the occurrence of category 1 persecution,
9 no United States person may—

10 (i) export any item to the responsible enti-
11 ties identified in the lists issued under sub-
12 sections (b)(3) and (c) of section 6; and

13 (ii) export to that country any persecution
14 facilitating products identified in the lists
15 issued under subsections (b)(2) and (c) of sec-
16 tion 6.

17 (B) With respect to any country in which the
18 Secretary of State finds the occurrence of category
19 2 persecution, no United States person may export
20 to that country any persecution facilitating products
21 identified in the lists issued under subsections (b)(2)
22 and (c) of section 6.

23 (3) PENALTIES.—Any person who knowingly
24 violates the provisions of paragraph (2) shall be sub-
25 ject to the penalties set forth in subsections (a) and

(b)(1) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16 (a) and (b)(1)) for violations under that Act.

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

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

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

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

as the case may be.

(b) UNITED STATES ASSISTANCE.—

(1) CATEGORY 1 PERSECUTION.—No United States assistance may be provided to the government of any country which the Secretary of State determines is engaged in category 1 persecution, effective 90 days after the date on which the Director sub-

1 mits the report in which the determination is in-
2 cluded.

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

13 (c) MULTILATERAL ASSISTANCE.—

14 (1) CATEGORY 1 PERSECUTION.—With respect
15 to any country which the Secretary of State deter-
16 mines is engaged in category 1 persecution, the
17 President shall instruct the United States Executive
18 Director of each multilateral development bank and
19 of the International Monetary Fund to vote against,
20 and use his or her best efforts to deny, any loan or
21 other utilization of the funds of their respective in-
22 stitutions to that country (other than for humani-
23 tarian assistance, or for development assistance
24 which directly addresses basic human needs, is not
25 administered by the government of the sanctioned

1 country, and confers no benefit on the government
2 of that country), effective 90 days after the Director
3 submits the report in which the determination is in-
4 cluded.

5 (2) CATEGORY 2 PERSECUTION.—With respect
6 to any country in which the Secretary of State deter-
7 mines there is category 2 persecution, the President
8 shall instruct the United States Executive Director
9 of each multilateral development bank and of the
10 International Monetary Fund to vote against, and
11 use his or her best efforts to deny, any loan or other
12 utilization of the funds of their respective institu-
13 tions to that country (other than for humanitarian
14 assistance, or for development assistance which di-
15 rectly addresses basic human needs, is not adminis-
16 tered by the government of the sanctioned country,
17 and confers no benefit on the government of that
18 country), effective 1 year after the date on which the
19 Director submits the report in which the determina-
20 tion is included, if the Secretary of State, in the
21 next annual report of the Director under section 6,
22 determines that the country is engaged in category
23 1 persecution or that category 2 persecution exists
24 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 Con-
6 gress on the efforts made to deny loans or other uti-
7 lization of funds to that country, and shall include
8 in the report specific and explicit recommendations
9 designed to ensure that such loans or other utiliza-
10 tion of funds are denied to that country in the fu-
11 ture.

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

17 (d) RELATIONSHIP TO OTHER PROVISIONS.—The ef-
18 fective dates of the sanctions provided in this section are
19 subject to sections 8 and 11.

20 (e) DULY AUTHORIZED INTELLIGENCE ACTIVI-
21 TIES.—The prohibitions and restrictions of this section
22 shall not apply to the conduct of duly authorized intel-
23 ligence activities of the United States Government.

24 (f) EFFECT ON EXISTING CONTRACTS.—The imposi-
25 tion of sanctions under this section shall not affect any

1 contract that is entered into by the Overseas Private In-
2 vestment Corporation before the sanctions are imposed, is
3 in force on the date on which the sanctions are imposed,
4 and is enforceable in a court of law on such date.

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

10 **SEC. 8. WAIVER OF SANCTIONS.**

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

15 (1) determines—

16 (A) that the national security interests of
17 the United States justify such a waiver; or

18 (B) that such a waiver will substantially
19 promote the purposes of this Act as set forth in
20 section 2; and

21 (2) provides to the Committees on Foreign Re-
22 lations, Finance, the Judiciary, and Appropriations
23 of the Senate and to the Committees on Inter-
24 national Relations, the Judiciary, and Appropria-
25 tions of the House of Representatives a written noti-

1 fication of the President's intention to waive any
2 such sanction.

3 The notification shall contain an explanation of the rea-
4 sons why the President considers the waiver to be nec-
5 essary, the type and amount of goods, services, or assist-
6 ance to be provided pursuant to the waiver, and the period
7 of time during which such a waiver will be effective. When
8 the President considers it appropriate, the explanation
9 under the preceding sentence, or any part of the expla-
10 nation, may be submitted in classified form.

11 (b) ADDITIONAL INFORMATION.—In the case of a
12 waiver under subsection (a)(1)(B), the notification shall
13 contain a detailed statement of the facts particular to the
14 country subject to the waiver which justifies the Presi-
15 dent's determination, and of the alternative measures the
16 President intends to implement in order to achieve the ob-
17 jectives of this Act.

18 (c) TAKING EFFECT OF WAIVER.—

19 (1) IN GENERAL.—Subject to paragraph (2), a
20 waiver under subsection (a) shall take effect 45 days
21 after its submission to the Congress, or on the day
22 after the 15th legislative day after such submission,
23 whichever is later.

24 (2) IN EMERGENCY CONDITIONS.—The Presi-
25 dent may waive the imposition of sanctions against

1 a country under subsection (b) or (c) of section 7 to
2 take effect immediately if the President, in the writ-
3 ten notification of intention to waive the sanctions,
4 certifies that emergency conditions exist that make
5 an immediate waiver necessary.

6 (d) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that in order to achieve the objectives of this Act,
8 the waiver authority provided in this section should be
9 used only in extraordinary circumstances.

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

11 (a) INADMISSIBILITY OF CERTAIN PARTICIPANTS IN
12 RELIGIOUS PERSECUTION.—

13 (1) IN GENERAL.—Section 212(a)(3) of the Im-
14 migration and Nationality Act (8 U.S.C. 1182(a)(3))
15 is amended by adding at the end the following:

16 “(F) PARTICIPANTS IN RELIGIOUS PERSE-
17 CUTION.—Any alien who carried out or directed
18 the carrying out of category 1 persecution (as
19 defined in section 3 of the Freedom from Reli-
20 gious Persecution Act of 1998) or category 2
21 persecution (as so defined) is inadmissible.”.

22 (2) APPLICABILITY.—The amendment made by
23 paragraph (1) shall apply to persecution occurring
24 before, on, or after the date of the enactment of this
25 Act.

1 (b) REFUGEES.—

2 (1) GUIDELINES FOR ADDRESSING BIAS AF-
3 FECTING REFUGEES.—Not later than 180 days after
4 the date of the enactment of this Act, the Attorney
5 General and the Secretary of State shall jointly pro-
6 mulgate and implement guidelines for identifying
7 and addressing improper biases, affecting the treat-
8 ment of persons who may be eligible for admission
9 into the United States as a refugee based upon a
10 claim of persecution or a well-founded fear of perse-
11 cution on account of religion, on the part of—

12 (A) immigration officers adjudicating ap-
13 plications for admission as a refugee submitted
14 by such persons and interpreters assisting im-
15 migration officers in adjudicating such applica-
16 tions; and

17 (B) individuals and entities assisting in the
18 identification of such persons and the prepara-
19 tion of such applications.

20 (2) ADMISSION PRIORITY.—For purposes of
21 section 207(a)(3) of the Immigration and National-
22 ity Act, an individual who is a member of a per-
23 secuted community, and is determined by the Attor-
24 ney General to be a refugee within the meaning of
25 section 101(a)(42)(A) of the Immigration and Na-

1 tionality Act, shall be considered a refugee of special
2 humanitarian concern to the United States. In car-
3 rying out such section 207(a)(3), applicants for refu-
4 gee status who are members of a persecuted commu-
5 nity shall be given priority status equal to that given
6 to applicants who are members of other specific
7 groups of special concern to the United States. This
8 paragraph shall be construed only to require that
9 members of a persecuted community be accorded
10 equal consideration in determining admissions under
11 section 207(a) of such Act, and shall not be con-
12 strued to require that any particular individual or
13 group be admitted under that section.

14 (3) NO EFFECT ON OTHERS' RIGHTS.—Nothing
15 in this section, or any amendment made by this sec-
16 tion, shall be construed to deny any applicant for
17 asylum or refugee status (including any applicant
18 who is not a member of a persecuted community but
19 whose claim is based on race, religion, nationality,
20 membership in a particular social group, or political
21 opinion) any right, privilege, protection, or eligibility
22 otherwise provided by law.

23 (4) NO DISPLACEMENT OF OTHER REFU-
24 GEES.—Refugees admitted to the United States as
25 a result of the procedures set forth in this section

1 shall not displace other refugees in need of resettlement who would otherwise have been admitted in accordance with existing law and procedures.

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

8 “(4)(A) Notwithstanding any other provision of law, prior to each annual determination regarding refugee admissions under this subsection, there shall be a period of public review and comment, particularly by appropriate nongovernmental organizations, churches, and other religious communities and organizations, and the general public.

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

19 (c) ASYLEES.—

20 (1) GUIDELINES FOR ADDRESSING BIAS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall develop and implement guidelines for identifying and addressing improper biases, affecting the treatment of persons who may be eligible for asylum in the United States,

1 based upon a claim of persecution or a well-founded
2 fear of persecution on account of religion, on the
3 part of immigration officers carrying out functions
4 under section 208 or 235 of the Immigration and
5 Nationality Act and interpreters assisting immigra-
6 tion officers in carrying out such functions.

7 (2) STUDIES OF EFFECT OF EXPEDITED RE-
8 MOVAL PROVISIONS ON ASYLUM CLAIMS.—

9 (A) STUDIES.—

10 (i) PARTICIPATION BY UNITED NA-
11 TIONS HIGH COMMISSIONER FOR REFU-
12 GEES.—The Attorney General shall invite
13 the United Nations High Commissioner for
14 Refugees to conduct a study, alone or in
15 cooperation with the Comptroller General
16 of the United States (as determined in the
17 discretion of the United Nations High
18 Commissioner for Refugees), to determine
19 whether immigration officers described in
20 clause (ii) are engaging in any of the con-
21 duct described in such clause.

22 (ii) DUTIES OF COMPTROLLER GEN-
23 ERAL.—The Comptroller General of the
24 United States shall conduct a study, alone
25 or, upon request by the United Nations

1 High Commissioner for Refugees, in co-
2 operation with the United Nations High
3 Commissioner for Refugees, to determine
4 whether immigration officers performing
5 duties under section 235(b) of the Immi-
6 gration and Nationality Act with respect to
7 aliens who may be eligible to be granted
8 asylum are engaging in any of the follow-
9 ing conduct:

10 (I) Improperly encouraging such
11 aliens to withdraw their applications
12 for admission.

13 (II) Incorrectly failing to refer
14 such aliens for an interview by an asy-
15 lum officer for a determination of
16 whether they have a credible fear of
17 persecution (within the meaning of
18 section 235(b)(1)(B)(v) of such Act).

19 (III) Incorrectly removing such
20 aliens to a country where they may be
21 persecuted.

22 (IV) Detaining such aliens im-
23 properly or in inappropriate condi-
24 tions.

25 (B) REPORTS.—

1 (i) PARTICIPATION BY UNITED NA-
2 TIONS HIGH COMMISSIONER FOR REFU-
3 GEES.—The United Nations High Commis-
4 sioner for Refugees may submit to the
5 committees described in clause (ii) a report
6 containing the results of a study conducted
7 under subparagraph (A)(i) or, if the
8 United Nations High Commissioner for
9 Refugees elected to participate in the study
10 conducted under subparagraph (A)(ii),
11 may submit with the Comptroller General
12 of the United States a report under clause
13 (ii).

14 (ii) DUTIES OF COMPTROLLER GEN-
15 ERAL.—Not later than September 30,
16 1999, the Comptroller General of the
17 United States shall submit to the Commit-
18 tees on the Judiciary of the House of Rep-
19 resentatives and the Senate, the Commit-
20 tee on International Relations of the
21 House of Representatives, and the Com-
22 mittee on Foreign Relations of the Senate
23 a report containing the results of the study
24 conducted under subparagraph (A)(ii). If
25 the United Nations High Commissioner for

1 Refugees requests to participate with the
2 Comptroller General in the preparation
3 and submission of the report, the Comptroller General shall grant the request.

4
5 (C) ACCESS TO PROCEEDINGS.—

6 (i) IN GENERAL.—Except as provided
7 in clause (ii), to facilitate the studies and
8 reports, the Attorney General shall permit
9 the United Nations High Commissioner for
10 Refugees and the Comptroller General of
11 the United States to have unrestricted access
12 to all stages of all proceedings conducted
13 under section 235(b).

14 (ii) EXCEPTIONS.—Clause (i) shall
15 not apply in cases in which the alien objects
16 to such access, or the Attorney General
17 determines that the security of a particular
18 proceeding would be threatened by
19 such access, so long as any restrictions on
20 the United Nations High Commissioner for
21 Refugees' access under this subparagraph
22 do not contravene international law.

23 (D) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated
25 for fiscal year 1999 to carry out this

1 paragraph not to exceed \$1,000,000 to the At-
2 torney General (for a United States contribu-
3 tion to the Office of the United Nations High
4 Commission for Refugees for the activities of
5 the United Nations High Commissioner for
6 Refugees under this paragraph) and not to ex-
7 ceed \$1,000,000 to the Comptroller General of
8 the United States.

9 (d) TRAINING.—

10 (1) TRAINING ON RELIGIOUS PERSECUTION.—

11 The Attorney General shall provide training regard-
12 ing religious persecution to all immigration officers
13 and immigration judges adjudicating applications for
14 admission as a refugee or asylum applications, in-
15 cluding—

16 (A) country-specific instruction on the
17 practices and beliefs of religious groups, and on
18 the methods of governmental and nongovern-
19 mental persecution employed on account of reli-
20 gious practices and beliefs; and

21 (B) other relevant information contained in
22 the most recent annual report submitted by the
23 Director to the Congress under section 6.

24 (2) INSTRUCTION BY NONGOVERNMENTAL EX-
25 PERTS.—It is the sense of the Congress that the At-

1 torney General, in carrying out paragraph (1)(A),
2 should include in the training under the paragraph,
3 where practicable, instruction by nongovernmental
4 experts on religious persecution.

5 (3) TRAINING FOR IMMIGRATION OFFICERS AD-
6 JUDICATING REFUGEE APPLICATIONS.—Section 207
7 of the Immigration and Nationality Act (8 U.S.C.
8 1157) is amended by adding at the end the follow-
9 ing:

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

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

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

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

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

6 (4) A description of other developments with re-
7 spect to the adjudication of applications for asylum
8 or refugee status that were based, in whole or in
9 part, on religious persecution.

10 (5) A description of the training conducted for
11 immigration officers and immigration judges under
12 subsection (d)(1), including a list of speakers and
13 materials used in such training and the number of
14 immigration officers and immigration judges who re-
15 ceived such training.

16 (6) A description of the development and imple-
17 mentation of anti-bias guidelines under subsections
18 (b)(1) and (c)(1).

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

20 (a) ANNUAL HUMAN RIGHTS REPORT.—In preparing
21 the annual reports of the State Department on human
22 rights under sections 116(d) and 502B(b) of the Foreign
23 Assistance Act of 1961 (22 U.S.C. 2151n(d) and
24 2304(b)), the Secretary of State shall, in the section on
25 religious freedom—

1 (1) consider the facts and circumstances of the
2 violation of the right to freedom of religion pre-
3 sented by independent human rights groups and
4 nongovernmental organizations;

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

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

15 (4) identify whether the violations are focused
16 on an entire religion or on certain denominations or
17 sects.

18 (b) TRAINING.—The Secretary of State shall—

19 (1) institute programs to provide training for
20 chiefs of mission as well as Department of State of-
21 ficials having reporting responsibilities regarding the
22 freedom of religion, which shall include training
23 on—

24 (A) the fundamental components of the
25 right to freedom of religion, the variation in be-

1 liefs of religious groups, and the governmental
2 and nongovernmental methods used in the vio-
3 lation of the right to freedom of religion; and

4 (B) the identification of independent
5 human rights groups and nongovernmental or-
6 ganizations with expertise in the matters de-
7 scribed in subparagraph (A); and

8 (2) submit to the Director, not later than Janu-
9 ary 1 of each year, a report describing all training
10 provided to Department of State officials with re-
11 spect to religious persecution during the preceding
12 1-year period, including a list of instructors and ma-
13 terials used in such training and the number and
14 rank of individuals who received such training.

15 **SEC. 11. TERMINATION OF SANCTIONS.**

16 (a) TERMINATION.—The sanctions described in sec-
17 tion 7 shall cease to apply with respect to a sanctioned
18 country 45 days, or the day after the 15th legislative day,
19 whichever is later, after the Director, in an annual report
20 described in section 6(b), does not include a determination
21 by the Secretary of State that the sanctioned country is
22 among those in which category 1 or category 2 persecution
23 continues to exist, or in an interim report under section
24 6(c), includes a determination by the Secretary of State

1 that neither category 1 nor category 2 persecution exists
2 in such country.

3 (b) WITHDRAWAL OF FINDING.—Any determination
4 of the Secretary of State under section 5(g) may be with-
5 drawn before taking effect if the Secretary makes a writ-
6 ten determination, on the basis of a preponderance of the
7 evidence, that the country substantially eliminated any
8 category 1 or category 2 persecution that existed in that
9 country. The Director shall submit to the Congress each
10 determination under this subsection.

11 **SEC. 12. SANCTIONS AGAINST SUDAN.**

12 (a) EXTENSION OF SANCTIONS UNDER EXISTING
13 LAW.—Any sanction imposed on Sudan because of a de-
14 termination that the government of that country has pro-
15 vided support for acts of international terrorism, includ-
16 ing—

17 (1) export controls imposed pursuant to the Ex-
18 port Administration Act of 1979;

19 (2) prohibitions on transfers of munitions under
20 section 40 of the Arms Export Control Act;

21 (3) the prohibition on assistance under section
22 620A of the Foreign Assistance Act of 1961;

23 (4) section 2327(b) of title 10, United States
24 Code;

1 (5) section 6 of the Bretton Woods Agreements
2 Act Amendments, 1978 (22 U.S.C. 286e–11); and
3 (6) section 527 of the Foreign Operations, Ex-
4 port Financing, and Related Programs Appropria-
5 tions Act, 1998 (as contained in Public Law 105–
6 118);

7 shall continue in effect after the enactment of this Act
8 until the Secretary of State determines that Sudan has
9 substantially eliminated religious persecution in that coun-
10 try, or the determination that the government of that
11 country has provided support for acts of international ter-
12 rorism is no longer in effect, whichever occurs later.

13 (b) ADDITIONAL SANCTIONS ON SUDAN.—Effective
14 90 days after the date of the enactment of this Act, the
15 following sanctions (to the extent not covered under sub-
16 section (a)) shall apply with respect to Sudan:

17 (1) PROHIBITION ON FINANCIAL TRANSACTIONS
18 WITH GOVERNMENT OF SUDAN.—

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

1 (B) DEFINITIONS.—As used in this para-
2 graph:

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

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

9 (I) any United States citizen or
10 national;

11 (II) any alien lawfully admitted
12 into the United States for permanent
13 residence;

14 (III) any juridical person orga-
15 nized under the laws of the United
16 States; and

17 (IV) any person in the United
18 States.

19 (2) PROHIBITIONS ON UNITED STATES EX-
20 PORTS 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
4 to 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 Adminis-
8 tration Act of 1979 (50 U.S.C. App. 2410) for
9 violations under that Act.

10 (3) 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
17 Commerce may prescribe such regulations as
18 may be necessary to carry out subparagraph
19 (A).

20 (C) PENALTIES.—Any person who violates
21 this paragraph shall be subject to the penalties
22 provided in section 11 of the Export Adminis-
23 tration Act of 1979 (50 U.S.C. App. 2410) for
24 violations under that Act.

25 (4) 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 Govern-
5 ment of Sudan or operating pursuant to a con-
6 tract with the Government of Sudan from en-
7 gaging in air transportation with respect to the
8 United States, except that such aircraft shall be
9 allowed to land in the event of an emergency
10 for which the safety of an aircraft's crew or
11 passengers is 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
19 an aircraft's crew or passengers is threatened,
20 or for 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
25 and the Government of the United States relat-

1 ing to air services between their respective terri-
2 tories.

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

13 (6) GOVERNMENT OF SUDAN BANK AC-
14 COUNTS.—

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

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

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

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

8 (A) PROHIBITION.—No department, agen-
9 cy, or any other entity of the United States
10 Government may enter into a contract for the
11 procurement of goods or services from
12 parastatal organizations of Sudan, except for
13 items necessary for diplomatic or consular pur-
14 poses.

15 (B) DEFINITION.—As used in this para-
16 graph, the term “parastatal organization of
17 Sudan” means a corporation, partnership, or
18 entity owned, controlled, or subsidized by the
19 Government of Sudan.

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

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

3 (9) 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
7 of Sudan, except for activities which are reasonably
8 necessary to facilitate the collection of necessary in-
9 telligence. Each such activity shall be considered as
10 significant anticipated intelligence activity for pur-
11 poses of section 501 of the National Security Act of
12 1947 (50 U.S.C. 413).

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

15 (A) SANCTION.—No agency or entity of
16 the United States involved in intelligence activi-
17 ties may engage in any form of cooperation, di-
18 rect or indirect, with the Government of Sudan,
19 except for activities which are reasonably de-
20 signed to facilitate the collection of necessary
21 intelligence.

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

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

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

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

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

22 (2) COMMENCEMENT OF NEGOTIATIONS TO INI-
23 Tiate MULTILATERAL SANCTIONS AGAINST
24 SUDAN.—It is the sense of the Congress that the
25 President or, at his direction, the Secretary of State

1 should convene an international conference of the in-
2 dustrialized democracies in order to reach an inter-
3 national agreement to bring about an end to reli-
4 gious persecution in Sudan. The international con-
5 ference should begin promptly and should be con-
6 cluded not later than 180 days after the date of the
7 enactment of this Act.

8 (3) PRESIDENTIAL REPORT.—Not less than
9 210 days after the date of the enactment of this Act,
10 the President shall submit to the Congress a report
11 containing—

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

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

22 (4) CONFORMITY OF UNITED STATES MEAS-
23 URES TO INTERNATIONAL AGREEMENT.—If the
24 President successfully concludes an international
25 agreement described in paragraph (2), the President

1 may, after such agreement enters into force with re-
2 spect to the United States, adjust, modify, or other-
3 wise amend the measures imposed under any provi-
4 sion of this section to conform with such agreement.

5 (5) PROCEDURES FOR AGREEMENT TO ENTER
6 INTO FORCE.—Each agreement submitted to the
7 Congress under this subsection shall enter into force
8 with respect to the United States if—

9 (A) the President, not less than 30 days
10 before the day on which the President enters
11 into such agreement, notifies the House of Rep-
12 resentatives and the Senate of the President's
13 intention to enter into such an agreement, and
14 promptly thereafter publishes notice of such in-
15 tention in the Federal Register;

16 (B) after entering into the agreement, the
17 President transmits to the House of Represent-
18 atives and to the Senate a document containing
19 a copy of the final text of such agreement, to-
20 gether with—

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

1 (ii) a statement of the President’s rea-
2 sons regarding—

3 (I) how the agreement serves the
4 interest of United States foreign pol-
5 icy; and

6 (II) why the proposed adminis-
7 trative action is required or appro-
8 priate to carry out the agreement; and

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

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

21 (6) UNITED NATIONS SECURITY COUNCIL IMPO-
22 SITION OF SAME MEASURES AGAINST SUDAN.—It is
23 the sense of the Congress that the President should
24 instruct the Permanent Representative of the United
25 States to the United Nations to propose that the

1 United Nations Security Council, pursuant to Article
2 41 of the United Nations Charter, impose measures
3 against Sudan of the same type as are imposed by
4 this section.

5 (d) ADDITIONAL MEASURES AND REPORTS; REC-
6 OMMENDATIONS OF THE PRESIDENT.—

7 (1) UNITED STATES POLICY TO END RELIGIOUS
8 PERSECUTION.—It shall be the policy of the United
9 States to impose additional measures against the
10 Government of Sudan if its policy of religious perse-
11 cution has not ended on or before December 25,
12 1998.

13 (2) REPORT TO CONGRESS.—The Director shall
14 prepare and transmit to the Speaker of the House
15 of Representatives and the Chairman of the Com-
16 mittee on Foreign Relations of the Senate on or be-
17 fore February 1, 1999, and every 12 months there-
18 after, a report containing a determination by the
19 Secretary of State of whether the policy of religious
20 persecution by the Government of Sudan has ended.

21 (3) RECOMMENDATION FOR IMPOSITION OF AD-
22 DITIONAL MEASURES.—If the Secretary of State de-
23 termines that the policy of religious persecution by
24 the Government of Sudan has not ended, the Presi-
25 dent shall prepare and transmit to the Speaker of

1 the House of Representatives and the Chairman of
2 the Committee on Foreign Relations of the Senate
3 on or before March 1, 1999, and every 12 months
4 thereafter, a report setting forth such recommenda-
5 tions for such additional measures and actions
6 against the Government of Sudan as will end that
7 government's policy of religious persecution.

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

9 (1) GOVERNMENT OF SUDAN.—The term “Gov-
10 ernment of Sudan” includes any agency or instru-
11 mentality of the Government of Sudan.

12 (2) NEW INVESTMENT IN SUDAN.—The term
13 “new investment in Sudan”—

14 (A) means—

15 (i) a commitment or contribution of
16 funds or other assets, or

17 (ii) a loan or other extension of credit,
18 that is made on or after the effective date of
19 this subsection; and

20 (B) does not include—

21 (i) the reinvestment of profits gen-
22 erated by a controlled Sudanese entity into
23 that same controlled Sudanese entity, or
24 the investment of such profits in a Suda-
25 nese entity;

1 (ii) contributions of money or other
2 assets where such contributions are nec-
3 essary to enable a controlled Sudanese en-
4 tity to operate in an economically sound
5 manner, without expanding its operations;
6 or

7 (iii) the ownership or control of a
8 share or interest in a Sudanese entity or a
9 controlled Sudanese entity or a debt or eq-
10 uity security issued by the Government of
11 Sudan or a Sudanese entity before the date
12 of the enactment of this Act, or the trans-
13 fer or acquisition of such a share or inter-
14 est, or debt or equity security, if any such
15 transfer or acquisition does not result in a
16 payment, contribution of funds or assets,
17 or credit to a Sudanese entity, a controlled
18 Sudanese entity, or the Government of
19 Sudan.

20 (3) CONTROLLED SUDANESE ENTITY.—The
21 term “controlled Sudanese entity” means—

22 (A) a corporation, partnership, or other
23 business association or entity organized in
24 Sudan and owned or controlled, directly or indi-
25 rectly, by a United States person; or

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

3 (4) SUDANESE ENTITY.—The term “Sudanese
4 entity” means—

5 (A) a corporation, partnership, or other
6 business association or entity organized in
7 Sudan; or

8 (B) a branch, office, agency, or sole propri-
9 etorship in Sudan of a person that resides or is
10 organized outside Sudan.

11 (5) SUDAN.—The term “Sudan” means any
12 area controlled by the Government of Sudan or by
13 any entity allied with the Government of Sudan, and
14 does not include any area in which effective control
15 is exercised by an entity engaged in active resistance
16 to the Government of Sudan.

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

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

24 (2) provides to the Committees on Foreign Re-
25 lations, Finance, the Judiciary, and Appropriations

1 of the Senate and to the Committees on Inter-
2 national Relations, the Judiciary, and Appropria-
3 tions of the House of Representatives a written noti-
4 fication of the President's intention to waive any
5 such sanction.

6 The notification shall contain an explanation of the rea-
7 sons why the President considers the waiver to be nec-
8 essary, the type and amount of goods, services, or assist-
9 ance to be provided pursuant to the waiver, and the period
10 of time during which such a waiver will be effective. When
11 the President considers it appropriate, the explanation
12 under the preceding sentence, or any part of the expla-
13 nation, may be submitted in classified form.

14 (g) DULY AUTHORIZED INTELLIGENCE ACTIVI-
15 TIES.—The prohibitions and restrictions contained in
16 paragraphs (1), (2), (3), and (7) of subsection (b) shall
17 not apply to the conduct of duly authorized intelligence
18 activities of the United States Government.

19 **SEC. 13. EFFECTIVE DATE.**

20 (a) IN GENERAL.—Subject to subsections (b) and (c),
21 this Act and the amendments made by this Act shall take
22 effect 120 days after the date of the enactment of this
23 Act.

1 (b) APPOINTMENT OF DIRECTOR.—The Director
2 shall be appointed not later than 60 days after the date
3 of the enactment of this Act.

4 (c) REGULATIONS.—Each Federal department or
5 agency responsible for carrying out any of the sanctions
6 under section 7 shall issue all necessary regulations to
7 carry out such sanctions within 120 days after the date
8 of the enactment of this Act.

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