

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.

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## 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

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## 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 “apost-  
24 esy” 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.

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

(D) section 1303 of H.R. 1561, the Foreign Relations Authorization Act, Fiscal Years 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 Appropriations  
25 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-  
16secuted 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, killing,  
5 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.

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

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;

(vi) assistance for refugees; and

(vii) humanitarian and other develop-

ment assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;

(B) sales, or financing on any terms, under

the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogramming pursuant to section 634A of the Foreign Assistance Act of 1961; and

(C) financing under the Export-Import

## Bank Act of 1945.

(10) UNITED STATES PERSON.—The term

“United States person” means—

(A) any United States citizen or alien law-

fully admitted for permanent residence into the United States; and

(B) any corporation, partnership, or other

entity organized under the laws of the United States or of any State, the District of Colum-

bria, or any territory or possession of the United 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.

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-

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

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

1 (b)(1) of section 16 of the Trading With the Enemy  
2 Act (50 U.S.C. App. 16 (a) and (b)(1)) for viola-  
3 tions under that Act.

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

8 (A) the country is identified in a report of  
9 the Director under section 6 as a country in  
10 which category 1 or category 2 persecution ex-  
11 ists,

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

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

18 as the case may be.

19 (b) UNITED STATES ASSISTANCE.—

20 (1) CATEGORY 1 PERSECUTION.—No United  
21 States assistance may be provided to the government  
22 of any country which the Secretary of State deter-  
23 mines is engaged in category 1 persecution, effective  
24 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.

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 imposition  
25 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.

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 resettle-  
2 ment who would otherwise have been admitted in ac-  
3 cordance with existing law and procedures.

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

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

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

19 (c) ASYLEES.—

20 (1) GUIDELINES FOR ADDRESSING BIAS.—Not  
21 later than 180 days after the date of the enactment  
22 of this Act, the Attorney General shall develop and  
23 implement guidelines for identifying and addressing  
24 improper biases, affecting the treatment of persons  
25 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.

## 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

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 NATIONS HIGH COMMISSIONER FOR REFUGEES.—The United Nations High Commissioner for Refugees may submit to the committees described in clause (ii) a report containing the results of a study conducted under subparagraph (A)(i) or, if the United Nations High Commissioner for Refugees elected to participate in the study conducted under subparagraph (A)(ii), may submit with the Comptroller General of the United States a report under clause (ii).

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

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 ac-  
12              cess to all stages of all proceedings con-  
13              ducted under section 235(b).

14               (ii) EXCEPTIONS.—Clause (i) shall  
15              not apply in cases in which the alien ob-  
16              jects to such access, or the Attorney Gen-  
17              eral determines that the security of a par-  
18              ticular 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 APPROPRIA-  
24              TIONS.—There are authorized to be appro-  
25              priated 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 attorney 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.

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:

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.

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;

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—

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

1           iefs 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;

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.

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).

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.—

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 AGREEMENTS.—To carry out subparagraphs (A) and  
22 (B), the Secretary of State shall terminate any  
23 agreement between the Government of Sudan  
24 and the Government of the United States relat-  
25

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)).

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.

1 funding for trade missions in Sudan and for participation 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-  
23URES 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; RECOMMENDATIONS 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 ADDITIONAL MEASURES.—If the Secretary of State de-  
22      termines that the policy of religious persecution by  
23      the Government of Sudan has not ended, the Presi-  
24      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

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

(B) a branch, office, agency, or sole proprietorship in Sudan of a person that resides or is organized outside 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 International Relations, the Judiciary, and Appropriations of the House of Representatives a written notification of the President's intention to waive any such sanction.

6 The notification shall contain an explanation of the reasons why the President considers the waiver to be necessary, the type and amount of goods, services, or assistance to be provided pursuant to the waiver, and the period of time during which such a waiver will be effective. When the President considers it appropriate, the explanation under the preceding sentence, or any part of the explanation, may be submitted in classified form.

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

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

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