

105TH CONGRESS  
1ST SESSION

# S. 772

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 SENATE OF THE UNITED STATES

MAY 21, 1997

Mr. SPECTER (for himself, Mr. COVERDELL AND MR. HUETCHINSON) introduced the following bill; which was referred to the Committee on Foreign Relations

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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 1997”.

6       **SEC. 2. FINDINGS.**

7       The Congress makes the following findings:



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

5           (2) The right to freedom of religion is recog-  
 6           nized by numerous international agreements and  
 7           covenants, including the following:

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

21           (3) Persecution of religious believers, particu-  
 22           larly Roman Catholic and evangelical Protestant  
 23           Christians, in Communist countries, such as Cuba,  
 24           Laos, the People’s Republic of China, North Korea,

1 and Vietnam, persists and in some cases is increas-  
2 ing.

3 (4) In many Islamic countries and regions  
4 thereof, governments persecute non-Muslims and re-  
5 ligious converts from Islam using means such as  
6 “blasphemy” and “apostasy” laws, and militant  
7 movements seek to corrupt a historically tolerant Is-  
8 lamic faith and culture through the persecution of  
9 Baha’is, Christians, and other religious minorities.

10 (5) The militant, Islamic Government of Sudan  
11 is waging a self-described religious war against  
12 Christian, non-Muslim, and moderate Muslim per-  
13 sons by using torture, starvation, enslavement, and  
14 murder.

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

24 (7) The United States Government is commit-  
25 ted to the right to freedom of religion and its poli-

1       cies and relations with foreign governments should  
2       be consistent with the commitment to this principle.

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

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

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

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

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

20   **SEC. 3. DEFINITIONS.**

21       As used in this Act:

22          (1) DIRECTOR.—The term “Director” means  
23      the Director of the Office of Religious Persecution  
24      Monitoring established under section 5.

1           (2) PERSECUTED COMMUNITY.—The term “per-  
2       secuted community” means any religious group or  
3       community identified in section 4.

4           (3) PERSECUTION FACILITATING PRODUCTS,  
5       GOODS, AND SERVICES.—The term “persecution fa-  
6       cilitating products, goods, and services” means those  
7       products, goods, and services which are being used  
8       or determined to be intended for use directly and in  
9       significant measure to facilitate the carrying out of  
10      acts of religious persecution.

11          (4) RELIGIOUS PERSECUTION.—

12           (A) IN GENERAL.—The term “religious  
13       persecution” means widespread and ongoing  
14       persecution of persons because of their member-  
15       ship in or affiliation with a religion or religious  
16       denomination, whether officially recognized or  
17       otherwise, when such persecution includes ab-  
18       duction, enslavement, killing, imprisonment,  
19       forced mass resettlement, rape, or crucifixion or  
20       other forms of torture.

21           (B) CATEGORY 1 RELIGIOUS PERSECU-  
22       TION.—Category 1 religious persecution is reli-  
23       gious persecution that is conducted with the in-  
24       volvement or support of government officials or

1 its agents, or as part of official government pol-  
2 icy.

3 (C) CATEGORY 2 RELIGIOUS PERSECU-  
4 TION.—Category 2 religious persecution is reli-  
5 gious persecution that is not conducted with the  
6 involvement or support of government officials  
7 or its agents, or as part of official government  
8 policy, but which the government fails to under-  
9 take serious and sustained efforts to eliminate.

10 (5) RESPONSIBLE ENTITIES.—The term “re-  
11 sponsible entities” means the specific government  
12 departments, agencies, or units which directly carry  
13 out acts of religious persecution.

14 (6) SANCTIONED COUNTRY.—The term “sanc-  
15 tioned country” means a country on which sanctions  
16 have been imposed under section 7.

17 (7) UNITED STATES ASSISTANCE.—The term  
18 “United States assistance” means—

19 (A) any assistance under the Foreign As-  
20 sistance Act of 1961 (including programs under  
21 title IV of chapter 2 of part I of that Act, relat-  
22 ing to the Overseas Private Investment Cor-  
23 poration), other than—

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

1                   (ii) any other narcotics-related assist-  
 2                   ance under part I of that Act, (including  
 3                   chapter 4 of part II of that Act), but any  
 4                   such assistance provided under this clause  
 5                   shall be subject to the prior notification  
 6                   procedures applicable to reprogrammings  
 7                   pursuant to section 634A of that Act;

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

11                  (iv) assistance which involves the pro-  
 12                  vision of food (including monetization of  
 13                  food) or medicine; and

14                  (v) assistance for refugees;

15                  (B) sales, or financing on any terms, under  
 16                  the Arms Export Control Act;

17                  (C) the provision of agricultural commod-  
 18                  ities, other than food, under the Agricultural  
 19                  Trade Development and Assistance Act of  
 20                  1954; and

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

23                  (8) UNITED STATES PERSON.—Except as pro-  
 24                  vided in section 12(b)(1), the term “United States  
 25                  person” means—

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

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

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

10 (a) SCOPE.—The provisions of this Act shall apply  
11 to all persecuted religious groups and communities, and  
12 all countries and regions thereof, referred to in the resolu-  
13 tions and bill set forth in paragraph (8) of section 2 or  
14 referred to in paragraphs (3) through (6) of section 2,  
15 and to any community within any country or region there-  
16 of that the Director finds, by a preponderance of the evi-  
17 dence, is the target of religious persecution.

18 (b) DESIGNATION OF ADDITIONAL COUNTRIES AND  
19 REGIONS THEREOF.—The Congress may designate addi-  
20 tional countries or regions to which this Act applies by  
21 enacting legislation specifically citing the authority of this  
22 section.

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

24 (a) ESTABLISHMENT.—There is established in the  
25 Executive Office of the President the Office of Religious



1 Persecution Monitoring (hereafter in this Act referred to  
2 as the “Office”).

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

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

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

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

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

22 (2) Consider the facts and circumstances of vio-  
23 lations of religious freedom presented by independ-  
24 ent human rights groups and nongovernmental orga-  
25 nizations.

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

6           (4) Prepare and submit the annual report de-  
7           scribed in section 6, including the determination  
8           whether a particular country is engaged in category  
9           1 or category 2 religious persecution, and identify  
10          the responsible entities within such countries. This  
11          information shall be published in the Federal Reg-  
12          ister.

13          (5) Maintain the lists of persecution facilitating  
14          products, goods, and services, and the responsible  
15          entities within countries determined to be engaged in  
16          religious persecution, described in paragraph (4),  
17          adding to the list as information becomes available.  
18          This information shall be published in the Federal  
19          Register.

20          (6) Coordinate with the Secretary of State, the  
21          Attorney General, the Secretary of Commerce, and  
22          the Secretary of the Treasury to ensure that the  
23          provisions of this Act are fully and effectively imple-  
24          mented.

25          (f) ADMINISTRATIVE MATTERS.—

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

4           (2) SERVICES OF OTHER AGENCIES.—The Di-  
5       rector may use the personnel, services, and facilities  
6       of any other department or agency, on a reimburs-  
7       able basis, in carrying out the functions of the Of-  
8       fice.

9   **SEC. 6. REPORTS TO CONGRESS.**

10       (a) ANNUAL REPORTS.—Not later than April 30 of  
11   each year, the Director shall submit to the Committees  
12   on Foreign Relations, Finance, the Judiciary, and Appro-  
13   priations of the Senate and to the Committees on Inter-  
14   national Relations, Ways and Means, the Judiciary, and  
15   Appropriations of the House of Representatives a report  
16   described in subsection (b).

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

19           (1) DETERMINATION OF RELIGIOUS PERSECU-  
20       TION.—With respect to each country or region there-  
21       of described in section 4, the Director shall include  
22       his or her determination, with respect to each per-  
23       secuted community, whether there is category 1 reli-  
24       gious persecution or category 2 religious persecution.

1           (2) IDENTIFICATION OF PERSECUTION FACILI-  
2           TATING PRODUCTS, GOODS, AND SERVICES.—With  
3           respect to each country or region thereof which the  
4           Director determines is engaged in either category 1  
5           or category 2 religious persecution, the Director, in  
6           consultation with the Secretary of State and the  
7           Secretary of Commerce, shall identify and list the  
8           persecution facilitating products, goods, and serv-  
9           ices.

10          (3) IDENTIFICATION OF RESPONSIBLE ENTI-  
11          TIES.—With respect to each country determined by  
12          the Director to be engaged in category 1 religious  
13          persecution, the Director, in consultation with the  
14          Secretary of State, shall identify and list the respon-  
15          sible entities within that country that are engaged in  
16          religious persecution. Such entities shall be defined  
17          as narrowly as possible.

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

22          (c) INTERIM REPORTS.—The Director may submit  
23          interim reports to the Congress containing such matters  
24          as the Director considers necessary.

1 **SEC. 7. SANCTIONS.**

2 (a) PROHIBITION ON EXPORTS RELATING TO RELI-  
3 GIOUS PERSECUTION.—

4 (1) ACTIONS BY RESPONSIBLE DEPARTMENTS  
5 AND AGENCIES.—With respect to any country in  
6 which—

7 (A) the Director finds the occurrence of  
8 category 1 religious persecution, the Director  
9 shall so notify the relevant United States de-  
10 partments and agencies, and such departments  
11 and agencies shall—

12 (i) prohibit all exports to the respon-  
13 sible entities listed under section 6(b)(3) or  
14 in any supplemental list of the Director;  
15 and

16 (ii) prohibit the export to such coun-  
17 try of the persecution facilitating products,  
18 goods, and services listed under section  
19 6(b)(2) or in any supplemental list of the  
20 Director; or

21 (B) the Director finds the occurrence of  
22 category 2 religious persecution, the Director  
23 shall so notify the relevant United States de-  
24 partments and agencies, and such departments  
25 and agencies shall prohibit the export to such  
26 country of the persecution facilitating products,

1 goods, and services listed under section 6(b)(2)  
2 or in any supplemental list of the Director.

3 (2) PROHIBITIONS ON U.S. PERSONS.—(A) With  
4 respect to any country or region thereof in which the  
5 Director finds the occurrence of category 1 religious  
6 persecution, no United States person may—

7 (i) export any item to the responsible enti-  
8 ties listed under section 6(b)(3) or in any sup-  
9 plemental list of the Director; and

10 (ii) export to that country any persecution  
11 facilitating products, goods, and services listed  
12 under section 6(b)(2) or in any supplemental  
13 list of the Director.

14 (B) With respect to any country in which the  
15 Director finds the occurrence of category 2 religious  
16 persecution, no United States person may export to  
17 that country any persecution facilitating products,  
18 goods, and services listed under section 6(b)(2) or in  
19 any supplemental report of the Director.

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

1           (4) EFFECTIVE DATE OF PROHIBITIONS.—The  
2       prohibitions on exports under paragraph (1) shall  
3       take effect with respect to a country 90 days after  
4       the finding of category 1 or category 2 religious per-  
5       secution in that country or region thereof, except as  
6       provided in section 11.

7       (b) UNITED STATES ASSISTANCE.—

8           (1) CATEGORY 1 RELIGIOUS PERSECUTION.—  
9       No United States assistance may be provided to the  
10      government of any country which the Director deter-  
11      mines is engaged in category 1 religious persecution,  
12      effective 90 days after the date on which the Direc-  
13      tor submits the report in which the determination is  
14      included.

15          (2) CATEGORY 2 RELIGIOUS PERSECUTION.—  
16      No United States assistance may be provided to the  
17      government of any country which the Director deter-  
18      mines is engaged in category 2 religious persecution,  
19      effective 1 year after the date on which the Director  
20      submits the report in which the determination is in-  
21      cluded, if the Director, in the next annual report of  
22      the Director under section 6, determines that the  
23      country is engaged in either category 1 or category  
24      2 religious persecution.

25      (c) MULTILATERAL ASSISTANCE.—

1           (1) CATEGORY 1 RELIGIOUS PERSECUTION.—

2       With respect to any country which the Director de-  
3       termines is engaged in category 1 religious persecu-  
4       tion, the President shall instruct the United States  
5       Executive Director of each multilateral development  
6       bank and of the International Monetary Fund to  
7       vote against, and use his or her best efforts to deny,  
8       any loan or other utilization of the funds of their re-  
9       spective institutions (other than for humanitarian  
10      assistance) to that country, effective 90 days after  
11      the Director submits the report in which the deter-  
12      mination is included.

13          (2) CATEGORY 2 RELIGIOUS PERSECUTION.—

14      With respect to any country which the Director de-  
15      termines is engaged in category 2 religious persecu-  
16      tion, the President shall instruct the United States  
17      Executive Director of each multilateral development  
18      bank and of the International Monetary Fund to  
19      vote against, and use his or her best efforts to deny,  
20      any loan or other utilization of the funds of their re-  
21      spective institutions (other than for humanitarian  
22      assistance) to that country, effective 1 year after the  
23      date on which the Director submits the report in  
24      which the determination is included, if the Director,  
25      in the next annual report of the Director under sec-



1       tion 6, determines that the country is engaged in ei-  
2       ther category 1 or category 2 religious persecution.

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

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

19          (d) VOTES FOR WTO MEMBERSHIP.—In casting any  
20      vote concerning the membership of a country in the World  
21      Trade Organization, the President shall consider as a sig-  
22      nificant factor the fact that the country is listed in the  
23      Director’s report as a country which is engaged in either  
24      category 1 or category 2 religious persecution.

1 (e) DENIAL OF VISAS.—The Secretary of State shall  
 2 deny the issuance of a visa to, and the Attorney General  
 3 shall exclude from the United States, any alien who the  
 4 Director determines carried out or is responsible for carry-  
 5 ing out acts of religious persecution.

6 **SEC. 8. WAIVER OF SANCTIONS.**

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

11 (1) determines that national security interests  
 12 justify such a waiver; and

13 (2) provides to the Committees on Foreign Re-  
 14 lations, Finance, the Judiciary, and Appropriations  
 15 of the Senate and to the Committees on Inter-  
 16 national Relations, Ways and Means, the Judiciary,  
 17 and Appropriations of the House of Representatives  
 18 a written notification of the President's intention to  
 19 waive any such sanction.

20 The justification shall contain an explanation of the rea-  
 21 sons why the President considers the waiver to be nec-  
 22 essary, the type and amount of goods, services, or assist-  
 23 ance to be provided pursuant to the waiver, and the period  
 24 of time during which such a waiver will be effective.

25 (b) TAKING EFFECT OF WAIVER.—

1           (1) IN GENERAL.—Subject to paragraph (2), a  
 2           waiver under subsection (a) shall take effect 45 days  
 3           after its submission to the Congress.

4           (2) IN EMERGENCY CONDITIONS.—The Presi-  
 5           dent may waive the imposition of sanctions against  
 6           a country under subsection (b) or (c) of section 7 to  
 7           take effect immediately if the President, in the writ-  
 8           ten notification of intention to waive the sanctions,  
 9           certifies that emergency conditions exist that make  
 10          an immediate waiver necessary.

11          (3) COMPUTATION OF 45-DAY PERIOD.—The  
 12          45-day period referred to in this subsection shall be  
 13          computed by excluding—

14                (A) the days on which either House of  
 15                Congress is not in session because of an ad-  
 16                jourment of more than 3 days to a day certain  
 17                or an adjournment of the Congress sine die;  
 18                and

19                (B) any Saturday and Sunday, not ex-  
 20                cluded under paragraph (1), when either House  
 21                is not in session.

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

23          (a) CREDIBLE FEAR OF PERSECUTION DEFINED.—  
 24          Section 235(b)(1)(B)(v) of the Immigration and National-  
 25          ity Act (8 U.S.C. 1225(b)(1)(B)(v)) (as amended by sec-

tion 302 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; Public Law 104–208; 110 Stat. 3009–582) is amended by adding at the end the following:

“Any alien who can credibly claim membership in a persecuted community found to be subject to category 1 or category 2 religious persecution in the most recent annual report sent by the Director of the Office of Religious Persecution Monitoring to the Congress under section 6 of the Freedom From Religious Persecution Act of 1997 shall be considered to have a credible fear of persecution within the meaning of the preceding sentence.”.

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

“(d) TRAINING ON RELIGIOUS PERSECUTION.—The Attorney General shall establish and operate a program to provide to immigration officers performing functions

1 under subsection (b), or section 207 or 208, training on  
 2 religious persecution, including training on—

3 “(1) the fundamental components of the right  
 4 to freedom of religion;

5 “(2) the variation in beliefs of religious groups;  
 6 and

7 “(3) the governmental and nongovernmental  
 8 methods used in violation of the right to freedom of  
 9 religion.”.

10 (c) ASYLUM.—Section 208 of the Immigration and  
 11 Nationality Act (8 U.S.C. 1158) (as amended by section  
 12 604 of the Illegal Immigration Reform and Immigrant Re-  
 13 sponsibility Act of 1996; Public Law 104–208; 1110 Stat.  
 14 3009–690) is amended by adding at the end the following:

15 “(e) SPECIAL RULES FOR RELIGIOUS PERSECUTION  
 16 CLAIMS.—

17 “(1) PROCEDURES UPON DENIAL.—

18 “(A) IN GENERAL.—In any case in which  
 19 the Service denies or refers to an immigration  
 20 judge an asylum application filed by an alien  
 21 described in the second sentence of section  
 22 235(b)(1)(B)(v), or any case in which an immi-  
 23 gration judge denies such an application on the  
 24 ground that the alien is not a refugee within

1 the meaning of section 101(a)(42)(A), the Serv-  
2 ice shall provide the alien with the following:

3 “(i) A written statement containing  
4 the reasons for the denial, which shall be  
5 supported by references to—

6 “(I) the most recent annual re-  
7 port sent by the Director of the Office  
8 of Religious Persecution Monitoring to  
9 the Congress under section 6 of the  
10 Freedom From Religious Persecution  
11 Act of 1997; and

12 “(II) either—

13 “(aa) the most recent coun-  
14 try report on human rights prac-  
15 tices issued by the Secretary of  
16 State; or

17 “(bb) any other report is-  
18 sued by the Secretary of State  
19 concerning conditions in the  
20 country of which the alien is a  
21 national (or, in the case of an  
22 alien having no nationality, the  
23 country of the alien’s last habit-  
24 ual residence).

1 “(ii) A copy of any assessment sheet  
2 prepared by an asylum officer for a super-  
3 visory asylum officer with respect to the  
4 application.

5 “(iii) A list of any publicly available  
6 materials relied upon by an asylum officer  
7 as a basis for denying the application.

8 “(iv) A copy of any materials relied  
9 upon by an asylum officer as a basis for  
10 denying the application that are not avail-  
11 able to the public, except Federal agency  
12 records that are exempt from disclosure  
13 under section 552(b) of title 5, United  
14 States Code.

15 “(B) CREDIBILITY IN ISSUE.—In any case  
16 described in subparagraph (A) in which the de-  
17 nial is based, in whole or in part, on credibility  
18 grounds, the Service shall also provide the alien  
19 with the following:

20 “(i) The statements by the applicant,  
21 or other evidence, that were found not to  
22 be credible.

23 “(ii) A statement certifying that the  
24 applicant was provided an opportunity to

1           respond to the Service’s position on the  
2           credibility issue.

3           “(iii) A brief summary of such re-  
4           sponse, if any was made.

5           “(iv) An explanation of how the nega-  
6           tive determination on the credibility issue  
7           relates to the applicant’s religious persecu-  
8           tion claim.

9           “(2) EFFECT IN SUBSEQUENT PROCEEDINGS.—

10           “(A) USE AT OPTION OF APPLICANT.—Any  
11           material provided to an alien under paragraph  
12           (1) shall be considered part of the official  
13           record pertaining to the alien’s asylum applica-  
14           tion solely at the option of the alien.

15           “(B) NO EFFECT ON REVIEW.—The provi-  
16           sion of any material under paragraph (1) to an  
17           alien shall not be construed to alter any stand-  
18           ard of review otherwise applicable in any ad-  
19           ministrative or judicial adjudication concerning  
20           the alien’s asylum application.

21           “(3) DUTY TO SUBMIT REPORT ON RELIGIOUS  
22           PERSECUTION.—In any judicial or administrative  
23           proceeding in which the Service opposes granting  
24           asylum to an alien described in the second sentence  
25           of section 235(b)(1)(B)(v), the Service shall submit



1 to the court or administrative adjudicator a copy of  
2 the most recent annual report submitted to the Con-  
3 gress by the Director of the Office of Religious Per-  
4 secution Monitoring under section 6 of the Freedom  
5 From Religious Persecution Act of 1997, and any  
6 interim reports issued by such Director after such  
7 annual report.”.

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

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

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

18 (3) In the case of such applications, the number  
19 that were granted.

20 (4) A description of developments with respect  
21 to the adjudication of applications for asylum or ref-  
22 ugee status filed by an alien who claims to be a  
23 member of a persecuted community that the Direc-  
24 tor found to be subject to category 1 or category 2

1 religious persecution in the most recent annual re-  
2 port submitted to the Congress under section 6.

3 (5) With respect to the year that is the subject  
4 of the report, a description of training on religious  
5 persecution provided under section 235(d) of the Im-  
6 migration and Nationality Act (as added by sub-  
7 section (b)) to immigration officers performing func-  
8 tions under section 235(b) of such Act, or adjudicat-  
9 ing applications under section 207 or 208 of such  
10 Act, including a list of speakers and materials used  
11 in such training and the number of officers who re-  
12 ceived such training.

13 (e) ADMISSION PRIORITY.—For purposes of section  
14 207(a)(3) of the Immigration and Nationality Act, an in-  
15 dividual who is a member of a persecuted community that  
16 the Director found to be subject to category 1 or category  
17 2 religious persecution in the most recent annual report  
18 submitted to the Congress under section 6, and is deter-  
19 mined by the Attorney General to be a refugee within the  
20 meaning of section 101(a)(42)(A) of the Immigration and  
21 Nationality Act, shall be considered a refugee of special  
22 humanitarian concern to the United States. In carrying  
23 out such section, such an individual shall be given priority  
24 status at least as high as that given to any member of

1 any other specific group of refugees of special concern to  
 2 the United States.

3 (f) NO EFFECT ON OTHERS' RIGHTS.—Nothing in  
 4 this section, or any amendment made by this section, shall  
 5 be construed to deny any applicant for asylum or refugee  
 6 status any right, privilege, protection, or eligibility other-  
 7 wise provided by law.

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

9 (a) ANNUAL HUMAN RIGHTS REPORT.—In preparing  
 10 the annual reports of the State Department on human  
 11 rights under sections 116(d) and 502B(b) of the Foreign  
 12 Assistance Act of 1961 (22 U.S.C. 2151n(d) and  
 13 2304(b)), the Secretary of State shall, in the section on  
 14 religious freedom—

15 (1) consider the facts and circumstances of the  
 16 violation of the right to freedom of religion pre-  
 17 sented by independent human rights groups and  
 18 nongovernmental organizations;

19 (2) report on the extent of the violations of the  
 20 right to freedom of religion, specifically including  
 21 whether the violations arise from governmental or  
 22 nongovernmental sources, and whether the violations  
 23 are encouraged by the government or whether the  
 24 government fails to exercise satisfactory efforts to  
 25 control such violations;

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

4           (4) identify whether the violations are focused  
5       on an entire religion or on certain denominations or  
6       sects.

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

8           (1) institute programs to provide training for  
9       chiefs of mission as well as Department of State of-  
10      ficials—

11           (A) having reporting responsibilities re-  
12          garding the freedom of religion, which shall in-  
13          clude training on the fundamental components  
14          of the right to freedom of religion, the variation  
15          in beliefs of religious groups, and the govern-  
16          mental and nongovernmental methods used in  
17          the violation of the right to freedom of religion;  
18          and

19           (B) the identification of independent  
20          human rights groups and nongovernmental or-  
21          ganizations with expertise in the matters de-  
22          scribed in subparagraph (A); and

23           (2) submit to the Director, not later than Janu-  
24          ary 1 of each year, a report describing all training  
25          provided to Department of State officials with re-

1       spect to religious persecution during the preceding  
2       1-year period, including a list of instructors and ma-  
3       terials used in such training and the number and  
4       rank of individuals who received such training.

5   **SEC. 11. TERMINATION OF SANCTIONS.**

6       (a) **TERMINATION OF SANCTIONS.**—If the Director  
7       determines that a sanctioned country has substantially  
8       eliminated religious persecution in that country, the Direc-  
9       tor shall notify the Congress of that determination in writ-  
10      ing. The sanctions described in section 7 shall cease to  
11      apply with respect to that country 45 days after the Con-  
12      gress receives the notification of such a determination.  
13      The 45-day period referred to in this section shall be com-  
14      puted by excluding—

15           (1) the days on which either House of Congress  
16           is not in session because of an adjournment of more  
17           than 3 days to a day certain or an adjournment of  
18           the Congress sine die; and

19           (2) any Saturday and Sunday, not excluded  
20           under paragraph (1), when either House is not in  
21           session.

22      (b) **WITHDRAWAL OF FINDING.**—Any determination  
23      of the Director under section 6 may be withdrawn before  
24      taking effect if the Director makes a written determina-  
25      tion, on the basis of a preponderance of the evidence, that

1 the country substantially eliminated any category 1 or cat-  
 2 egory 2 religious persecution that existed in that country.  
 3 The Director shall submit to the Congress each determina-  
 4 tion under this subsection.

5 **SEC. 12. SANCTIONS AGAINST SUDAN.**

6 (a) EXTENSION OF SANCTIONS UNDER EXISTING  
 7 LAW.—Any sanction imposed on Sudan because of a de-  
 8 termination that the government of that country has pro-  
 9 vided support for acts of international terrorism, includ-  
 10 ing—

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

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

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

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

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

21 (6) section 527 of the Foreign Operations, Ex-  
 22 port Financing, and Related Programs Appropria-  
 23 tions Act, 1997 (as contained in Public Law 104–  
 24 208); and

1           (7) section 901(j) of the Internal Revenue Code  
2       of 1986;  
3 shall continue in effect after the enactment of this Act  
4 until the Director determines, in accordance with section  
5 11, that Sudan has substantially eliminated religious per-  
6 secution in that country, or the determination that the  
7 government of that country has provided support for acts  
8 of international terrorism is no longer in effect, whichever  
9 occurs later. For purposes of the preceding sentence, the  
10 reference in section 11 to “sanctions described in section  
11 7” shall be deemed to refer to sanctions described in para-  
12 graphs (1) through (7) of this subsection.

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 permanent resident  
 12 alien;

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

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

18 (2) PROHIBITION ON IMPORTS FROM SUDAN.—  
 19 No article which is grown, produced, manufactured  
 20 by, marketed, or otherwise exported by the Govern-  
 21 ment of Sudan, may be imported into the United  
 22 States.

23 (3) PROHIBITIONS ON UNITED STATES EX-  
 24 PORTS TO SUDAN.—



1 (A) PROHIBITION ON COMPUTER EX-  
 2 PORTS.—No computers, computer software, or  
 3 goods or technology intended to manufacture or  
 4 service computers may be exported to or for use  
 5 of the Government of Sudan.

6 (B) REGULATIONS OF THE SECRETARY OF  
 7 COMMERCE.—The Secretary of Commerce may  
 8 prescribe such regulations as may be necessary  
 9 to carry out subparagraph (A).

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

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

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

21 (B) REGULATIONS.—The Secretary of  
 22 Commerce may prescribe such regulations as  
 23 may be necessary to carry out subparagraph  
 24 (A).

1 (C) PENALTIES.—Any person who violates  
2 this paragraph shall be subject to penalties pro-  
3 vided in section 11 of the Export Administra-  
4 tion Act of 1979 (50 U.S.C. App. 2410) for vio-  
5 lations under that Act.

6 (5) AVIATION RIGHTS.—

7 (A) AIR TRANSPORTATION RIGHTS.—The  
8 Secretary of Transportation shall prohibit any  
9 aircraft of a foreign air carrier owned or con-  
10 trolled, directly or indirectly, by the Govern-  
11 ment of Sudan or operating pursuant to a con-  
12 tract with the Government of Sudan from en-  
13 gaging in air transportation with respect to the  
14 United States, except that such aircraft shall be  
15 allowed to land in the event of an emergency  
16 for which the safety of an aircraft's crew or  
17 passengers is threatened.

18 (B) TAKEOFFS AND LANDINGS.—The Sec-  
19 retary of Transportation shall prohibit the take-  
20 off and landing in Sudan of any aircraft by an  
21 air carrier owned, directly or indirectly, or con-  
22 trolled by a United States person, except that  
23 such aircraft shall be allowed to land in the  
24 event of an emergency for which the safety of

1 an aircraft's crew or passengers is threatened,  
2 or for humanitarian purposes.

3 (C) TERMINATION OF AIR SERVICE AGREE-  
4 MENTS.—To carry out subparagraphs (A) and  
5 (B), the Secretary of State shall terminate any  
6 agreement between the Government of Sudan  
7 and the Government of the United States relat-  
8 ing to air services between their respective terri-  
9 tories.

10 (D) DEFINITIONS.—For purposes of this  
11 paragraph, the terms “aircraft”, “air transpor-  
12 tation”, and “foreign air carrier” have the  
13 meanings given those terms in section 40102 of  
14 title 49, United States Code.

15 (6) PROHIBITION ON PROMOTION OF UNITED  
16 STATES TOURISM.—None of the funds appropriated  
17 or otherwise made available by any provision of law  
18 may be available to promote United States tourism  
19 in Sudan.

20 (7) GOVERNMENT OF SUDAN BANK AC-  
21 COUNTS.—

22 (A) PROHIBITION.—A United States de-  
23 pository institution may not accept, receive, or  
24 hold a deposit account from the Government of  
25 Sudan, except for such accounts which may be

1 authorized by the President for diplomatic or  
2 consular purposes.

3 (B) ANNUAL REPORTS.—The Secretary of  
4 the Treasury shall submit annual reports to the  
5 Congress on the nature and extent of assets  
6 held in the United States by the Government of  
7 Sudan.

8 (C) DEFINITION.—For purposes of this  
9 paragraph, the term “depository institution”  
10 has the meaning given that term in section  
11 19(b)(1) of the Act of December 23, 1913 (12  
12 U.S.C. 461(b)(1)).

13 (8) PROHIBITION ON UNITED STATES GOVERN-  
14 MENT PROCUREMENT FROM SUDAN.—

15 (A) PROHIBITION.—No department, agen-  
16 cy, or any other entity of the United States  
17 Government may enter into a contract for the  
18 procurement of goods or services from  
19 parastatal organizations of Sudan except for  
20 items necessary for diplomatic or consular pur-  
21 poses.

22 (B) DEFINITION.—As used in this para-  
23 graph, the term “parastatal organization of  
24 Sudan” means a corporation, partnership, or

1           entity owned, controlled, or subsidized by the  
2           Government of Sudan.

3           (9) PROHIBITION ON UNITED STATES APPRO-  
4           PRIATIONS FOR USE AS INVESTMENTS IN OR TRADE  
5           SUBSIDIES FOR SUDAN.—None of the funds appro-  
6           priated or otherwise made available by any provision  
7           of law may be available for any new investment in,  
8           or any subsidy for trade with, Sudan, including  
9           funding for trade missions in Sudan and for partici-  
10          pation in exhibitions and trade fairs in Sudan.

11          (10) PROHIBITION ON COOPERATION WITH  
12          ARMED FORCES OF SUDAN.—No agency or entity of  
13          the United States may engage in any form of co-  
14          operation, direct or indirect, with the armed forces  
15          of Sudan, except for activities which are reasonably  
16          necessary to facilitate the collection of necessary in-  
17          telligence. Each such activity shall be considered as  
18          significant anticipated intelligence activity for pur-  
19          poses of section 501 of the National Security Act of  
20          1947 (50 U.S.C. 413).

21          (11) PROHIBITION ON COOPERATION WITH IN-  
22          TELLIGENCE SERVICES OF SUDAN.—

23                 (A) SANCTION.—No agency or entity of  
24                 the United States involved in intelligence activi-  
25                 ties may engage in any form of cooperation, di-

1 rect or indirect, with the Government of Sudan,  
2 except for activities which are reasonably de-  
3 signed to facilitate the collection of necessary  
4 intelligence.

5 (B) POLICY.—It is the policy of the United  
6 States that no agency or entity of the United  
7 States involved in intelligence activities may  
8 provide any intelligence information to the Gov-  
9 ernment of Sudan which pertains to any inter-  
10 nal group within Sudan. Any change in such  
11 policy or any provision of intelligence informa-  
12 tion contrary to this policy shall be considered  
13 a significant anticipated intelligence activity for  
14 purposes of section 501 of the National Secu-  
15 rity Act of 1947 (50 U.S.C. 413).

16 The sanctions described in this subsection shall apply until  
17 the Director determines, in accordance with section 11,  
18 that Sudan has substantially eliminated religious persecu-  
19 tion in that country. For purposes of the preceding sen-  
20 tence, the reference in section 11 to “sanctions described  
21 in section 7” shall be deemed to refer to the sanctions  
22 imposed under this subsection.

23 (c) MULTILATERAL EFFORTS TO END RELIGIOUS  
24 PERSECUTION IN SUDAN.—

1           (1) EFFORTS TO OBTAIN MULTILATERAL MEAS-  
2           URES AGAINST SUDAN.—It is the policy of the Unit-  
3           ed States to seek an international agreement with  
4           the other industrialized democracies to bring about  
5           an end to religious persecution by the Government  
6           of Sudan. The net economic effect of such inter-  
7           national agreement should be measurably greater  
8           than the net economic effect of the other measures  
9           imposed by this section.

10          (2) COMMENCEMENT OF NEGOTIATIONS TO INI-  
11          TIALTE     MULTILATERAL     SANCTIONS     AGAINST  
12          SUDAN.—It is the sense of the Congress that the  
13          President or, at his direction, the Secretary of State  
14          should convene an international conference of the  
15          other industrialized democracies in order to reach an  
16          international agreement to bring about an end to re-  
17          ligious persecution in Sudan. The international con-  
18          ference should begin promptly and should be con-  
19          cluded not later than 180 days after the date of the  
20          enactment of this Act.

21          (3) PRESIDENTIAL REPORT.—Not less than  
22          210 days after the date of the enactment of this Act,  
23          the President shall submit to the Congress a report  
24          containing—

1 (A) a description of United States' efforts  
 2 to negotiate multilateral measures to bring  
 3 about an end to religious persecution in Sudan;  
 4 and

5 (B) a detailed description of economic and  
 6 other measures adopted by the other industri-  
 7 alized countries to bring about an end to reli-  
 8 gious persecution in Sudan, including an assess-  
 9 ment of the stringency with which such meas-  
 10 ures are enforced by those countries.

11 (4) CONFORMITY OF UNITED STATES MEAS-  
 12 URES TO INTERNATIONAL AGREEMENT.—If the  
 13 President successfully concludes an international  
 14 agreement described in paragraph (2), the President  
 15 may, after such agreement enters into force with re-  
 16 spect to the United States, adjust, modify, or other-  
 17 wise amend the measures imposed under any provi-  
 18 sion of this section to conform with such agreement.

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

23 (A) the President, not less than 30 days  
 24 before the day on which the President enters  
 25 into such agreement, notifies the House of Rep-



1           representatives and the Senate of the President's  
2           intention to enter into such an agreement, and  
3           promptly thereafter publishes notice of such in-  
4           tention in the Federal Register;

5           (B) after entering into the agreement, the  
6           President transmits to the House of Represent-  
7           atives and to the Senate a document containing  
8           a copy of the final text of such agreement, to-  
9           gether with—

10           (i) a description of any administrative  
11           action proposed to implement such agree-  
12           ment and an explanation as to how the  
13           proposed administrative action would  
14           change or affect existing law; and

15           (ii) a statement of the President's rea-  
16           sons regarding—

17           (I) how the agreement serves the  
18           interest of United States foreign pol-  
19           icy; and

20           (II) why the proposed adminis-  
21           trative action is required or appro-  
22           priate to carry out the agreement; and

23           (C) a joint resolution approving such  
24           agreement has been enacted, in accordance with  
25           section 8066(c) of the Department of Defense

1 Appropriations Act, 1985 (as contained in Pub-  
2 lic Law 98–473 (98 Stat. 1936)), within 30  
3 days of transmittal of such document to the  
4 Congress.

5 For purposes of applying such section 8066(c), any  
6 reference in such section to “joint resolution”, “reso-  
7 lution”, or “resolution described in paragraph (1)”  
8 shall be deemed to refer to a joint resolution de-  
9 scribed in subparagraph (C) of this paragraph.

10 (6) UNITED NATIONS SECURITY COUNCIL IMPO-  
11 SITION OF SAME MEASURES AGAINST SUDAN.—It is  
12 the sense of the Congress that the President should  
13 instruct the Permanent Representative of the United  
14 States to the United Nations to propose that the  
15 United Nations Security Council, pursuant to Article  
16 41 of the United Nations Charter, impose measures  
17 against Sudan of the same type as are imposed by  
18 this section.

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

21 (1) UNITED STATES POLICY TO END RELIGIOUS  
22 PERSECUTION.—It shall be the policy of the United  
23 States to impose additional measures against the  
24 Government of Sudan if its policy of religious perse-

1        cution has not ended on or before December 25,  
2        1997.

3            (2) REPORT TO CONGRESS.—The Director shall  
4        prepare and transmit to the Speaker of the House  
5        of Representatives and the Chairman of the Com-  
6        mittee on Foreign Relations of the Senate on or be-  
7        fore February 1, 1998, and every 12 months there-  
8        after, a report determining whether the policy of re-  
9        ligious persecution by the Government of Sudan has  
10       ended.

11           (3) RECOMMENDATION FOR IMPOSITION OF AD-  
12        DITIONAL MEASURES.—If the Director determines  
13        that the policy of religious persecution by the Gov-  
14        ernment of Sudan has not ended, the President shall  
15        prepare and transmit to the Speaker of the House  
16        of Representatives and the Chairman of the Com-  
17        mittee on Foreign Relations of the Senate on or be-  
18        fore March 1, 1998, and every 12 months thereafter,  
19        a report setting forth recommendations for such ad-  
20        ditional measures and actions against the Govern-  
21        ment of Sudan as the Director determines will end  
22        the government's policy of religious persecution.

23        (e) DEFINITIONS.—As used in this section—

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

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

6                   (A) means—

7                           (i) a commitment or contribution of  
 8                           funds or other assets; or

9                           (ii) a loan or other extension of credit,  
 10                          that is made on or after the effective date of  
 11                          this subsection; and

12                   (B) does not include—

13                           (i) the reinvestment of profits gen-  
 14                           erated by a controlled Sudanese entity into  
 15                           that same controlled Sudanese entity, or  
 16                           the investment of such profits in a Suda-  
 17                           nese entity;

18                           (ii) contributions of money or other  
 19                           assets where such contributions are nec-  
 20                           essary to enable a controlled Sudanese en-  
 21                           tity to operate in an economically sound  
 22                           manner, without expanding its operations;  
 23                           or

24                           (iii) the ownership or control of a  
 25                           share or interest in a Sudanese entity or a

1           controlled Sudanese entity or a debt or eq-  
2           uity security issued by the Government of  
3           Sudan or a Sudanese entity before the date  
4           of the enactment of this Act, or the trans-  
5           fer or acquisition of such a share or inter-  
6           est, or debt or equity security, if any such  
7           transfer or acquisition does not result in a  
8           payment, contribution of funds or assets,  
9           or credit to a Sudanese entity, a controlled  
10          Sudanese entity, or the Government of  
11          Sudan.

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

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

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

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

22           (A) a corporation, partnership, or other  
23          business association or entity organized in  
24          Sudan; or

1 (B) a branch, office, agency, or sole propri-  
2 etorship in Sudan of a person that resides or is  
3 organized outside Sudan.

4 **SEC. 13. EFFECTIVE DATE.**

5 (a) IN GENERAL.—Subject to subsections (b) and (c),  
6 and except as provided in section 12, this Act and the  
7 amendments made by this Act shall take effect 120 days  
8 after the date of the enactment of this Act.

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

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

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