H. R. 2431

To establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 8, 1997

Mr. Wolf (for himself, Mr. Porter, Mr. Watts of Oklahoma, Mr. Hall of Ohio, Mr. Aderholt, Mr. Smith of New Jersey, Ms. Pelosi, Mr. Hutchinson, Mr. Rohrabacher, Mr. Blunt, Mr. Bishop, Mr. Duncan, Mr. Manton, Mr. Olver, Mr. Gilchrest, Mr. King, Mr. Bob Schaffer of Colorado, Mr. Gillmor, Mr. Cooksey, Mr. Gilman, Mr. Dickey, Mr. Lipinski, Mr. Eshlers, Mr. Wamp, Mrs. Kelly, and Mr. Towns) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, Banking and Financial Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Freedom From Religious Persecution Act of 1997”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

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

(2) The right to freedom of religion is recognized by numerous international agreements and covenants, including the following:

(A) Article 18 of the Universal Declaration of Human Rights states that “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.

(B) Article 18 of the Covenant on Civil and Political Rights declares that “Everyone shall have the right to freedom of thought, conscience, and religion . . .” and further delineates the privileges under this right.
(3) Persecution of religious believers, particularly Roman Catholic and evangelical Protestant Christians, in Communist countries, such as Cuba, Laos, the People’s Republic of China, North Korea, and Vietnam, persists and in some cases is increasing.

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

(5) The militant, Islamic Government of Sudan is waging a self-described religious war against Christian, non-Muslim, and moderate Muslim persons by using torture, starvation, enslavement, and murder.

(6) In Tibet, where Tibetan Buddhism is inextricably linked to the Tibetan identity, the Government of the People’s Republic of China has intensified its control over the Tibetan people by perverting the selection of the Panchen Lama, propagandizing against the religious authority of the Dalai Lama, restricting religious study and traditional religious
practices, and increasing the persecution of monks
and nuns.

(7) The United States Government is commit-
ted to the right to freedom of religion and its poli-
cies and relations with foreign governments should
be consistent with the commitment to this principle.

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

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

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

(C) H. Con. Res. 102, concerning the
emancipation of the Iranian Baha’i community;
and

(D) section 1303 of H.R. 1561, the For-
eign Relations Authorization Act, Fiscal Years

SEC. 3. DEFINITIONS.

As used in this Act:
(1) **DIRECTOR.**—The term “Director” means the Director of the Office of Religious Persecution Monitoring established under section 5.

(2) **PERSECUTED COMMUNITY.**—The term “persecuted community” means any religious group or community identified in section 4.

(3) **PERSECUTION FACILITATING PRODUCTS, GOODS, AND SERVICES.**—The term “persecution facilitating products, goods, and services” means those products, goods, and services which are being used or determined to be intended for use directly and in significant measure to facilitate the carrying out of acts of religious persecution.

(4) **RELIGIOUS PERSECUTION.**—

   (A) **IN GENERAL.**—The term “religious persecution” means widespread and ongoing persecution of persons because of their membership in or affiliation with a religion or religious denomination, whether officially recognized or otherwise, when such persecution includes abduction, enslavement, killing, imprisonment, forced mass resettlement, rape, or crucifixion or other forms of torture.

   (B) **CATEGORY 1 RELIGIOUS PERSECUTION.**—Category 1 religious persecution is reli-
religious persecution that is conducted with the involvement or support of government officials or its agents, or as part of official government policy.

(C) CATEGORY 2 RELIGIOUS PERSECUTION.—Category 2 religious persecution is religious persecution that is not conducted with the involvement or support of government officials or its agents, or as part of official government policy, but which the government fails to undertake serious and sustained efforts to eliminate.

(5) RESPONSIBLE ENTITIES.—The term “responsible entities” means the specific government departments, agencies, or units which directly carry out acts of religious persecution.

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

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

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—
(i) assistance under chapter 8 of part 1 of that Act;

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

(iii) disaster relief assistance, including any assistance under chapter 9 of part 1 of that Act;

(iv) assistance which involves the provision of food (including monetization of food) or medicine; and

(v) assistance for refugees;

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

(C) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954; and

(D) financing under the Export-Import Bank Act of 1945.
(8) UNITED STATES PERSON.—Except as provided in section 12(b)(1), the term "United States person" means—

(A) any United States citizen or alien lawfully 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 Columbia, or any territory or possession of the United States.

SEC. 4. APPLICATION AND SCOPE.

(a) SCOPE.—The provisions of this Act shall apply to all persecuted religious groups and communities, and all countries and regions thereof, referred to in the resolutions and bill set forth in paragraph (8) of section 2 or referred to in paragraphs (3) through (6) of section 2, and to any community within any country or region thereof that the Director finds, by a preponderance of the evidence, is the target of religious persecution.

(b) DESIGNATION OF ADDITIONAL COUNTRIES AND REGIONS THEREOF.—The Congress may designate additional countries or regions to which this Act applies by enacting legislation specifically citing the authority of this section.
SEC. 5. OFFICE OF RELIGIOUS PERSECUTION MONITORING.

(a) Establishment.—There is established in the Executive Office of the President the Office of Religious Persecution Monitoring (hereafter in this Act referred to as the “Office”).

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

(c) Removal.—The Director shall serve at the pleasure of the President.

(d) Barred From Other Federal Positions.—No person shall serve as Director while serving in any other position in the Federal Government.

(e) Responsibilities of Director.—The Director shall do the following:

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

(2) Consider the facts and circumstances of violations of religious freedom presented by independent-
ent human rights groups and nongovernmental organizations.

(3) In consultation with the Secretary of State, make policy recommendations to the President regarding the policies of the United States Government toward governments which are determined to be engaged in religious persecution.

(4) Prepare and submit the annual report described in section 6, including the determination whether a particular country is engaged in category 1 or category 2 religious persecution, and identify the responsible entities within such countries. This information shall be published in the Federal Register.

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

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

(f) ADMINISTRATIVE MATTERS.—

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

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

SEC. 6. REPORTS TO CONGRESS.

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

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

(1) DETERMINATION OF RELIGIOUS PERSECU-
tion.—With respect to each country or region there-
of described in section 4, the Director shall include
his or her determination, with respect to each per-
executed community, whether there is category 1 religious persecution or category 2 religious persecution.

(2) **Identification of persecution facilitating products, goods, and services.**—With respect to each country or region thereof which the Director determines is engaged in either category 1 or category 2 religious persecution, the Director, in consultation with the Secretary of State and the Secretary of Commerce, shall identify and list the persecution facilitating products, goods, and services.

(3) **Identification of responsible entities.**—With respect to each country determined by the Director to be engaged in category 1 religious persecution, the Director, in consultation with the Secretary of State, shall identify and list the responsible entities within that country that are engaged in religious persecution. Such entities shall be defined as narrowly as possible.

(4) **Other reports.**—The Director shall include the reports submitted to the Director by the Attorney General under section 9 and by the Secretary of State under section 10.
(c) INTERIM REPORTS.—The Director may submit
interim reports to the Congress containing such matters
as the Director considers necessary.

SEC. 7. SANCTIONS.

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

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

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

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

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

(B) the Director finds the occurrence of
category 2 religious persecution, the Director
shall so notify the relevant United States depart-
ments and agencies, and such departments
and agencies shall prohibit the export to such
country of the persecution facilitating products,
goods, and services listed under section 6(b)(2)
or in any supplemental list of the Director.

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

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

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

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

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

(4) Effective date of prohibitions.—The prohibitions on exports under paragraph (1) shall take effect with respect to a country 90 days after the finding of category 1 or category 2 religious persecution in that country or region thereof, except as provided in section 11.

(b) United States Assistance.—

(1) Category 1 religious persecution.— No United States assistance may be provided to the government of any country which the Director determines is engaged in category 1 religious persecution, effective 90 days after the date on which the Director submits the report in which the determination is included.

(2) Category 2 religious persecution.— No United States assistance may be provided to the government of any country which the Director determines is engaged in category 2 religious persecution, effective 1 year after the date on which the Director submits the report in which the determination is included, if the Director, in the next annual report of
the Director under section 6, determines that the
country is engaged in either category 1 or category
2 religious persecution.

(c) MULTILATERAL ASSISTANCE.—

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

(2) CATEGORY 2 RELIGIOUS PERSECUTION.—
With respect to any country which the Director de-
determines is engaged in category 2 religious persecu-
tion, the President shall instruct the United States
Executive Director of each multilateral development
bank and of the International Monetary Fund to
vote against, and use his or her best efforts to deny,
any loan or other utilization of the funds of their re-
spective institutions (other than for humanitarian
assistance) to that country, effective 1 year after the
date on which the Director submits the report in
which the determination is included, if the Director,
in the next annual report of the Director under sec-
tion 6, determines that the country is engaged in ei-
ther category 1 or category 2 religious persecution.

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

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

(d) DENIAL OF VISAS.—No consular officer shall
issue a visa to, and the Attorney General shall exclude
from the United States, any alien who the Director deter-
mines carried out or directed the carrying out of category
1 or category 2 religious persecution.

SEC. 8. WAIVER OF SANCTIONS.

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

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

(2) provides to the Committees on Foreign Re-
lations, Finance, the Judiciary, and Appropriations
of the Senate and to the Committees on Inter-
national Relations, the Judiciary, and Appropri-
tions of the House of Representatives a written noti-
fication of the President’s intention to waive any
such sanction.

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

(b) TAKING EFFECT OF WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), a
waiver under subsection (a) shall take effect 45 days
after its submission to the Congress.
(2) IN EMERGENCY CONDITIONS.—The President may waive the imposition of sanctions against a country under subsection (b) or (c) of section 7 to take effect immediately if the President, in the written notification of intention to waive the sanctions, certifies that emergency conditions exist that make an immediate waiver necessary.

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

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

(B) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

SEC. 9. MODIFICATION OF IMMIGRATION POLICY.

(a) CREDIBLE FEAR OF PERSECUTION DEFINED.—

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 under subsection (b), or section 207 or 208, training on religious persecution, including training on—
“(1) the fundamental components of the right to freedom of religion;

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

and

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

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

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

“(1) PROCEDURES UPON DENIAL.—

“(A) IN GENERAL.—In any case in which the Service denies or refers to an immigration judge an asylum application filed by an alien described in the second sentence of section 235(b)(1)(B)(v), or any case in which an immigration judge denies such an application on the ground that the alien is not a refugee within the meaning of section 101(a)(42)(A), the Service shall provide the alien with the following:
“(i) A written statement containing
the reasons for the denial, which shall be
supported by references to—

“(I) the most recent annual re-
port 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; and

“(II) either—

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

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

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

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

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

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

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

“(ii) A statement certifying that the applicant was provided an opportunity to respond to the Service’s position on the credibility issue.
“(iii) A brief summary of such response, if any was made.

“(iv) An explanation of how the negative determination on the credibility issue relates to the applicant’s religious persecution claim.

“(2) EFFECT IN SUBSEQUENT PROCEEDINGS.—

“(A) USE AT OPTION OF APPLICANT.—Any material provided to an alien under paragraph (1) shall be considered part of the official record pertaining to the alien’s asylum application solely at the option of the alien.

“(B) NO EFFECT ON REVIEW.—The provision of any material under paragraph (1) to an alien shall not be construed to alter any standard of review otherwise applicable in any administrative or judicial adjudication concerning the alien’s asylum application.

“(3) DUTY TO SUBMIT REPORT ON RELIGIOUS PERSECUTION.—In any judicial or administrative proceeding in which the Service opposes granting asylum to an alien described in the second sentence of section 235(b)(1)(B)(v), the Service shall submit to the court or administrative adjudicator a copy of the most recent annual report submitted to the Con-
gress by the Director of the Office of Religious Persecution Monitoring under section 6 of the Freedom From Religious Persecution Act of 1997, and any interim reports issued by such Director after such annual report.”.

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

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

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

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

(4) A description of developments with respect to the adjudication of applications for asylum or refugee status filed by an alien who claims to be a member of a persecuted community that the Director found to be subject to category 1 or category 2 religious persecution in the most recent annual report submitted to the Congress under section 6.
(5) With respect to the year that is the subject of the report, a description of training on religious persecution provided under section 235(d) of the Immigration and Nationality Act (as added by subsection (b)) to immigration officers performing functions under section 235(b) of such Act, or adjudicating applications under section 207 or 208 of such Act, including a list of speakers and materials used in such training and the number of officers who received such training.

(e) ADMISSION PRIORITY.—For purposes of section 207(a)(3) of the Immigration and Nationality Act, an individual who is a member of a persecuted community that the Director found to be subject to category 1 or category 2 religious persecution in the most recent annual report submitted to the Congress under section 6, and is determined by the Attorney General to be a refugee within the meaning of section 101(a)(42)(A) of the Immigration and Nationality Act, shall be considered a refugee of special humanitarian concern to the United States. In carrying out such section, such an individual shall be given priority status at least as high as that given to any member of any other specific group of refugees of special concern to the United States.
(f) **No Effect on Others’ Rights.**—Nothing in this section, or any amendment made by this section, shall be construed to deny any applicant for asylum or refugee status (including any applicant who is not a member of a persecuted community but whose claim is based on religious persecution) any right, privilege, protection, or eligibility otherwise provided by law.

(g) **No Displacement of Other Refugees.**—Refugees admitted to the United States as a result of the procedures set forth in this section shall not displace other refugees in need of resettlement who would otherwise have been admitted in accordance with existing law and procedures.

(h) **Period for Public Comment and Review.**—Section 207(d) of the Immigration and Nationality Act is amended by adding at the end the following:

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

“(B) Nothing in this paragraph may be construed to apply subchapter II of chapter 5 of title 5, United States
SEC. 10. STATE DEPARTMENT HUMAN RIGHTS REPORTS.

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

(1) consider the facts and circumstances of the violation of the right to freedom of religion presented by independent human rights groups and nongovernmental organizations;

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

(3) report on whether freedom of religion violations occur on a nationwide, regional, or local level; and
(4) identify whether the violations are focused
on an entire religion or on certain denominations or
sects.

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

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

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

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

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

SEC. 11. TERMINATION OF SANCTIONS.

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

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

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

(b) Withdrawal of Finding.—Any determination
of the Director under section 6 may be withdrawn before
taking effect if the Director makes a written determina-
tion, on the basis of a preponderance of the evidence, that
the country substantially eliminated any category 1 or cat-
egory 2 religious persecution that existed in that country.
The Director shall submit to the Congress each determination under this subsection.

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

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

1. export controls imposed pursuant to the Export Administration Act of 1979;
2. prohibitions on transfers of munitions under section 40 of the Arms Export Control Act;
3. the prohibition on assistance under section 620A of the Foreign Assistance Act of 1961;
4. section 2327(a) of title 10, United States Code;
5. section 6 of the Bretton Woods Agreements Act Amendments, 1978 (22 U.S.C. 286e–11);
6. section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in Public Law 104–208); and
7. section 901(j) of the Internal Revenue Code of 1986;
shall continue in effect after the enactment of this Act until the Director determines that Sudan has substantially eliminated religious persecution in that country, or the determination that the government of that country has provided support for acts of international terrorism is no longer in effect, whichever occurs later.

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

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

(A) OFFENSE.—Any United States person who knowingly engages in any financial transaction, including any loan or other extension of credit, directly or indirectly, with the Government of Sudan shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years; or both.

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

(i) FINANCIAL TRANSACTION.—The term “financial transaction” has the meaning given that term in section 1956(c)(4) of title 18, United States Code.
(ii) United States person.—The term “United States person” means—

(I) any United States citizen or national;

(II) any permanent resident alien;

(III) any juridical person organized under the laws of the United States; and

(IV) any person in the United States.

(2) Prohibition on imports from Sudan.—

No article which is grown, produced, manufactured by, marketed, or otherwise exported by the Government of Sudan, may be imported into the United States.

(3) Prohibitions on United States exports to Sudan.—

(A) Prohibition on computer exports.—No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use of the Government of Sudan.

(B) Regulations of the Secretary of Commerce.—The Secretary of Commerce may
prescribe such regulations as may be necessary
to carry out subparagraph (A).

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

(4) PROHIBITION ON NEW INVESTMENT IN
SUDAN.—

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

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

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

(5) AVIATION RIGHTS.—

(A) AIR TRANSPORTATION RIGHTS.—The
Secretary of Transportation shall prohibit any
aircraft of a foreign air carrier owned or controlled, directly or indirectly, by the Government of Sudan or operating pursuant to a contract with the Government of Sudan from engaging in air transportation with respect to the United States, except that such aircraft shall be allowed to land in the event of an emergency for which the safety of an aircraft’s crew or passengers is threatened.

(B) Takeoffs and Landings.—The Secretary of Transportation shall prohibit the takeoff and landing in Sudan of any aircraft by an air carrier owned, directly or indirectly, or controlled by a United States person, except that such aircraft shall be allowed to land in the event of an emergency for which the safety of an aircraft’s crew or passengers is threatened, or for humanitarian purposes.

(C) Termination of Air Service Agreements.—To carry out subparagraphs (A) and (B), the Secretary of State shall terminate any agreement between the Government of Sudan and the Government of the United States relating to air services between their respective territories.
(D) DEFINITIONS.—For purposes of this paragraph, the terms “aircraft”, “air transportation”, and “foreign air carrier” have the meanings given those terms in section 40102 of title 49, United States Code.

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

(7) GOVERNMENT OF SUDAN BANK ACCOUNTS.—

(A) PROHIBITION.—A United States depository institution may not accept, receive, or hold a deposit account from the Government of Sudan, except for such accounts which may be authorized by the President for diplomatic or consular purposes.

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

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

(8) Prohibition on United States government procurement from Sudan.—

(A) Prohibition.—No department, agency, or any other entity of the United States Government may enter into a contract for the procurement of goods or services from parastatal organizations of Sudan except for items necessary for diplomatic or consular purposes.

(B) Definition.—As used in this paragraph, the term “parastatal organization of Sudan” means a corporation, partnership, or entity owned, controlled, or subsidized by the Government of Sudan.

(9) Prohibition on United States appropriations for use as investments in or trade subsidies for Sudan.—None of the funds appropriated or otherwise made available by any provision of law may be available for any new investment in, or any subsidy for trade with, Sudan, including funding for trade missions in Sudan and for participation in exhibitions and trade fairs in Sudan.
(10) Prohibition on cooperation with armed forces of Sudan.—No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of Sudan, except for activities which are reasonably necessary to facilitate the collection of necessary intelligence. Each such activity shall be considered as significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 413).

(11) Prohibition on cooperation with intelligence services of Sudan.—

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

(B) Policy.—It is the policy of the United States that no agency or entity of the United States involved in intelligence activities may provide any intelligence information to the Government of Sudan which pertains to any internal group within Sudan. Any change in such
policy or any provision of intelligence information contrary to this policy shall be considered a significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947 (50 U.S.C. 413).

The sanctions described in this subsection shall apply until the Director determines that Sudan has substantially eliminated religious persecution in that country.

(e) **Multilateral Efforts To End Religious Persecution in Sudan.**

(1) **Efforts to obtain multilateral measures against Sudan.**—It is the policy of the United States to seek an international agreement with the other industrialized democracies to bring about an end to religious persecution by the Government of Sudan. The net economic effect of such international agreement should be measurably greater than the net economic effect of the other measures imposed by this section.

(2) **Commencement of negotiations to initiate multilateral sanctions against Sudan.**—It is the sense of the Congress that the President or, at his direction, the Secretary of State should convene an international conference of the other industrialized democracies in order to reach an
international agreement to bring about an end to re-
ligious persecution in Sudan. The international con-
ference should begin promptly and should be con-
cluded not later than 180 days after the date of the
enactment of this Act.

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

(A) a description of United States’ efforts
to negotiate multilateral measures to bring
about an end to religious persecution in Sudan;
and

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

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

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

(A) the President, not less than 30 days before the day on which the President enters into such agreement, notifies the House of Representatives and the Senate of the President’s intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) after entering into the agreement, the President transmits to the House of Representatives and to the Senate a document containing a copy of the final text of such agreement, together with—

(i) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law; and

(ii) a statement of the President’s reasons regarding—
(I) how the agreement serves the interest of United States foreign policy; and

(II) why the proposed administrative action is required or appropriate to carry out the agreement; and

(C) a joint resolution approving such agreement has been enacted, in accordance with section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473 (98 Stat. 1936)), within 30 days of transmittal of such document to the Congress.

For purposes of applying such section 8066(c), any reference in such section to “joint resolution”, “resolution”, or “resolution described in paragraph (1)” shall be deemed to refer to a joint resolution described in subparagraph (C) of this paragraph.

(6) UNITED NATIONS SECURITY COUNCIL IMPOSITION OF SAME MEASURES AGAINST SUDAN.—It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council, pursuant to Article 41 of the United Nations Charter, impose measures
against Sudan of the same type as are imposed by this section.

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

(1) UNITED STATES POLICY TO END RELIGIOUS PERSECUTION.—It shall be the policy of the United States to impose additional measures against the Government of Sudan if its policy of religious persecution has not ended on or before December 25, 1997.

(2) REPORT TO CONGRESS.—The Director shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on or before February 1, 1998, and every 12 months thereafter, a report determining whether the policy of religious persecution by the Government of Sudan has ended.

(3) RECOMMENDATION FOR IMPOSITION OF ADDITIONAL MEASURES.—If the Director determines that the policy of religious persecution by the Government of Sudan has not ended, the President shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on or be-
fore March 1, 1998, and every 12 months thereafter, a report setting forth recommendations for such additional measures and actions against the Government of Sudan as the Director determines will end the government’s policy of religious persecution.

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

(1) GOVERNMENT OF SUDAN.—The term “Government of Sudan” includes any agency or instrumentality of the Government of Sudan.

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

(A) means—

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

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

(B) does not include—

(i) the reinvestment of profits generated by a controlled Sudanese entity into that same controlled Sudanese entity, or the investment of such profits in a Sudanese entity;

(ii) contributions of money or other assets where such contributions are nec-
necessary to enable a controlled Sudanese entity to operate in an economically sound manner, without expanding its operations; or

(iii) the ownership or control of a share or interest in a Sudanese entity or a controlled Sudanese entity or a debt or equity security issued by the Government of Sudan or a Sudanese entity before the date of the enactment of this Act, or the transfer or acquisition of such a share or interest, or debt or equity security, if any such transfer or acquisition does not result in a payment, contribution of funds or assets, or credit to a Sudanese entity, a controlled Sudanese entity, or the Government of Sudan.

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

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

(B) a branch, office, agency, or sole proprietorship in Sudan of a United States person.
(4) Sudanese entity.—The term “Sudanese entity” means—

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

(B) a branch, office, agency, or sole proprietorship in Sudan of a person that resides or is organized outside Sudan.

SEC. 13. EFFECTIVE DATE.

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

(b) Appointment of Director.—The Director shall be appointed not later than 60 days after the date of the enactment of this Act.

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