

105TH CONGRESS
1ST SESSION

H. R. 1685

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

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 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. LANTOS, Mr. BLUNT, Mr. BISHOP, Mr. TOWNS, Mr. DUNCAN, Mr. MANTON, Mr. OLVER, Mr. GILCHREST, Mr. KING, Mr. BOB SCHAFFER of Colorado, Mr. GILLMOR, Mr. COOKSEY, Mrs. KELLY, Mr. CANADY of Florida, Mr. GILMAN, Mr. DICKEY, Mr. LIPINSKI, Mr. EHLERS, and Mr. WAMP) 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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Freedom From Reli-
3 gious Persecution Act of 1997”.

4 **SEC. 2. FINDINGS.**

5 The Congress makes the following findings:

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

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

13 (A) Article 18 of the Universal Declaration
14 of Human Rights states that “Everyone has the
15 right to freedom of thought, conscience and re-
16 ligion; this right includes freedom to change his
17 religion or belief, and freedom, either alone or
18 in community with others and in public or pri-
19 vate, to manifest his religion or belief in teach-
20 ing, practice, worship and observance”.

21 (B) Article 18 of the Covenant on Civil
22 and Political Rights declares that “Everyone
23 shall have the right to freedom of thought, con-
24 science, and religion . . .” and further delin-
25 eates the privileges under this right.

1 (3) Persecution of religious believers, particu-
2 larly Roman Catholic and evangelical Protestant
3 Christians, in Communist countries, such as Cuba,
4 Laos, the People’s Republic of China, North Korea,
5 and Vietnam, persists and in some cases is increas-
6 ing.

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

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

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

1 practices, and increasing the persecution of monks
2 and nuns.

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

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

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

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

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

21 (D) section 1303 of H.R. 1561, the For-
22 eign Relations Authorization Act, Fiscal Years
23 1996 and 1997.

24 **SEC. 3. DEFINITIONS.**

25 As used in this Act:

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

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

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

14 (4) RELIGIOUS PERSECUTION.—

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

24 (B) CATEGORY 1 RELIGIOUS PERSECU-
25 TION.—Category 1 religious persecution is reli-

1 gious persecution that is conducted with the in-
2 volvement or support of government officials or
3 its agents, or as part of official government pol-
4 icy.

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

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

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

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

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

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

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

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

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

16 (v) assistance for refugees;

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

19 (C) the provision of agricultural commod-
20 ities, other than food, under the Agricultural
21 Trade Development and Assistance Act of
22 1954; and

23 (D) financing under the Export-Import
24 Bank Act of 1945.

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

4 (A) any United States citizen or alien law-
5 fully admitted for permanent residence into the
6 United States; and

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

12 **SEC. 4. APPLICATION AND SCOPE.**

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

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

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

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

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

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

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

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

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

25 (2) Consider the facts and circumstances of vio-
26 lations of religious freedom presented by independ-

1 ent human rights groups and nongovernmental orga-
2 nizations.

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

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

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

22 (6) Coordinate with the Secretary of State, the
23 Attorney General, the Secretary of Commerce, and
24 the Secretary of the Treasury to ensure that the

1 provisions of this Act are fully and effectively imple-
2 mented.

3 (f) ADMINISTRATIVE MATTERS.—

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

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

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

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

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

22 (1) DETERMINATION OF RELIGIOUS PERSECUC-
23 TION.—With respect to each country or region there-
24 of described in section 4, the Director shall include
25 his or her determination, with respect to each per-

1 secuted community, whether there is category 1 reli-
2 gious persecution or category 2 religious persecution.

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

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

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

1 (c) INTERIM REPORTS.—The Director may submit
2 interim reports to the Congress containing such matters
3 as the Director considers necessary.

4 **SEC. 7. SANCTIONS.**

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

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

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

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

19 (ii) prohibit the export to such coun-
20 try of the persecution facilitating products,
21 goods, and services listed under section
22 6(b)(2) or in any supplemental list of the
23 Director; or

24 (B) the Director finds the occurrence of
25 category 2 religious persecution, the Director

1 shall so notify the relevant United States de-
2 partments and agencies, and such departments
3 and agencies shall prohibit the export to such
4 country of the persecution facilitating products,
5 goods, and services listed under section 6(b)(2)
6 or in any supplemental list of the Director.

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

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

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

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

24 (3) PENALTIES.—Any person who violates the
25 provisions of paragraph (2) shall be subject to the

1 penalties set forth in subsections (a) and (b)(1) of
2 section 16 of the Trading With the Enemy Act (50
3 U.S.C. App. 16 (a) and (b)(1)) for violations under
4 that Act.

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

11 (b) UNITED STATES ASSISTANCE.—

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

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

1 the Director under section 6, determines that the
2 country is engaged in either category 1 or category
3 2 religious persecution.

4 (c) MULTILATERAL ASSISTANCE.—

5 (1) CATEGORY 1 RELIGIOUS PERSECUTION.—

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

17 (2) CATEGORY 2 RELIGIOUS PERSECUTION.—

18 With respect to any country which the Director de-
19 termines is engaged in category 2 religious persecu-
20 tion, the President shall instruct the United States
21 Executive Director of each multilateral development
22 bank and of the International Monetary Fund to
23 vote against, and use his or her best efforts to deny,
24 any loan or other utilization of the funds of their re-
25 spective institutions (other than for humanitarian

1 assistance) to that country, effective 1 year after the
2 date on which the Director submits the report in
3 which the determination is included, if the Director,
4 in the next annual report of the Director under sec-
5 tion 6, determines that the country is engaged in ei-
6 ther category 1 or category 2 religious persecution.

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

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

23 (d) VOTES FOR WTO MEMBERSHIP.—In casting any
24 vote concerning the membership of a country in the World
25 Trade Organization, the President shall consider as a sig-

1 nificant factor the fact that the country is listed in the
2 Director's report as a country which is engaged in either
3 category 1 or category 2 religious persecution.

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

9 **SEC. 8. WAIVER OF SANCTIONS.**

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

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

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

23 The justification shall contain an explanation of the rea-
24 sons why the President considers the waiver to be nec-
25 essary, the type and amount of goods, services, or assist-

1 ance to be provided pursuant to the waiver, and the period
2 of time during which such a waiver will be effective.

3 (b) TAKING EFFECT OF WAIVER.—

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

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

14 (3) COMPUTATION OF 45-DAY PERIOD.—The
15 45-day period referred to in this subsection shall be
16 computed by excluding—

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

22 (B) any Saturday and Sunday, not ex-
23 cluded under paragraph (1), when either House
24 is not in session.

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

2 (a) CREDIBLE FEAR OF PERSECUTION DEFINED.—
3 Section 235(b)(1)(B)(v) of the Immigration and National-
4 ity Act (8 U.S.C. 1225(b)(1)(B)(v)) (as amended by sec-
5 tion 302 of the Illegal Immigration Reform and Immig-
6 rant Responsibility Act of 1996; Public Law 104–208;
7 110 Stat. 3009–582) is amended by adding at the end
8 the following:

9 “Any alien who can credibly claim mem-
10 bership in a persecuted community found
11 to be subject to category 1 or category 2
12 religious persecution in the most recent an-
13 nual report sent by the Director of the Of-
14 fice of Religious Persecution Monitoring to
15 the Congress under section 6 of the Free-
16 dom From Religious Persecution Act of
17 1997 shall be considered to have a credible
18 fear of persecution within the meaning of
19 the preceding sentence.”.

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

1 “(d) TRAINING ON RELIGIOUS PERSECUTION.—The
2 Attorney General shall establish and operate a program
3 to provide to immigration officers performing functions
4 under subsection (b), or section 207 or 208, training on
5 religious persecution, including training on—

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

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

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

13 (c) ASYLUM.—Section 208 of the Immigration and
14 Nationality Act (8 U.S.C. 1158) (as amended by section
15 604 of the Illegal Immigration Reform and Immigrant Re-
16 sponsibility Act of 1996; Public Law 104–208; 1110 Stat.
17 3009–690) is amended by adding at the end the following:

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

20 “(1) PROCEDURES UPON DENIAL.—

21 “(A) IN GENERAL.—In any case in which
22 the Service denies or refers to an immigration
23 judge an asylum application filed by an alien
24 described in the second sentence of section
25 235(b)(1)(B)(v), or any case in which an immi-

1 gration judge denies such an application on the
2 ground that the alien is not a refugee within
3 the meaning of section 101(a)(42)(A), the Serv-
4 ice shall provide the alien with the following:

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

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

14 “(II) either—

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

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

1 country of the alien's last habit-
2 ual residence).

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

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

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

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

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

1 “(ii) A statement certifying that the
2 applicant was provided an opportunity to
3 respond to the Service’s position on the
4 credibility issue.

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

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

11 “(2) EFFECT IN SUBSEQUENT PROCEEDINGS.—

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

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

23 “(3) DUTY TO SUBMIT REPORT ON RELIGIOUS
24 PERSECUTION.—In any judicial or administrative
25 proceeding in which the Service opposes granting

1 asylum to an alien described in the second sentence
2 of section 235(b)(1)(B)(v), the Service shall submit
3 to the court or administrative adjudicator a copy of
4 the most recent annual report submitted to the Con-
5 gress by the Director of the Office of Religious Per-
6 secution Monitoring under section 6 of the Freedom
7 From Religious Persecution Act of 1997, and any
8 interim reports issued by such Director after such
9 annual report.”.

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

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

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

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

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

1 tor found to be subject to category 1 or category 2
2 religious persecution in the most recent annual re-
3 port submitted to the Congress under section 6.

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

14 (e) ADMISSION PRIORITY.—For purposes of section
15 207(a)(3) of the Immigration and Nationality Act, an in-
16 dividual who is a member of a persecuted community that
17 the Director found to be subject to category 1 or category
18 2 religious persecution in the most recent annual report
19 submitted to the Congress under section 6, and is deter-
20 mined by the Attorney General to be a refugee within the
21 meaning of section 101(a)(42)(A) of the Immigration and
22 Nationality Act, shall be considered a refugee of special
23 humanitarian concern to the United States. In carrying
24 out such section, such an individual shall be given priority
25 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 COMMENDATIONS 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 equity
2 security issued by the Government of
3 Sudan or a Sudanese entity before the date
4 of the enactment of this Act, or the transfer
5 or acquisition of such a share or interest,
6 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 indirectly,
17 by a United States person; or

18 (B) a branch, office, agency, or sole proprietorship
19 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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