

Calendar No. 456

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2431**

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**AN ACT**

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

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JULY 7, 1998

Read the second time and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

MAY 14, 1998

Received

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Read the second time and placed on the calendar

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**AN ACT**

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 1998”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress makes the following  
6 findings:

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

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

1       pendence, and the belief that religion should be pro-  
2       tected from government interference, as expressed  
3       by the United States Constitution, the Congress op-  
4       poses international religious persecution and believes  
5       that the policies of the United States Government  
6       and its relations with foreign governments should be  
7       consistent with the commitment to this principle.

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

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

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

24               (iii) The Declaration on the Elimination of  
25      All Forms of Intolerance and of Discrimination

1           Based on Religion and Belief, adopted by the  
2           United Nations General Assembly on November  
3           25, 1981, declares that “religion or belief, for  
4           anyone who professes either, is one of the fun-  
5           damental elements in his conception of life \* \*  
6           \*” and that “freedom of religion and belief  
7           should also contribute to the attainment of the  
8           goals of world peace, social justice and friend-  
9           ship among peoples and to the elimination of  
10          ideologies or practices of colonialism and racial  
11          discrimination”.

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

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

23                   (4) In many countries and regions thereof, gov-  
24          ernments dominated by extremist movements per-  
25          secute non-Muslims and religious converts from

1 Islam using means such as “blasphemy” and “apos-  
2 tasy” laws, and such movements seek to corrupt a  
3 historically tolerant Islamic faith and culture  
4 through the persecution of Baha’is, Christians, and  
5 other religious minorities.

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

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

19 (7) In Xinjiang Autonomous Region of China,  
20 formerly the independent republic of East Turkistan,  
21 where the Muslim religion is inextricably linked to  
22 the dominant Uyghur culture, the Government of  
23 the People’s Republic of China has intensified its  
24 control over the Uyghur people by systematically re-  
25 pressing religious authority, restricting religious

1 study and traditional practices, destroying mosques,  
2 and increasing the persecution of religious clergy  
3 and practitioners.

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

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

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

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

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

22 (D) section 1303 of H.R. 1561, the For-  
23 eign Relations Authorization Act, Fiscal Years  
24 1996 and 1997.

1           (10) The Department of State, in a report to  
2 Congress filed pursuant to House Report 104–863,  
3 accompanying the Omnibus Consolidated Appropria-  
4 tions Act, 1997 (Public Law 104–208) set forth  
5 strong evidence that widespread and ongoing reli-  
6 gious persecution is occurring in a number of coun-  
7 tries around the world.

8           (11)(A)(i) In recent years there have been suc-  
9 cessive terrorist attempts to desecrate and destroy  
10 the premises of the Ecumenical Patriarchate in the  
11 Fanar area of Istanbul (Constantinople), Turkey.

12           (ii) Attempts against the Ecumenical Patriarch-  
13 ate have intensified, including the following:

14           (I) On September 30, 1996, a hand gre-  
15 nade was thrown into the headquarters of the  
16 Eastern Orthodox Patriarchate and exploded,  
17 causing damage to the physical structure of the  
18 grounds, most notably the Agios Georgios  
19 Church.

20           (II) On May 28, 1994, three powerful  
21 bombs were discovered in the living quarters of  
22 the Patriarch, and were subsequently defused  
23 only minutes before they were set to detonate.

24           (III) In July and August 1993, the Chris-  
25 tian Orthodox cemetery in Yenikoy, near

1 Istanbul, was attacked by vandals and dese-  
2 crated.

3 (iii) His All Holiness Patriarch Bartholomew  
4 and those associated with the Ecumenical Patriarch-  
5 ate are Turkish citizens and thus must be protected  
6 under Turkish law against blatant and unprovoked  
7 attacks toward ethnic minorities.

8 (iv) The Turkish Government arbitrarily closed  
9 the Halki Patriarchal School of Theology in 1971.

10 (v) The Ecumenical Patriarchate is the spir-  
11 itual center for more than 250,000,000 Orthodox  
12 Christians worldwide, including approximately  
13 5,000,000 in the United States.

14 (vi) It is in the best interest of the United  
15 States to prevent further incidents regarding the Ec-  
16 umenical Patriarchate and in the overall goals of the  
17 United States to establish peaceful relations with  
18 and among the many important nations of the world  
19 that have substantial Orthodox Christian popu-  
20 lations.

21 (B) It is the sense of the Congress that—

22 (i) the United States should use its influ-  
23 ence with the Turkish Government and as a  
24 permanent member of the United Nations Secu-

1 rity Council to suggest that the Turkish Gov-  
2 ernment—

3 (I) ensure proper protection for the  
4 Patriarchate and all of the Orthodox faith-  
5 ful residing in Turkey;

6 (II) provide for the proper protection  
7 and safety of the Ecumenical Patriarch  
8 and Patriarchate personnel;

9 (III) establish conditions that would  
10 prevent the recurrence of past terrorist ac-  
11 tivities and vandalism and other personal  
12 threats against the Patriarch;

13 (IV) establish conditions to ensure  
14 that the Patriarchate is free to carry out  
15 its religious mission; and

16 (V) do everything possible to find and  
17 punish the perpetrators of any provocative  
18 and terrorist acts against the Patriarchate;  
19 and

20 (ii) the Secretary of State should report to  
21 the Congress on an annual basis on the status  
22 and progress of the concerns expressed in  
23 clause (i).

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

4 **SEC. 3. DEFINITIONS.**

5 As used in this Act:

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

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

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

19 (4) PERSECUTION FACILITATING PRODUCTS.—  
20 The term “persecution facilitating products” means  
21 those crime control, detection, torture, and electro-  
22 shock instruments and equipment (as determined  
23 under section 6(n) of the Export Administration Act  
24 of 1979) that are directly and substantially used or

1 intended for use in carrying out acts of persecution  
2 described in paragraphs (5) and (6).

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

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

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

20 (6) CATEGORY 2 PERSECUTION.—The term  
21 “category 2 persecution” means widespread and on-  
22 going persecution of persons on account of their reli-  
23 gious beliefs or practices, or membership in or affili-  
24 ation with a religion or religious group or denomina-

1       tion, whether officially recognized or otherwise, when  
2       such persecution—

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

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

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

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

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

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

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

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

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

19 (iv) antiterrorism assistance under  
20 chapter 8 of part II of that Act;

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

24 (vi) assistance for refugees; and

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

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

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

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

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

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

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

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

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

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

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

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

23 (b) APPOINTMENT.—The head of the Office shall be  
24 a Director who shall be appointed by the President, by  
25 and with the advice and consent of the Senate. The Direc-  
26 tor shall receive compensation at a rate of pay not to ex-

1 exceed the rate of pay in effect for level IV of the Executive  
2 Schedule under section 5315 of title 5, United States  
3 Code.

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

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

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

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

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

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

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

24 When appropriate, the Director may hold public  
25 hearings subject to notice at which such groups, or-

1 organizations, or other interested parties can present  
2 testimony and evidence of acts of persecution occur-  
3 ring in countries being examined by the Office.

4 (3) On the basis of information and findings of  
5 fact described in paragraphs (1) and (2), make rec-  
6 ommendations to the Secretary of State for consid-  
7 eration by the Secretary in making determinations  
8 of countries in which there is category 1 or category  
9 2 persecution under subsection (g), identify the re-  
10 sponsible entities within such countries, prepare and  
11 submit the annual report described in section 6, and  
12 transmit a copy of the report to the Commission on  
13 International Religious Persecution established  
14 under section 14.

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

22 (5) In consultation with the Secretary of State,  
23 make policy recommendations to the President re-  
24 garding the policies of the United States Govern-

1       ment toward governments which are determined to  
2       be engaged in religious persecution.

3               (6) Report directly to the President and the  
4       Secretary of State, and coordinate with the appro-  
5       priate officials of the Department of State, the De-  
6       partment of Justice, the Department of Commerce,  
7       and the Department of the Treasury, to ensure that  
8       the provisions of this Act are fully and effectively  
9       implemented.

10              (7) In consultation with the Secretary of State,  
11       make policy recommendations to the President that  
12       would make a priority of promoting and developing  
13       legal protections and cultural respect for religious  
14       freedom, including by—

15                      (A) ensuring that funds made available for  
16       development assistance are used, among other  
17       things, to encourage and promote increased ad-  
18       herence to the right to free religious belief and  
19       practice;

20                      (B) ensuring that United States inter-  
21       national broadcasting is designed to promote re-  
22       spect for human rights, including freedom of re-  
23       ligion, among other broadcasting goals; and

24                      (C) ensuring that United States cultural  
25       and educational exchanges promote, among

1 other goals, respect for and guarantees of reli-  
2 gious freedom abroad, including through inter-  
3 changes and visits between the United States  
4 and other countries of religious leaders, schol-  
5 ars, and religious and legal experts in the field  
6 of religious freedom.

7 (8) Assist the Secretary of State in establishing  
8 a program of granting awards to members of the  
9 Foreign Service who have provided distinguished,  
10 meritorious service in the promotion of internation-  
11 ally recognized human rights, including the right to  
12 religious freedom.

13 (f) ADMINISTRATIVE MATTERS.—

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

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

22 (g) RESPONSIBILITIES OF THE SECRETARY OF  
23 STATE.—The Secretary of State, in time for inclusion in  
24 the annual report described in subsections (a) and (b) of  
25 section 6, shall determine with respect to each country de-

1 scribed in section 4 whether there is category 1 or category  
2 2 persecution, and shall include in each such determina-  
3 tion the communities against which such persecution is di-  
4 rected. Any determination in any interim report described  
5 in subsection (c) of section 6 that there is category 1 or  
6 category 2 persecution in a country shall be made by the  
7 Secretary of State.

8 **SEC. 6. REPORTS TO CONGRESS.**

9 (a) ANNUAL REPORTS.—Not later than April 30 of  
10 each year, the Director shall submit to the Committees  
11 on Foreign Relations, the Judiciary, Appropriations, and  
12 Banking, Housing, and Urban Affairs of the Senate and  
13 to the Committees on International Relations, the Judici-  
14 ary, Appropriations, and Banking and Financial Services  
15 of the House of Representatives a report described in sub-  
16 section (b).

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

19 (1) DETERMINATION OF RELIGIOUS PERSECU-  
20 TION.—A copy of the determinations of the Sec-  
21 retary of State pursuant to subsection (g) of section  
22 5.

23 (2) IDENTIFICATION OF PERSECUTION FACILI-  
24 TATING PRODUCTS.—With respect to each country  
25 in which the Secretary of State has determined that

1       there is either category 1 or category 2 persecution,  
2       the Director, in consultation with the Secretary of  
3       Commerce, shall identify and list the items on the  
4       list established under section 6(n) of the Export Ad-  
5       ministration Act of 1979 that are directly and sub-  
6       stantially used or intended for use in carrying out  
7       acts of religious persecution in such country.

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

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

19              (c) INTERIM REPORTS.—The Director may submit  
20      interim reports to the Congress containing such matters  
21      as the Director considers necessary, including revisions to  
22      the lists issued under paragraphs (2) and (3) of subsection  
23      (b). The Director shall submit an interim report in the  
24      case of a determination by the Secretary of State under  
25      section 5(g), other than in an annual report of the Direc-

1 tor, that category 1 or category 2 persecution exists, or  
2 in the case of a determination by the Secretary of State  
3 under section 11(a) that neither category 1 or category  
4 2 persecution exists.

5 (d) PERSECUTION IN REGIONS OF A COUNTRY.—In  
6 determining whether category 1 or category 2 persecution  
7 exists in a country, the Secretary of State shall include  
8 such persecution that is limited to one or more regions  
9 within the country, and shall indicate such regions in the  
10 reports described in this section.

11 **SEC. 7. SANCTIONS.**

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

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

17 (A) the Secretary of State finds the occur-  
18 rence of category 1 persecution, the Director  
19 shall so notify the relevant United States de-  
20 partments and agencies, and such departments  
21 and agencies shall—

22 (i) prohibit all exports to the respon-  
23 sible entities identified in the lists issued  
24 under subsections (b)(3) and (c) of section  
25 6; and

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

5                   (B) the Secretary of State finds the occur-  
6                   rence of category 2 persecution, the Director  
7                   shall so notify the relevant United States de-  
8                   partments and agencies, and such departments  
9                   and agencies shall prohibit the export to such  
10                  country of the persecution facilitating products  
11                  identified in the lists issued under subsections  
12                  (b)(2) and (c) of section 6.

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

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

20                         (ii) export to that country any persecution  
21                         facilitating products identified in the lists  
22                         issued under subsections (b)(2) and (c) of sec-  
23                         tion 6.

24                         (B) With respect to any country in which the  
25                         Secretary of State finds the occurrence of category

1       2 persecution, no United States person may export  
2       to that country any persecution facilitating products  
3       identified in the lists issued under subsections (b)(2)  
4       and (c) of section 6.

5           (3) PENALTIES.—Any person who knowingly  
6       violates the provisions of paragraph (2) shall be sub-  
7       ject to the penalties set forth in subsections (a) and  
8       (b)(1) of section 16 of the Trading With the Enemy  
9       Act (50 U.S.C. App. 16 (a) and (b)(1)) for viola-  
10      tions under that Act.

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

15           (A) the country is identified in a report of  
16           the Director under section 6 as a country in  
17           which category 1 or category 2 persecution ex-  
18           ists;

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

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

25      as the case may be.

1 (b) UNITED STATES ASSISTANCE.—

2 (1) CATEGORY 1 PERSECUTION.—No United  
3 States assistance may be provided to the government  
4 of any country which the Secretary of State deter-  
5 mines is engaged in category 1 persecution, effective  
6 90 days after the date on which the Director sub-  
7 mits the report in which the determination is in-  
8 cluded.

9 (2) CATEGORY 2 PERSECUTION.—No United  
10 States assistance may be provided to the government  
11 of any country in which the Secretary of State deter-  
12 mines that there is category 2 persecution, effective  
13 1 year after the date on which the Director submits  
14 the report in which the determination is included, if  
15 the Secretary of State, in the next annual report of  
16 the Director under section 6, determines that the  
17 country is engaged in category 1 persecution or that  
18 category 2 persecution exists in that country.

19 (c) MULTILATERAL ASSISTANCE.—

20 (1) CATEGORY 1 PERSECUTION.—With respect  
21 to any country which the Secretary of State deter-  
22 mines is engaged in category 1 persecution, the  
23 President shall instruct the United States Executive  
24 Director of each multilateral development bank and  
25 of the International Monetary Fund to vote against,

1 and use his or her best efforts to deny, any loan or  
2 other utilization of the funds of their respective in-  
3 stitutions to that country (other than for humani-  
4 tarian assistance, or for development assistance  
5 which directly addresses basic human needs, is not  
6 administered by the government of the sanctioned  
7 country, and confers no benefit on the government  
8 of that country), effective 90 days after the Director  
9 submits the report in which the determination is in-  
10 cluded.

11 (2) CATEGORY 2 PERSECUTION.—With respect  
12 to any country in which the Secretary of State deter-  
13 mines there is category 2 persecution, the President  
14 shall instruct the United States Executive Director  
15 of each multilateral development bank and of the  
16 International Monetary Fund to vote against, and  
17 use his or her best efforts to deny, any loan or other  
18 utilization of the funds of their respective institu-  
19 tions to that country (other than for humanitarian  
20 assistance, or for development assistance which di-  
21 rectly addresses basic human needs, is not adminis-  
22 tered by the government of the sanctioned country,  
23 and confers no benefit on the government of that  
24 country), effective 1 year after the date on which the  
25 Director submits the report in which the determina-

1       tion is included, if the Secretary of State, in the  
2       next annual report of the Director under section 6,  
3       determines that the country is engaged in category  
4       1 persecution or that category 2 persecution exists  
5       in that country.

6               (3) REPORTS TO CONGRESS.—If a country de-  
7       scribed in paragraph (1) or (2) is granted a loan or  
8       other utilization of funds notwithstanding the objec-  
9       tion of the United States under this subsection, the  
10      Secretary of the Treasury shall report to the Con-  
11      gress on the efforts made to deny loans or other uti-  
12      lization of funds to that country, and shall include  
13      in the report specific and explicit recommendations  
14      designed to ensure that such loans or other utiliza-  
15      tion of funds are denied to that country in the fu-  
16      ture.

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

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

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

5 (f) EFFECT ON EXISTING CONTRACTS.—The imposi-  
6 tion of sanctions under this section shall not affect any  
7 contract that is entered into by the Overseas Private In-  
8 vestment Corporation, the Trade and Development Agen-  
9 cy, or the Export Import Bank of the United States before  
10 the sanctions are imposed, is in force on the date on which  
11 the sanctions are imposed, and is enforceable in a court  
12 of law on such date.

13 (g) EFFECT OF WAIVERS.—Any sanction under this  
14 section shall not take effect during the period after the  
15 President has notified the Congress of a waiver of that  
16 sanction under section 8 and before the waiver has taken  
17 effect under that section.

18 **SEC. 8. WAIVER OF SANCTIONS.**

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

23 (1) determines—

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

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

4 (2) provides to the Committees on Foreign Re-  
5 lations, Finance, the Judiciary, and Appropriations  
6 of the Senate and to the Committees on Inter-  
7 national Relations, the Judiciary, and Appropria-  
8 tions of the House of Representatives a written noti-  
9 fication of the President's intention to waive any  
10 such sanction.

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

19 (b) ADDITIONAL INFORMATION.—In the case of a  
20 waiver under subsection (a)(1)(B), the notification shall  
21 contain a detailed statement of the facts particular to the  
22 country subject to the waiver which justifies the Presi-  
23 dent's determination, and of the alternative measures the  
24 President intends to implement in order to achieve the ob-  
25 jectives of this Act.

1 (c) TAKING EFFECT OF WAIVER.—

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

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 (d) SENSE OF THE CONGRESS.—It is the sense of  
15 the Congress that in order to achieve the objectives of this  
16 Act, the waiver authority provided in this section should  
17 be used only in extraordinary circumstances.

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

19 (a) INADMISSIBILITY OF CERTAIN PARTICIPANTS IN  
20 RELIGIOUS PERSECUTION.—

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

24 “(F) PARTICIPANTS IN RELIGIOUS PERSE-  
25 CUTION.—Any alien who carried out or directed

1           the carrying out of category 1 persecution (as  
2           defined in section 3 of the Freedom from Reli-  
3           gious Persecution Act of 1998) or category 2  
4           persecution (as so defined) is inadmissible.”.

5           (2) APPLICABILITY.—The amendment made by  
6           paragraph (1) shall apply to persecution occurring  
7           before, on, or after the date of the enactment of this  
8           Act.

9           (b) REFUGEES.—

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

20           (A) immigration officers adjudicating ap-  
21           plications for admission as a refugee submitted  
22           by such persons and interpreters assisting im-  
23           migration officers in adjudicating such applica-  
24           tions; and

1 (B) individuals and entities assisting in the  
2 identification of such persons and the prepara-  
3 tion of such applications.

4 (2) ADMISSION PRIORITY.—For purposes of  
5 section 207(a)(3) of the Immigration and National-  
6 ity Act, an individual who is a member of a per-  
7 secuted community, and is determined by the Attor-  
8 ney General to be a refugee within the meaning of  
9 section 101(a)(42)(A) of the Immigration and Na-  
10 tionality Act, shall be considered a refugee of special  
11 humanitarian concern to the United States. In car-  
12 rying out such section 207(a)(3), applicants for refu-  
13 gee status who are members of a persecuted commu-  
14 nity shall be given priority status equal to that given  
15 to applicants who are members of other specific  
16 groups of special concern to the United States. This  
17 paragraph shall be construed only to require that  
18 members of a persecuted community be accorded  
19 equal consideration in determining admissions under  
20 section 207(a) of such Act, and shall not be con-  
21 strued to require that any particular individual or  
22 group be admitted under that section.

23 (3) NO EFFECT ON OTHERS' RIGHTS.—Nothing  
24 in this section, or any amendment made by this sec-  
25 tion, shall be construed to deny any applicant for

1       asylum or refugee status (including any applicant  
2       who is not a member of a persecuted community but  
3       whose claim is based on race, religion, nationality,  
4       membership in a particular social group, or political  
5       opinion) any right, privilege, protection, or eligibility  
6       otherwise provided by law.

7               (4) NO DISPLACEMENT OF OTHER REFU-  
8       GEES.—Refugees admitted to the United States as  
9       a result of the procedures set forth in this section  
10      shall not displace other refugees in need of resettle-  
11      ment who would otherwise have been admitted in ac-  
12      cordance with existing law and procedures.

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

17      “(4)(A) Notwithstanding any other provision of law,  
18      prior to each annual determination regarding refugee ad-  
19      missions under this subsection, there shall be a period of  
20      public review and comment, particularly by appropriate  
21      nongovernmental organizations, churches, and other reli-  
22      gious communities and organizations, and the general  
23      public.

24      “(B) Nothing in this paragraph may be construed to  
25      apply subchapter II of chapter 5 of title 5, United States

1 Code, to the period of review and comment referred to in  
2 subparagraph (A).”.

3 (c) ASYLEES.—

4 (1) GUIDELINES FOR ADDRESSING BIAS.—Not  
5 later than 180 days after the date of the enactment  
6 of this Act, the Attorney General shall develop and  
7 implement guidelines for identifying and addressing  
8 improper biases, affecting the treatment of persons  
9 who may be eligible for asylum in the United States,  
10 based upon a claim of persecution or a well-founded  
11 fear of persecution on account of religion, on the  
12 part of immigration officers carrying out functions  
13 under section 208 or 235 of the Immigration and  
14 Nationality Act and interpreters assisting immigra-  
15 tion officers in carrying out such functions.

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

18 (A) STUDIES.—

19 (i) PARTICIPATION BY UNITED NA-  
20 TIONS HIGH COMMISSIONER FOR REFU-  
21 GEES.—The Attorney General shall invite  
22 the United Nations High Commissioner for  
23 Refugees to conduct a study, alone or in  
24 cooperation with the Comptroller General  
25 of the United States (as determined in the

1 discretion of the United Nations High  
2 Commissioner for Refugees), to determine  
3 whether immigration officers described in  
4 clause (ii) are engaging in any of the con-  
5 duct described in such clause.

6 (ii) DUTIES OF COMPTROLLER GEN-  
7 ERAL.—The Comptroller General of the  
8 United States shall conduct a study, alone  
9 or, upon request by the United Nations  
10 High Commissioner for Refugees, in co-  
11 operation with the United Nations High  
12 Commissioner for Refugees, to determine  
13 whether immigration officers performing  
14 duties under section 235(b) of the Immi-  
15 gration and Nationality Act with respect to  
16 aliens who may be eligible to be granted  
17 asylum are engaging in any of the follow-  
18 ing conduct:

19 (I) Improperly encouraging such  
20 aliens to withdraw their applications  
21 for admission.

22 (II) Incorrectly failing to refer  
23 such aliens for an interview by an asy-  
24 lum officer for a determination of  
25 whether they have a credible fear of

1 persecution (within the meaning of  
2 section 235(b)(1)(B)(v) of such Act).

3 (III) Incorrectly removing such  
4 aliens to a country where they may be  
5 persecuted.

6 (IV) Detaining such aliens im-  
7 properly or in inappropriate condi-  
8 tions.

9 (B) REPORTS.—

10 (i) PARTICIPATION BY UNITED NA-  
11 TIONS HIGH COMMISSIONER FOR REFU-  
12 GEES.—The United Nations High Commis-  
13 sioner for Refugees may submit to the  
14 committees described in clause (ii) a report  
15 containing the results of a study conducted  
16 under subparagraph (A)(i) or, if the  
17 United Nations High Commissioner for  
18 Refugees elected to participate in the study  
19 conducted under subparagraph (A)(ii),  
20 may submit with the Comptroller General  
21 of the United States a report under clause  
22 (ii).

23 (ii) DUTIES OF COMPTROLLER GEN-  
24 ERAL.—Not later than September 30,  
25 1999, the Comptroller General of the

1 United States shall submit to the Commit-  
2 tees on the Judiciary of the House of Rep-  
3 resentatives and the Senate, the Commit-  
4 tee on International Relations of the  
5 House of Representatives, and the Com-  
6 mittee on Foreign Relations of the Senate  
7 a report containing the results of the study  
8 conducted under subparagraph (A)(ii). If  
9 the United Nations High Commissioner for  
10 Refugees requests to participate with the  
11 Comptroller General in the preparation  
12 and submission of the report, the Comp-  
13 troller General shall grant the request.

14 (C) ACCESS TO PROCEEDINGS.—

15 (i) IN GENERAL.—Except as provided  
16 in clause (ii), to facilitate the studies and  
17 reports, the Attorney General shall permit  
18 the United Nations High Commissioner for  
19 Refugees and the Comptroller General of  
20 the United States to have unrestricted ac-  
21 cess to all stages of all proceedings con-  
22 ducted under section 235(b).

23 (ii) EXCEPTIONS.—Clause (i) shall  
24 not apply in cases in which the alien ob-  
25 jects to such access, or the Attorney Gen-

1           eral determines that the security of a par-  
2           ticular proceeding would be threatened by  
3           such access, so long as any restrictions on  
4           the United Nations High Commissioner for  
5           Refugees' access under this subparagraph  
6           do not contravene international law.

7           (D) AUTHORIZATION OF APPROPRIA-  
8           TIONS.—There are authorized to be appro-  
9           priated for fiscal year 1999 to carry out this  
10          paragraph not to exceed \$1,000,000 to the At-  
11          torney General (for a United States contribu-  
12          tion to the Office of the United Nations High  
13          Commission for Refugees for the activities of  
14          the United Nations High Commissioner for  
15          Refugees under this paragraph) and not to ex-  
16          ceed \$1,000,000 to the Comptroller General of  
17          the United States.

18       (d) TRAINING.—

19           (1) TRAINING ON RELIGIOUS PERSECUTION.—  
20          The Attorney General shall provide training regard-  
21          ing religious persecution to all immigration officers  
22          and immigration judges adjudicating applications for  
23          admission as a refugee or asylum applications, in-  
24          cluding—

1           (A) country-specific instruction on the  
2 practices and beliefs of religious groups, and on  
3 the methods of governmental and nongovern-  
4 mental persecution employed on account of reli-  
5 gious practices and beliefs; and

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

9           (2) INSTRUCTION BY NONGOVERNMENTAL EX-  
10 PERTS.—It is the sense of the Congress that the At-  
11 torney General, in carrying out paragraph (1)(A),  
12 should include in the training under the paragraph,  
13 where practicable, instruction by nongovernmental  
14 experts on religious persecution.

15           (3) TRAINING FOR IMMIGRATION OFFICERS AD-  
16 JUDICATING REFUGEE APPLICATIONS.—Section 207  
17 of the Immigration and Nationality Act (8 U.S.C.  
18 1157) is amended by adding at the end the follow-  
19 ing:

20           “(f) The Attorney General shall provide training in  
21 country conditions, refugee law, and interview techniques,  
22 comparable to that provided to full-time adjudicators of  
23 applications under section 208, to all immigration officers  
24 adjudicating applications for admission as a refugee under  
25 this section.”.

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

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

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

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

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

18          (5) A description of the training conducted for  
19 immigration officers and immigration judges under  
20 subsection (d)(1), including a list of speakers and  
21 materials used in such training and the number of  
22 immigration officers and immigration judges who re-  
23 ceived such training.

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

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

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

11           (1) consider the facts and circumstances of the  
12 violation of the right to freedom of religion pre-  
13 sented by independent human rights groups and  
14 nongovernmental organizations;

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

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

1           (4) identify whether the violations are focused  
2           on an entire religion or on certain denominations or  
3           sects.

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

5           (1) institute programs to provide training for  
6           chiefs of mission as well as Department of State of-  
7           ficials having reporting responsibilities regarding the  
8           freedom of religion, which shall include training  
9           on—

10           (A) the fundamental components of the  
11           right to freedom of religion, the variation in be-  
12           liefs of religious groups, and the governmental  
13           and nongovernmental methods used in the vio-  
14           lation of the right to freedom of religion; and

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

19           (2) submit to the Director, not later than Janu-  
20           ary 1 of each year, a report describing all training  
21           provided to Department of State officials with re-  
22           spect to religious persecution during the preceding  
23           1-year period, including a list of instructors and ma-  
24           terials used in such training and the number and  
25           rank of individuals who received such training.

1 **SEC. 11. TERMINATION OF SANCTIONS.**

2 (a) **TERMINATION.**—The sanctions described in sec-  
3 tion 7 shall cease to apply with respect to a sanctioned  
4 country 45 days, or the day after the 15th legislative day,  
5 whichever is later, after the Director, in an annual report  
6 described in section 6(b), does not include a determination  
7 by the Secretary of State that the sanctioned country is  
8 among those in which category 1 or category 2 persecution  
9 continues to exist, or in an interim report under section  
10 6(c), includes a determination by the Secretary of State  
11 that neither category 1 nor category 2 persecution exists  
12 in such country.

13 (b) **WITHDRAWAL OF FINDING.**—Any determination  
14 of the Secretary of State under section 5(g) may be with-  
15 drawn before taking effect if the Secretary makes a writ-  
16 ten determination, on the basis of a preponderance of the  
17 evidence, that the country substantially eliminated any  
18 category 1 or category 2 persecution that existed in that  
19 country. The Director shall submit to the Congress each  
20 determination under this subsection.

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

22 (a) **EXTENSION OF SANCTIONS UNDER EXISTING**  
23 **LAW.**—Any sanction imposed on Sudan because of a de-  
24 termination that the government of that country has pro-  
25 vided support for acts of international terrorism, includ-  
26 ing—

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

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

5           (3) the prohibition on assistance under section  
6           620A of the Foreign Assistance Act of 1961;

7           (4) section 2327(b) of title 10, United States  
8           Code;

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

11          (6) section 527 of the Foreign Operations, Ex-  
12          port Financing, and Related Programs Appropria-  
13          tions Act, 1998 (as contained in Public Law 105–  
14          118),

15 shall continue in effect after the enactment of this Act  
16 until the Secretary of State determines that Sudan has  
17 substantially eliminated religious persecution in that coun-  
18 try, or the determination that the government of that  
19 country has provided support for acts of international ter-  
20 rorism is no longer in effect, whichever occurs later.

21          (b) **ADDITIONAL SANCTIONS ON SUDAN.**—Effective  
22 90 days after the date of the enactment of this Act, the  
23 following sanctions (to the extent not covered under sub-  
24 section (a)) shall apply with respect to Sudan:

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

3           (A) OFFENSE.—Any United States person  
4 who knowingly engages in any financial trans-  
5 action, including any loan or other extension of  
6 credit, directly or indirectly, with the Govern-  
7 ment of Sudan shall be fined in accordance with  
8 title 18, United States Code, or imprisoned for  
9 not more than 10 years, or both.

10           (B) DEFINITIONS.—As used in this para-  
11 graph:

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

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

18           (I) any United States citizen or  
19 national;

20           (II) any alien lawfully admitted  
21 into the United States for permanent  
22 residence;

23           (III) any juridical person orga-  
24 nized under the laws of the United  
25 States; and

1 (IV) any person in the United  
2 States.

3 (2) PROHIBITIONS ON UNITED STATES EX-  
4 PORTS TO SUDAN.—

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

10 (B) REGULATIONS OF THE SECRETARY OF  
11 COMMERCE.—The Secretary of Commerce may  
12 prescribe such regulations as may be necessary  
13 to carry out subparagraph (A).

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

19 (3) PROHIBITION ON NEW INVESTMENT IN  
20 SUDAN.—

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

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

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

10       (4) AVIATION RIGHTS.—

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

22           (B) TAKEOFFS AND LANDINGS.—The Sec-  
23 retary of Transportation shall prohibit the take-  
24 off and landing in Sudan of any aircraft by an  
25 air carrier owned, directly or indirectly, or con-

1 trolled by a United States person, except that  
2 such aircraft shall be allowed to land in the  
3 event of an emergency for which the safety of  
4 an aircraft's crew or passengers is threatened,  
5 or for humanitarian purposes.

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

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

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

23 (6) GOVERNMENT OF SUDAN BANK AC-  
24 COUNTS.—

1 (A) PROHIBITION.—A United States de-  
2 pository institution may not accept, receive, or  
3 hold a deposit account from the Government of  
4 Sudan, except for such accounts which may be  
5 authorized by the President for diplomatic or  
6 consular purposes.

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

12 (C) DEFINITION.—For purposes of this  
13 paragraph, the term “depository institution”  
14 has the meaning given that term in section  
15 19(b)(1) of the Act of December 23, 1913 (12  
16 U.S.C. 461(b)(1)).

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

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

1 (B) DEFINITION.—As used in this para-  
2 graph, the term “parastatal organization of  
3 Sudan” means a corporation, partnership, or  
4 entity owned, controlled, or subsidized by the  
5 Government of Sudan.

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

14 (9) PROHIBITION ON COOPERATION WITH  
15 ARMED FORCES OF SUDAN.—No agency or entity of  
16 the United States may engage in any form of co-  
17 operation, direct or indirect, with the armed forces  
18 of Sudan, except for activities which are reasonably  
19 necessary to facilitate the collection of necessary in-  
20 telligence. Each such activity shall be considered as  
21 significant anticipated intelligence activity for pur-  
22 poses of section 501 of the National Security Act of  
23 1947 (50 U.S.C. 413).

24 (10) PROHIBITION ON COOPERATION WITH IN-  
25 TELLIGENCE SERVICES OF SUDAN.—

1 (A) SANCTION.—No agency or entity of  
2 the United States involved in intelligence activi-  
3 ties may engage in any form of cooperation, di-  
4 rect or indirect, with the Government of Sudan,  
5 except for activities which are reasonably de-  
6 signed to facilitate the collection of necessary  
7 intelligence.

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

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

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

24 (1) EFFORTS TO OBTAIN MULTILATERAL MEAS-  
25 URES AGAINST SUDAN.—It is the policy of the

1 United States to seek an international agreement  
2 with the other industrialized democracies to bring  
3 about an end to religious persecution by the Govern-  
4 ment of Sudan. The net economic effect of such  
5 international agreement should be measurably great-  
6 er than the net economic effect of the other meas-  
7 ures imposed by this section.

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

19 (3) PRESIDENTIAL REPORT.—Not less than  
20 210 days after the date of the enactment of this Act,  
21 the President shall submit to the Congress a report  
22 containing—

23 (A) a description of efforts by the United  
24 States to negotiate multilateral measures to

1 bring about an end to religious persecution in  
2 Sudan; and

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

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

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

21 (A) the President, not less than 30 days  
22 before the day on which the President enters  
23 into such agreement, notifies the House of Rep-  
24 resentatives and the Senate of the President's  
25 intention to enter into such an agreement, and

1 promptly thereafter publishes notice of such in-  
2 tention in the Federal Register;

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

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

13 (ii) a statement of the President's rea-  
14 sons regarding—

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

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

21 (C) a joint resolution approving such  
22 agreement has been enacted.

23 (6) UNITED NATIONS SECURITY COUNCIL IMPO-  
24 SITION OF SAME MEASURES AGAINST SUDAN.—It is  
25 the sense of the Congress that the President should

1       instruct the Permanent Representative of the United  
2       States to the United Nations to propose that the  
3       United Nations Security Council, pursuant to Article  
4       41 of the United Nations Charter, impose measures  
5       against Sudan of the same type as are imposed by  
6       this section.

7       (d) ADDITIONAL MEASURES AND REPORTS; REC-  
8       COMMENDATIONS OF THE PRESIDENT.—

9               (1) UNITED STATES POLICY TO END RELIGIOUS  
10       PERSECUTION.—It shall be the policy of the United  
11       States to impose additional measures against the  
12       Government of Sudan if its policy of religious perse-  
13       cution has not ended on or before December 25,  
14       1998.

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

23              (3) RECOMMENDATION FOR IMPOSITION OF AD-  
24       DITIONAL MEASURES.—If the Secretary of State de-  
25       termines that the policy of religious persecution by

1 the Government of Sudan has not ended, the Presi-  
2 dent shall prepare and transmit to the Speaker of  
3 the House of Representatives and the Chairman of  
4 the Committee on Foreign Relations of the Senate  
5 on or before March 1, 1999, and every 12 months  
6 thereafter, a report setting forth such recommenda-  
7 tions for such additional measures and actions  
8 against the Government of Sudan as will end that  
9 government's policy of religious persecution.

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

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

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

16 (A) means—

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

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

22 (B) does not include—

23 (i) the reinvestment of profits gen-  
24 erated by a controlled Sudanese entity into  
25 that same controlled Sudanese entity, or

1 the investment of such profits in a Suda-  
2 nese entity;

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

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

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

24 (A) a corporation, partnership, or other  
25 business association or entity organized in

1 Sudan and owned or controlled, directly or indi-  
2 rectly, by a United States person; or

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

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

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

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

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

19 (f) WAIVER AUTHORITY.—The President may waive  
20 the imposition of any sanction against Sudan under this  
21 section for periods of not more than 12 months each, if  
22 the President, for each waiver—

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

1           (2) provides to the Committees on Foreign Re-  
2           lations, Finance, the Judiciary, and Appropriations  
3           of the Senate and to the Committees on Inter-  
4           national Relations, the Judiciary, and Appropria-  
5           tions of the House of Representatives a written noti-  
6           fication of the President's intention to waive any  
7           such sanction.

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

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

21          **SEC. 13. PROMOTION OF RELIGIOUS FREEDOM.**

22          (a) ESTABLISHMENT OF A RELIGIOUS FREEDOM  
23          INTERNET SITE.—In order to facilitate access by non-  
24          governmental organizations (NGOs) and by the public  
25          around the world to international documents on the pro-

1 tection of religious freedom, the Director shall establish  
2 and maintain an Internet site containing major inter-  
3 national documents relating to religious freedom, each an-  
4 nual report submitted under section 6, and any other doc-  
5 umentation or references to other sites as deemed appro-  
6 priate or relevant by the Director.

7 (b) TRAINING FOR FOREIGN SERVICE OFFICERS.—  
8 Chapter 7 of title I of the Foreign Service Act of 1980  
9 is amended by adding at the end the following new section:  
10 **“SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.**

11 “The Secretary of State and the Director of the Of-  
12 fice of Religious Persecution Monitoring established under  
13 section 5 of the Freedom From Religious Persecution Act  
14 of 1998, acting jointly, shall establish as part of the stand-  
15 ard training for officers of the Service, including chiefs  
16 of mission, instruction in the field of internationally recog-  
17 nized human rights. Such instruction shall include—

18 “(1) standards for proficiency in the knowledge  
19 of international documents and United States policy  
20 in human rights, and shall be mandatory for all  
21 members of the Service having reporting responsibil-  
22 ities relating to human rights, and for chiefs of mis-  
23 sion; and

24 “(2) instruction on the international right to  
25 freedom of religion, the nature, activities, and beliefs

1 of different religions, and the various aspects and  
2 manifestations of religious persecution.”.

3 (c) HIGH-LEVEL CONTACTS WITH NGOS.—United  
4 States chiefs of mission shall seek out and contact reli-  
5 gious nongovernmental organizations to provide high-level  
6 meetings with religious nongovernmental organizations  
7 where appropriate and beneficial. United States chiefs of  
8 mission and Foreign Service officers abroad shall seek to  
9 meet with imprisoned religious leaders where appropriate  
10 and beneficial.

11 (d) PROGRAMS AND ALLOCATIONS OF FUNDS BY  
12 UNITED STATES MISSIONS ABROAD.—It is the sense of  
13 the Congress that—

14 (1) United States diplomatic missions in coun-  
15 tries the governments of which engage in or tolerate  
16 religious persecution should develop, as part of an-  
17 nual program planning, a strategy to promote the  
18 respect of the internationally recognized right to  
19 freedom of religion; and

20 (2) in allocating or recommending the allocation  
21 of funds or the recommendation of candidates for  
22 programs and grants funded by the United States  
23 Government, United States diplomatic missions  
24 should give particular consideration to those pro-

1       grams and candidates deemed to assist in the pro-  
2       motion of the right to religious freedom.

3       (e) EQUAL ACCESS TO UNITED STATES MISSIONS  
4 ABROAD FOR CONDUCTING RELIGIOUS ACTIVITIES.—

5           (1) IN GENERAL.—Subject to this subsection,  
6       the Secretary of State shall permit, on terms no less  
7       favorable than that accorded other nongovernmental  
8       activities, access to the premises of any United  
9       States diplomatic mission or consular post by any  
10      United States citizen seeking to conduct an activity  
11      for religious purposes.

12           (2) TIMING AND LOCATION.—The Secretary of  
13      State shall make reasonable accommodations with  
14      respect to the timing and location of such access in  
15      light of—

16           (A) the number of United States citizens  
17      requesting the access (including any particular  
18      religious concerns regarding the time of day,  
19      date, or physical setting for services);

20           (B) conflicts with official activities and  
21      other nonofficial United States citizen requests;

22           (C) the availability of openly conducted, or-  
23      ganized religious services outside the premises  
24      of the mission or post; and

25           (D) necessary security precautions.

1           (3) DISCRETIONARY ACCESS FOR FOREIGN NA-  
2           TIONALS.—The Secretary of State may permit ac-  
3           cess to the premises of a United States diplomatic  
4           mission or consular post to foreign nationals for the  
5           purpose of attending or participating in religious ac-  
6           tivities conducted pursuant to this Act.

7           (f) PRISONER LISTS AND ISSUE BRIEFS ON RELI-  
8           GIOUS PERSECUTION CONCERNS.—

9           (1) SENSE OF THE CONGRESS.—To encourage  
10          involvement with religious persecution concerns at  
11          every possible opportunity and by all appropriate  
12          representatives of the United States Government, it  
13          is the sense of the Congress that officials of the ex-  
14          ecutive branch of the United States Government  
15          should promote increased advocacy on such issues  
16          during meetings between executive branch and con-  
17          gressional leaders and foreign dignitaries.

18          (2) RELIGIOUS PERSECUTION PRISONER LISTS  
19          AND ISSUE BRIEFS.—The Secretary of State, in con-  
20          sultation with United States chiefs of mission  
21          abroad, regional experts, the Director, and non-  
22          governmental human rights and religious groups,  
23          shall prepare and maintain issue briefs on religious  
24          freedom, on a country-by-country basis, consisting of  
25          lists of persons believed to be imprisoned for their

1 religious faith, together with brief evaluations and  
2 critiques of policies of the respective country re-  
3 stricting religious freedom. The Secretary of State  
4 shall exercise appropriate discretion regarding the  
5 safety and security concerns of prisoners in consider-  
6 ing the inclusion of their names on the lists.

7 (3) AVAILABILITY OF INFORMATION.—The Sec-  
8 retary of State shall provide these religious freedom  
9 issue briefs to executive branch and congressional of-  
10 ficials and delegations in anticipation of bilateral  
11 contacts with foreign leaders, both in the United  
12 States and abroad.

13 (g) ASSISTANCE FOR PROMOTING RELIGIOUS FREE-  
14 DOM.—

15 (1) FINDINGS.—The Congress makes the fol-  
16 lowing findings:

17 (A) In many nations where severe viola-  
18 tions of religious freedom occur, there is not  
19 sufficient statutory legal protection for religious  
20 minorities or there is not sufficient cultural and  
21 social understanding of international norms of  
22 religious freedom.

23 (B) Accordingly, in its foreign assistance  
24 already being disbursed, the United States  
25 should make a priority of promoting and devel-

1           oping legal protections and cultural respect for  
2           religious freedom.

3           (2) ALLOCATION OF FUNDS FOR INCREASED  
4           PROMOTION OF RELIGIOUS FREEDOMS.—Section  
5           116(e) of the Foreign Assistance Act of 1961 is  
6           amended by inserting “and the right to free religious  
7           belief and practice” after “adherence to civil and po-  
8           litical rights”.

9           (h) INTERNATIONAL BROADCASTING.—

10           (1) Section 302(1) of the United States Inter-  
11           national Broadcasting Act of 1994 is amended by  
12           inserting “and of conscience (including freedom of  
13           religion)” after “freedom of opinion and expression”.

14           (2) Section 303(a) of the United States Inter-  
15           national Broadcasting Act of 1994 is amended—

16           (A) by striking “and” at the end of para-  
17           graph (6);

18           (B) by striking the period at the end of  
19           paragraph (7) and inserting “; and”; and

20           (C) by adding at the end the following:

21           “(8) promote respect for human rights, includ-  
22           ing freedom of religion.”.

23           (i) INTERNATIONAL EXCHANGES.—Section 102(b) of  
24           the Mutual Educational and Cultural Exchange Act of  
25           1961 is amended—

1 (1) by striking “and” after paragraph (10);

2 (2) by striking the period at the end of para-  
3 graph (11) and inserting “; and”; and

4 (3) by adding at the end the following:

5 “(12) promoting respect for and guarantees of  
6 religious freedom abroad by interchanges and visits  
7 between the United States and other nations of reli-  
8 gious leaders, scholars, and religious and legal ex-  
9 perts in the field of religious freedom.”.

10 (j) FOREIGN SERVICE AWARDS.—

11 (1) PERFORMANCE PAY.—Section 405(d) of the  
12 Foreign Service Act of 1980 is amended by inserting  
13 after the first sentence the following: “Such service  
14 in the promotion of internationally recognized  
15 human rights, including the right to religious free-  
16 dom, shall serve as a basis for granting awards  
17 under this section.”.

18 (2) FOREIGN SERVICE AWARDS.—Section 614  
19 of the Foreign Service Act of 1980 is amended by  
20 adding at the end the following new sentence: “Dis-  
21 tinguished, meritorious service in the promotion of  
22 internationally recognized human rights, including  
23 the right to religious freedom, shall serve as a basis  
24 for granting awards under this section.”.

1 **SEC. 14. COMMISSION ON INTERNATIONAL RELIGIOUS PER-**  
2 **SECUTION.**

3 (a) ESTABLISHMENT AND COMPOSITION.—

4 (1) GENERALLY.—There is established the  
5 United States Commission on International Reli-  
6 gious Persecution (hereinafter referred to as the  
7 “Commission”).

8 (2) MEMBERSHIP.—

9 (A) APPOINTMENT.—The Commission  
10 shall be composed of—

11 (i) the Director; and

12 (ii) four other members, who shall be  
13 appointed as follows:

14 (I) Two Senators, one of whom  
15 shall be appointed by the President  
16 pro tempore of the Senate upon the  
17 recommendations of the Majority  
18 Leader, and one of whom shall be ap-  
19 pointed by the Minority Leader.

20 (II) Two Members of the House  
21 of Representatives, one of whom shall  
22 be appointed by the Speaker of the  
23 House of Representatives upon the  
24 recommendations of the Majority  
25 Leader, and one of whom shall be ap-  
26 pointed by the Minority Leader.

1 (B) CHAIR.—The Commission shall elect  
2 one of its members as chair.

3 (C) TIME OF APPOINTMENT.—The ap-  
4 pointments required by subparagraph (A) shall  
5 be made not later than 120 days after the date  
6 of the enactment of this Act.

7 (3) TERMS.—The term of office of each mem-  
8 ber of the Commission shall be 2 years, except that  
9 an individual may not serve more than 2 terms.

10 (4) QUORUM.—Three members of the Commis-  
11 sion constitute a quorum of the Commission.

12 (5) MEETINGS.—Not more than 15 days after  
13 the issuance of an annual report under section 6, the  
14 Commission shall convene.

15 (6) ADMINISTRATIVE SUPPORT.—The Director  
16 shall provide to the Commission such staff and ad-  
17 ministrative services of the Office as may be nec-  
18 essary for the Commission to perform its functions.  
19 The Secretary of State shall assist the Director and  
20 the Commission by detailing staff resources as need-  
21 ed and as appropriate.

22 (7) COMPENSATION.—

23 (A) TRAVEL EXPENSES.—Members of the  
24 Commission shall receive no pay for services  
25 performed as such a member, but shall be al-

1           lowed travel expenses, including per diem in lieu  
2           of subsistence, at rates authorized for employ-  
3           ees of agencies under subchapter I of chapter  
4           57 of title 5, United States Code, while away  
5           from their homes or regular places of business  
6           in the performance of services for the Commis-  
7           sion.

8                   (B) NO COMPENSATION FOR GOVERNMENT  
9           EMPLOYEES.—Any member of the Commission  
10          who is an officer or employee of the United  
11          States shall receive no additional compensation  
12          for services performed as a member of the Com-  
13          mission.

14          (b) DUTIES OF THE COMMISSION.—

15                  (1) IN GENERAL.—The Commission shall have  
16          as its primary responsibility the consideration of the  
17          facts and circumstances of category 1 or category 2  
18          persecution presented in each annual report issued  
19          under section 6 and the consideration of United  
20          States Government policies to promote religious free-  
21          dom and prevent religious persecution, and to make  
22          appropriate policy recommendations to the Presi-  
23          dent, the Secretary of State, and the Congress.

24                  (2) POLICY REVIEW AND RECOMMENDATIONS  
25          IN RESPONSE TO VIOLATIONS.—The Commission, in

1 evaluating United States Government policies, shall  
2 consider and recommend policy options to further  
3 enhance the effectiveness of sanctions related to reli-  
4 gious persecution and human rights.

5 (3) POLICY REVIEW AND RECOMMENDATIONS  
6 IN RESPONSE TO PROGRESS.—The Commission shall  
7 make and provide an assessment of—

8 (A) the progress of sanctions imposed  
9 under section 7 on a country or responsible en-  
10 tity toward achieving termination of religious  
11 persecution, as well as the potential deterrence  
12 of religious persecution as a result of this Act  
13 in countries on which sanctions have not been  
14 imposed under this Act;

15 (B) diplomatic and other steps the United  
16 States has taken or should take to further ac-  
17 complish the intended objectives of the sanc-  
18 tions, including the promotion of multilateral  
19 adoption of comparable measures;

20 (C) comparable measures undertaken by  
21 other countries;

22 (D) additional policy options to promote  
23 the objectives of this Act and an assessment of  
24 their potential effectiveness;

1           (E) any obligations of the United States  
2           under international treaties or trade agreements  
3           with which sanctions imposed under section 7  
4           have conflicted or proposed policy options under  
5           paragraph (2) may conflict;

6           (F) any retaliation resulting from sanc-  
7           tions imposed under section 7 and the likelihood  
8           that a proposed policy option under paragraph  
9           (2) will lead to retaliation against United States  
10          interests, including agricultural interests; and

11          (G) the estimated impact from sanctions  
12          imposed under section 7 and proposed policy  
13          options under paragraph (2) on United States  
14          foreign policy, national security, economic, and  
15          humanitarian interests, including benefit or  
16          harm to United States businesses, agriculture,  
17          and consumers, the competitiveness of United  
18          States businesses, and the international reputa-  
19          tion of the United States as a reliable supplier  
20          of products, technology, agricultural commod-  
21          ities, and services.

22          (4) EFFECTS ON RELIGIOUS COMMUNITIES AND  
23          INDIVIDUALS.—Together with specific policy rec-  
24          ommendations provided under paragraphs (2) and  
25          (3), the Commission shall also indicate its evaluation

1 of the potential effects of such policies, if imple-  
2 mented, on the religious communities and individ-  
3 uals whose rights are found to be violated in the  
4 country in question.

5 (5) MONITORING.—The Commission shall, on  
6 an ongoing basis, monitor facts and circumstances of  
7 religious persecution, in consultation with independ-  
8 ent human rights groups and nongovernmental orga-  
9 nizations, including churches and other religious  
10 communities, and make such recommendations as  
11 may be necessary to the appropriate agencies and of-  
12 ficials of the United States Government.

13 (c) REPORT OF THE COMMISSION.—

14 (1) IN GENERAL.—Not later than March 1 of  
15 each year, the Commission shall submit a report to  
16 the President and the Congress setting forth its rec-  
17 ommendations for changes in United States policy  
18 based on its evaluations under subsection (b).

19 (2) CLASSIFIED FORM OF REPORT.—The report  
20 may be submitted in classified form, together with a  
21 public summary of recommendations.

22 (3) INDIVIDUAL OR DISSENTING VIEWS.—Each  
23 member of the Commission may include the individ-  
24 ual or dissenting views of the member.

1 (d) TERMINATION.—The Commission shall terminate  
2 8 years after the initial appointment of its members.

3 **SEC. 15. EFFECTIVE DATE.**

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

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

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

Passed the House of Representatives May 14, 1998.

Attest:

ROBIN H. CARLE,

*Clerk.*