

Title note set out under section 2011 of Title 42 and Tables.

**§ 6446. Effects on existing contracts**

The President shall not be required to apply or maintain any Presidential action under this part—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities, to satisfy requirements essential to the national security of the United States;

(B) if the President determines in writing and so reports to Congress that the person or other entity to which the Presidential action would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing and so reports to Congress that such articles or services are essential to the national security under defense coproduction agreements; or

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to take the Presidential action.

(Pub. L. 105–292, title IV, § 406, Oct. 27, 1998, 112 Stat. 2808.)

**§ 6447. Presidential waiver**

**(a) In general**

Subject to subsection (b) of this section, the President may waive the application of any of the actions described in paragraphs (9) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto) with respect to a country, if the President determines and so reports to the appropriate congressional committees that—

(1) the respective foreign government has ceased the violations giving rise to the Presidential action;

(2) the exercise of such waiver authority would further the purposes of this chapter; or

(3) the important national interest of the United States requires the exercise of such waiver authority.

**(b) Congressional notification**

Not later than the date of the exercise of a waiver under subsection (a) of this section, the President shall notify the appropriate congressional committees of the waiver or the intention to exercise the waiver, together with a detailed justification thereof.

(Pub. L. 105–292, title IV, § 407, Oct. 27, 1998, 112 Stat. 2808.)

**§ 6448. Publication in Federal Register**

**(a) In general**

Subject to subsection (b) of this section, the President shall cause to be published in the Federal Register the following:

**(1) Determinations of governments, officials, and entities of particular concern**

Any designation of a country of particular concern for religious freedom under section 6442(b)(1) of this title, together with, when applicable and to the extent practicable, the identities of the officials or entities determined to be responsible for the violations under section 6442(b)(2) of this title.

**(2) Presidential actions**

A description of any Presidential action under paragraphs (9) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto) and the effective date of the Presidential action.

**(3) Delays in transmittal of Presidential action reports**

Any delay in transmittal of a Presidential action report, as described in section 6444(b) of this title.

**(4) Waivers**

Any waiver under section 6447 of this title.

**(b) Limited disclosure of information**

The President may limit publication of information under this section in the same manner and to the same extent as the President may limit the publication of findings and determinations described in section 2414(c) of this title, if the President determines that the publication of information under this section—

(1) would be harmful to the national security of the United States; or

(2) would not further the purposes of this chapter.

(Pub. L. 105–292, title IV, § 408, Oct. 27, 1998, 112 Stat. 2808.)

**§ 6449. Termination of Presidential actions**

Any Presidential action taken under this chapter with respect to a foreign country shall terminate on the earlier of the following dates:

**(1) Termination date**

Within 2 years of the effective date of the Presidential action unless expressly reauthorized by law.

**(2) Foreign government actions**

Upon the determination by the President, in consultation with the Commission, and certification to Congress that the foreign government has ceased or taken substantial and verifiable steps to cease the particularly severe violations of religious freedom.

(Pub. L. 105–292, title IV, § 409, Oct. 27, 1998, 112 Stat. 2809.)

**§ 6450. Preclusion of judicial review**

No court shall have jurisdiction to review any Presidential determination or agency action under this chapter or any amendment made by this chapter.

(Pub. L. 105–292, title IV, § 410, Oct. 27, 1998, 112 Stat. 2809.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 105–292, Oct. 27, 1998, 112

Stat. 2787, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6401 of this title and Tables.

PART B—STRENGTHENING EXISTING LAW

**§ 6461. Exports of certain items used in particularly severe violations of religious freedom**

**(a) Mandatory licensing**

Notwithstanding any other provision of law, the Secretary of Commerce, with the concurrence of the Secretary of State, shall include on the list of crime control and detection instruments or equipment controlled for export and reexport under section 2405(n) of title 50, Appendix, or under any other provision of law, items being exported or reexported to countries of particular concern for religious freedom that the Secretary of Commerce, with the concurrence of the Secretary of State, and in consultation with appropriate officials including the Assistant Secretary of State for Democracy, Human Rights and Labor and the Ambassador at Large, determines are being used or are intended for use directly and in significant measure to carry out particularly severe violations of religious freedom.

**(b) Licensing ban**

The prohibition on the issuance of a license for export of crime control and detection instruments or equipment under section 2304(a)(2) of this title shall apply to the export and reexport of any item included pursuant to subsection (a) of this section on the list of crime control instruments.

(Pub. L. 105–292, title IV, § 423, Oct. 27, 1998, 112 Stat. 2810.)

SUBCHAPTER IV—REFUGEE, ASYLUM, AND CONSULAR MATTERS

**§ 6471. Use of Annual Report**

The Annual Report, together with other relevant documentation, shall serve as a resource for immigration judges and consular, refugee, and asylum officers in cases involving claims of persecution on the grounds of religion. Absence of reference by the Annual Report to conditions described by the alien shall not constitute the sole grounds for a denial of the alien's claim.

(Pub. L. 105–292, title VI, § 601, Oct. 27, 1998, 112 Stat. 2812.)

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

**§ 6472. Reform of refugee policy**

**(a), (b) Omitted**

**(c) Guidelines for refugee-processing posts**

**(1) Guidelines for addressing hostile biases**

The Attorney General and the Secretary of State shall develop and implement guidelines that address potential biases in personnel of

the Immigration and Naturalization Service and of the Department of State that are hired abroad and involved with duties which could constitute an effective barrier to a refugee claim if such personnel carries a bias against the claimant on the grounds of religion, race, nationality, membership in a particular social group, or political opinion. The subject matter of this training should be culturally sensitive and tailored to provide a nonbiased, non-adversarial atmosphere for the purpose of refugee adjudications.

**(2) Guidelines for refugee-processing posts in establishing agreements with United States Government-designated refugee processing entities**

The Attorney General and the Secretary of State shall develop and implement guidelines to ensure uniform procedures for establishing agreements with United States Government-designated refugee processing entities and personnel, and uniform procedures for such entities and personnel responsible for preparing refugee case files for use by the Immigration and Naturalization Service during refugee adjudications. These procedures should ensure, to the extent practicable, that case files prepared by such entities accurately reflect information provided by the refugee applicants and that genuine refugee applicants are not disadvantaged or denied refugee status due to faulty case file preparation.

**(3) Guidelines for preventing persons with potential biases from participating in determinations**

Not later than 120 days after November 29, 1999, the Secretary of State (after consultation with the Attorney General) shall issue guidelines to ensure that persons with potential biases against any refugee applicant, including persons employed by, or otherwise subject to influence by, governments known to be involved in persecution on account of religion, race, nationality, membership in a particular social group, or political opinion, shall not in any way be used in processing determinations of refugee status, including interpretation of conversations or examination of documents presented by such applicants.

**(d) Annual consultation**

The President shall include in each annual report on proposed refugee admissions under section 1157(d) of title 8 information about religious persecution of refugee populations eligible for consideration for admission to the United States. The Secretary of State shall include information on religious persecution of refugee populations in the formal testimony presented to the Committees on the Judiciary of the House of Representatives and the Senate during the consultation process under section 1157(e) of title 8.

(Pub. L. 105–292, title VI, § 602, Oct. 27, 1998, 112 Stat. 2812; Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title II, § 253], Nov. 29, 1999, 113 Stat. 1536, 1501A–432.)

CODIFICATION

Section is comprised of section 602 of Pub. L. 105–292. Subsec. (a) of section 602 of Pub. L. 105–292 amended