

ties, or officials found or determined by the President to be responsible for violations under section 6441 or 6442 of this title.

(b) Commensurate action

Except as provided in subsection (d), the President may substitute any other action authorized by law for any action described in paragraphs (1) through (15) of subsection (a) if such action is commensurate in effect to the action substituted and if the action would further the policy of the United States set forth in section 6401(b) of this title. The President shall seek to take all appropriate and feasible actions authorized by law to obtain the cessation of the violations. If commensurate action is taken, the President shall report such action, together with an explanation for taking such action, to the appropriate congressional committees.

(c) Binding agreements

The President may negotiate and enter into a binding agreement with a foreign government that obligates such government to cease, or take substantial steps to address and phase out, the act, policy, or practice constituting the violation of religious freedom. The entry into force of a binding agreement for the cessation of the violations shall be a primary objective for the President in responding to a foreign government that has engaged in or tolerated particularly severe violations of religious freedom.

(d) Exceptions

Any action taken pursuant to subsection (a) or (b) may not prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other humanitarian assistance.

(Pub. L. 105-292, title IV, § 405, Oct. 27, 1998, 112 Stat. 2806.)

REFERENCES IN TEXT

The Export Administration Act of 1979, referred to in subsec. (a)(13)(A), is Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, which is classified principally to chapter 56 (§ 4601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

The Arms Export Control Act, referred to in subsec. (a)(13)(B), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The Atomic Energy Act of 1954, referred to in subsec. (a)(13)(C), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 919, which is classified principally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short 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 (c), the President may waive, for a single, 180-day period, 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 exercise of such waiver authority would further the purposes of this chapter; or

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

(b) Additional authority

Subject to subsection (c), the President may waive, for any additional specified period of time after the 180-day period described in subsection (a), the application of any of the actions described in paragraphs (9) through (15) of section 6445(a) of this title (or a commensurate substitute action) with respect to a country, if the President determines and reports to the appropriate congressional committees that—

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

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

(c) Congressional notification

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

(d) Sense of Congress

It is the sense of Congress that—

(1) ongoing and persistent waivers of the application of any of the actions described in paragraphs (9) through (15) of section 6445(a) of this title (or commensurate substitute action) with respect to a country do not fulfill the purposes of this chapter; and

(2) because the promotion of religious freedom is an important interest of United States foreign policy, the President, the Secretary of

State, and other executive branch officials, in consultation with Congress, should seek to find ways to address existing violations, on a case-by-case basis, through the actions described in section 6445 of this title or other commensurate substitute action.

(Pub. L. 105–292, title IV, § 407, Oct. 27, 1998, 112 Stat. 2808; Pub. L. 114–281, title III, § 304, Dec. 16, 2016, 130 Stat. 1435.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (d)(1), was in the original “this Act”, meaning Pub. L. 105–292, Oct. 27, 1998, 112 Stat. 2787, known as the International Religious Freedom Act of 1998, 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.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114–281, § 304(1)(A), (B), in introductory provisions, substituted “subsection (c)” for “subsection (b)” and inserted “, for a single, 180-day period,” after “may waive”.

Subsec. (a)(1) to (3). Pub. L. 114–281, § 304(1)(C), (D), redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1) which read as follows: “the respective foreign government has ceased the violations giving rise to the Presidential action;”.

Subsec. (b). Pub. L. 114–281, § 304(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 114–281, § 304(2), (4), redesignated subsec. (b) as (c) and inserted “or (b)” after “subsection (a)”.

Subsec. (d). Pub. L. 114–281, § 304(5), added subsec. (d).

§ 6448. Publication in Federal Register

(a) In general

Subject to subsection (b), 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. Any designation of a non-state actor as an entity of particular concern for religious freedom under section 6442a of this title and, if applicable and to the extent practicable, the identities of individuals determined to be responsible for violations described in subsection (f) of such section.

(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; Pub. L. 114–281, title III, § 305, Dec. 16, 2016, 130 Stat. 1436.)

AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114–281 inserted at end “Any designation of a non-state actor as an entity of particular concern for religious freedom under section 6442a of this title and, if applicable and to the extent practicable, the identities of individuals determined to be responsible for violations described in subsection (f) of such section.”

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(2), was in the original “this Act”, meaning Pub. L. 105–292, Oct. 27, 1998, 112 Stat. 2787, known as the International Religious Freedom Act of 1998, 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.

§ 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.)

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, known as the International Religious Freedom Act of 1998, 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.

§ 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