

- Sec.
6442. Presidential actions in response to particularly severe violations of religious freedom.
6442a. Non-state actor designations.
6443. Consultations.
6444. Report to Congress.
6445. Description of Presidential actions.
6446. Effects on existing contracts.
6447. Presidential waiver.
6448. Publication in Federal Register.
6449. Termination of Presidential actions.
6450. Preclusion of judicial review.

PART B—STRENGTHENING EXISTING LAW

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

SUBCHAPTER IV—REFUGEE, ASYLUM, AND CONSULAR MATTERS

6471. Use of Annual Report.
6472. Reform of refugee policy.
6473. Reform of asylum policy.
6473a. Designated persons list for particularly severe violations of religious freedom.
6474. Studies on effect of expedited removal provisions on asylum claims.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

6481. Business codes of conduct.
6482. Voluntary codes of conduct for United States institutions of higher education outside the United States.
6483. Sense of Congress regarding national security strategy to promote religious freedom through United States foreign policy.

§ 6401. Findings; policy**(a) Findings**

Congress makes the following findings:

(1) The right to freedom of religion undergirds the very origin and existence of the United States. Many of our Nation's founders fled religious persecution abroad, cherishing in their hearts and minds the ideal of religious freedom. They established in law, as a fundamental right and as a pillar of our Nation, the right to freedom of religion. From its birth to this day, the United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution.

(2) Freedom of religious belief and practice is a universal human right and fundamental freedom articulated in numerous international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, the United Nations Charter, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(3) Article 18 of the Universal Declaration of Human Rights recognizes that "Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance." Article 18(1) of the International Covenant on Civil and Political Rights recog-

nizes that "Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching". The freedom of thought, conscience, and religion is understood to protect theistic and non-theistic beliefs and the right not to profess or practice any religion. Governments have the responsibility to protect the fundamental rights of their citizens and to pursue justice for all. Religious freedom is a fundamental right of every individual, regardless of race, sex, country, creed, or nationality, and should never be arbitrarily abridged by any government.

(4) The right to freedom of religion is under renewed and, in some cases, increasing assault in many countries around the world. More than one-half of the world's population lives under regimes that severely restrict or prohibit the freedom of their citizens to study, believe, observe, and freely practice the religious faith of their choice. Religious believers and communities suffer both government-sponsored and government-tolerated violations of their rights to religious freedom. Among the many forms of such violations are state-sponsored slander campaigns, confiscations of property, desecration of cemeteries, surveillance by security police, including by special divisions of "religious police", severe prohibitions against construction and repair of places of worship, denial of the right to assemble and relegation of religious communities to illegal status through arbitrary registration laws, prohibitions against the pursuit of education or public office, and prohibitions against publishing, distributing, or possessing religious literature and materials. A policy or practice of routinely denying applications for visas for religious workers in a country can be indicative of a poor state of religious freedom in that country.

(5) Even more abhorrent, religious believers in many countries face such severe and violent forms of religious persecution as detention, torture, beatings, forced marriage, rape, imprisonment, enslavement, mass resettlement, and death merely for the peaceful belief in, change of or practice of their faith. In many countries, religious believers are forced to meet secretly, and religious leaders are targeted by national security forces and hostile mobs.

(6) Though not confined to a particular region or regime, religious persecution and the specific targeting of non-theists, humanists, and atheists because of their beliefs is often particularly widespread, systematic, and heinous under totalitarian governments and in countries with militant, politicized religious majorities and in regions where non-state actors exercise significant political power and territorial control.

(7) Congress has recognized and denounced acts of religious persecution through the adoption of the following resolutions:

(A) House Resolution 515 of the One Hundred Fourth Congress, expressing the sense

of the House of Representatives with respect to the persecution of Christians worldwide.

(B) Senate Concurrent Resolution 71 of the One Hundred Fourth Congress, expressing the sense of the Senate regarding persecution of Christians worldwide.

(C) House Concurrent Resolution 102 of the One Hundred Fourth Congress, expressing the sense of the House of Representatives concerning the emancipation of the Iranian Baha'i community.

(b) Policy

(1) In general

The following shall be the policy of the United States:

(A) To condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion.

(B) To seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of the right to freedom of religion, as set forth in the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], in the International Financial Institutions Act of 1977, and in other formulations of United States human rights policy.

(C) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations.

(D) To work with foreign governments that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat violations of religious freedom and promote the right to religious freedom abroad.

(E) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.

(2) Evolving policies and coordinated diplomatic responses

Because the promotion of international religious freedom protects human rights, advances democracy abroad, and advances United States interests in stability, security, and development globally, the promotion of international religious freedom requires new and evolving policies and diplomatic responses that—

(A) are drawn from the expertise of the national security agencies, the diplomatic services, and other governmental agencies and nongovernmental organizations; and

(B) are coordinated across and carried out by the entire range of Federal agencies.

(Pub. L. 105–292, § 2, Oct. 27, 1998, 112 Stat. 2788; Pub. L. 113–154, § 2, Aug. 8, 2014, 128 Stat. 1827;

Pub. L. 114–281, § 2(a), (b), Dec. 16, 2016, 130 Stat. 1426, 1427.)

REFERENCES IN TEXT

House Concurrent Resolution 102, referred to in subsec. (a)(7)(C), is H. Con. Res. 102, June 26, 1996, 110 Stat. 4483, which is not classified to the Code.

The Foreign Assistance Act of 1961, referred to in subsec. (b)(1)(B), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The International Financial Institutions Act of 1977, referred to in subsec. (b)(1)(B), probably means the International Financial Institutions Act, Pub. L. 95–118, Oct. 3, 1977, 91 Stat. 1067, as amended, which enacted sections 262c, 262d, 262e to 262g–3, 262m to 262p–12, 262r to 262t, 282i, 284n, 285s, 285t, 286e–1f, and 290g–10 of this title, repealed sections 283y, 284m, and 290g–9 of this title, and enacted provisions set out as notes under sections 262c and 282i of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 261 of this title and Tables.

AMENDMENTS

2016—Subsec. (a)(3). Pub. L. 114–281, § 2(a)(1), inserted “The freedom of thought, conscience, and religion is understood to protect theistic and non-theistic beliefs and the right not to profess or practice any religion.” before “Governments have the responsibility”.

Subsec. (a)(4). Pub. L. 114–281, § 2(a)(2), inserted at end “A policy or practice of routinely denying applications for visas for religious workers in a country can be indicative of a poor state of religious freedom in that country.”

Subsec. (a)(6). Pub. L. 114–281, § 2(a)(3), inserted “and the specific targeting of non-theists, humanists, and atheists because of their beliefs” after “religious persecution” and “and in regions where non-state actors exercise significant political power and territorial control” before period at end.

Subsec. (b). Pub. L. 114–281, § 2(b), designated existing provisions as par. (1) and inserted heading, substituted “The following shall be the policy of the United States:” for “It shall be the policy of the United States, as follows:”, redesignated former pars. (1) to (5) as subpars. (A) to (E), respectively, and added par. (2).

2014—Subsec. (a)(4). Pub. L. 113–154 inserted “desecration of cemeteries,” after “confiscations of property,”.

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 115–434, § 1, Jan. 14, 2019, 132 Stat. 5526, provided that: “This Act [amending section 6412 of this title and enacting provisions set out as a note under section 6412 of this title] may be cited as the ‘Combating European Anti-Semitism Act of 2017.’”

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114–281, § 1(a), Dec. 16, 2016, 130 Stat. 1426, provided that: “This Act [enacting sections 6442a, 6473a, 6482, and 6483 of this title and amending this section and sections 4028, 6402, 6411, 6412, 6417, 6442, 6444, 6447, 6448, and 6474 of this title] may be cited as the ‘Frank R. Wolf International Religious Freedom Act.’”

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114–71, § 1, Oct. 16, 2015, 129 Stat. 563, provided that: “This Act [enacting section 6433a of this title, amending sections 6435 and 6436 of this title, and enacting provisions set out as a note under section 6432 of this section] may be cited as the ‘United States Commission on International Religious Freedom Reauthorization Act of 2015.’”

SHORT TITLE OF 2011 AMENDMENT

Pub. L. 112–75, § 1, Dec. 23, 2011, 125 Stat. 1272, provided that: “This Act [amending sections 6431, 6432b, 6435,

6435a, and 6436 of this title and enacting provisions set out as a note under section 6432b of this title] may be cited as the ‘United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011.’”

SHORT TITLE

Pub. L. 105-292, §1(a), Oct. 27, 1998, 112 Stat. 2787, provided that: “This Act [enacting this chapter and section 4028 of this title, amending sections 262d, 2151n, 2304, 2452, 3965, 4013, 4028, and 6202 of this title, sections 1157 and 1182 of Title 8, Aliens and Nationality, and section 402 of Title 50, War and National Defense, and enacting provisions set out as notes under section 2151n of this title and section 1182 of Title 8] may be cited as the ‘International Religious Freedom Act of 1998.’”

FINDINGS RELATING TO PUB. L. 113-154

Pub. L. 113-154, §1, Aug. 8, 2014, 128 Stat. 1827, provided that: “Congress finds the following:

“(1) Cemeteries are sacred sites that are of great spiritual, cultural, and historical significance to many religious and ethnic groups.

“(2) Congress is committed to protecting and preserving the heritage and sacred sites of national, religious, and ethnic groups, which includes cemeteries in the United States and abroad.

“(3) Cemeteries around the world have and continue to be defaced or destroyed as a direct result of their affiliation with a particular religious or spiritual group.

“(4) Such attacks constitute an assault on the fundamental right to freedom of religion, and are especially egregious when sponsored or tolerated by the local or national governments in the countries in which such offenses occur.”

§ 6402. Definitions

In this chapter:

(1) Ambassador at Large

The term “Ambassador at Large” means the Ambassador at Large for International Religious Freedom appointed under section 6411(b) of this title.

(2) Annual Report

The term “Annual Report” means the Annual Report on International Religious Freedom described in section 6412(b) of this title.

(3) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives; and

(B) in the case of any determination made with respect to the taking of President¹ action under paragraphs (9) through (15) of section 6445(a) of this title, the term includes the committees described in subparagraph (A) and, where appropriate, the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) Commensurate action

The term “commensurate action” means action taken by the President under section 6445(b) of this title.

(5) Commission

The term “Commission” means the United States Commission on International Religious Freedom established in section 6431(a) of this title.

(6) Country Reports on Human Rights Practices

The term “Country Reports on Human Rights Practices” means the annual reports required to be submitted by the Department of State to Congress under sections 2151n(d) and 2304(b) of this title.

(7) Executive Summary

The term “Executive Summary” means the Executive Summary to the Annual Report, as described in section 6412(b)(1)(F) of this title.

(8) Government or foreign government

The term “government” or “foreign government” includes any agency or instrumentality of the government.

(9) Human Rights Reports

The term “Human Rights Reports” means all reports submitted by the Department of State to Congress under sections 2151n and 2304 of this title.

(10) Institution of higher education

The term “institution of higher education” has the meaning given that term in section 1001 of title 20.

(11) Non-state actor

The term “non-state actor” means a nonsovereign entity that—

(A) exercises significant political power and territorial control;

(B) is outside the control of a sovereign government; and

(C) often employs violence in pursuit of its objectives.

(12) Office

The term “Office” means the Office on International Religious Freedom established in section 6411(a) of this title.

(13) Particularly severe violations of religious freedom

The term “particularly severe violations of religious freedom” means systematic, ongoing, egregious violations of religious freedom, including violations such as—

(A) torture or cruel, inhuman, or degrading treatment or punishment;

(B) prolonged detention without charges;

(C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or

(D) other flagrant denial of the right to life, liberty, or the security of persons.

(14) Special Adviser

The term “Special Adviser” means the Special Adviser to the President on International Religious Freedom described in section 3021(i) of title 50.²

(15) Special Watch List

The term “Special Watch List” means the Special Watch List described in section 6442(b)(1)(A)(iii) of this title.

¹ So in original. Probably should be “Presidential”.

² See References in Text note below.