

## SUBCHAPTER III—PRESIDENTIAL ACTIONS

PART A—TARGETED RESPONSES TO VIOLATIONS  
OF RELIGIOUS FREEDOM ABROAD**§ 6441. Presidential actions in response to viola-  
tions of religious freedom****(a) Response to violations of religious freedom****(1) In general****(A) United States policy**

It shall be the policy of the United States—

(i) to oppose violations of religious freedom that are or have been engaged in or tolerated by the governments of foreign countries; and

(ii) to promote the right to freedom of religion in those countries through the actions described in subsection (b).

**(B) Requirement of Presidential action**

For each foreign country the government of which engages in or tolerates violations of religious freedom, the President shall oppose such violations and promote the right to freedom of religion in that country through the actions described in subsection (b).

**(2) Basis of actions**

Each action taken under paragraph (1)(B) shall be based upon information regarding violations of religious freedom, as described in the latest Country Reports on Human Rights Practices, the Annual Report and Executive Summary, and on any other evidence available, and shall take into account any findings or recommendations by the Commission with respect to the foreign country.

**(b) Presidential actions****(1) In general**

Subject to paragraphs (2) and (3), the President, in consultation with the Secretary of State, the Ambassador at Large, the Special Adviser, and the Commission, shall, as expeditiously as practicable in response to the violations described in subsection (a) by the government of a foreign country—

(A) take one or more of the actions described in paragraphs (1) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto) with respect to such country; or

(B) negotiate and enter into a binding agreement with the government of such country, as described in section 6445(c) of this title.

**(2) Deadline for actions**

Not later than September 1 of each year, the President shall take action under any of paragraphs (1) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto) with respect to each foreign country the government of which has engaged in or tolerated violations of religious freedom at any time since September 1 of the preceding year, except that in the case of action under any of paragraphs (9) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto)—

(A) the action may only be taken after the requirements of sections 6443 and 6444 of this title have been satisfied; and

(B) the September 1 limitation shall not apply.

**(3) Authority for delay of Presidential actions**

The President may delay action under paragraph (2) described in any of paragraphs (9) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto) if he determines and certifies to Congress that a single, additional period of time, not to exceed 90 days, is necessary pursuant to the same provisions applying to countries of particular concern for religious freedom under section 6442(c)(3) of this title.

**(c) Implementation****(1) In general**

In carrying out subsection (b), the President shall—

(A) take the action or actions that most appropriately respond to the nature and severity of the violations of religious freedom;

(B) seek to the fullest extent possible to target action as narrowly as practicable with respect to the agency or instrumentality of the foreign government, or specific officials thereof, that are responsible for such violations; and

(C) when appropriate, make every reasonable effort to conclude a binding agreement concerning the cessation of such violations in countries with which the United States has diplomatic relations.

**(2) Guidelines for Presidential actions**

In addition to the guidelines under paragraph (1), the President, in determining whether to take a Presidential action under paragraphs (9) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto), shall seek to minimize any adverse impact on—

(A) the population of the country whose government is targeted by the Presidential action or actions; and

(B) the humanitarian activities of United States and foreign nongovernmental organizations in such country.

(Pub. L. 105-292, title IV, §401, Oct. 27, 1998, 112 Stat. 2800.)

DELEGATION OF RESPONSIBILITIES UNDER THE  
INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

Memorandum of President of the United States, Aug. 17, 1999, 64 F.R. 47345, provided:

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of State the functions and authorities vested in the President by title IV, subtitle I (sections 401-409) of the International Religious Freedom Act of 1998 [22 U.S.C. 6441 et seq.] (Public Law 105-292) (the "Act").

Any reference in this memorandum to any act shall be deemed to be a reference to such act as amended from time to time.

The functions delegated by this memorandum may be delegated within the Department of State.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

**§ 6442. Presidential actions in response to particularly severe violations of religious freedom**

**(a) Response to particularly severe violations of religious freedom**

**(1) United States policy**

It shall be the policy of the United States—

(A) to oppose particularly severe violations of religious freedom that are or have been engaged in or tolerated by the governments of foreign countries; and

(B) to promote the right to freedom of religion in those countries through the actions described in subsection (c).

**(2) Requirement of Presidential action**

Whenever the President determines that the government of a foreign country has engaged in or tolerated particularly severe violations of religious freedom, the President shall oppose such violations and promote the right to religious freedom through one or more of the actions described in subsection (c).

**(b) Designations of countries of particular concern for religious freedom**

**(1) Annual review**

**(A) In general**

Not later than 90 days after the date on which each Annual Report is submitted under section 6412(b) of this title, the President shall—

(i) review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in each such country during the preceding 12 months or longer;

(ii) designate each country the government of which has engaged in or tolerated violations described in clause (i) as a country of particular concern for religious freedom; and

(iii) designate each country that engaged in or tolerated severe violations of religious freedom during the previous year, but does not meet, in the opinion of the President at the time of publication of the Annual Report, all of the criteria described in section 6402(15) of this title for designation under clause (ii) as being placed on a “Special Watch List”.

**(B) Basis of review**

Each review conducted under subparagraph (A) shall be based upon information contained in the latest Country Reports on Human Rights Practices, the Annual Report, and on any other evidence available and shall take into account any findings or recommendations by the Commission with respect to the foreign country.

**(C) Implementation**

Any review under subparagraph (A) of a foreign country may take place singly or jointly with the review of one or more countries and may take place at any time before the date on which each Annual Report is submitted under section 6412(b) of this title.

**(2) Determinations of responsible parties**

For the government of each country designated as a country of particular concern for religious freedom under paragraph (1)(A), the President shall seek to determine the agency or instrumentality thereof and the specific officials thereof that are responsible for the particularly severe violations of religious freedom engaged in or tolerated by that government in order to appropriately target Presidential actions under this section in response.

**(3) Congressional notification**

**(A) In general**

Whenever the President designates a country as a country of particular concern for religious freedom under paragraph (1)(A)(ii), the President, not later than 90 days after such designation, shall submit to the appropriate congressional committees—

(i) the designation of the country, signed by the President;

(ii) the identification, if any, of responsible parties determined under paragraph (2); and

(iii) a description of the actions taken under subsection (c), the purposes of the actions taken, and the effectiveness of the actions taken.

**(B) Removal of designation**

A country that is designated as a country of particular concern for religious freedom under paragraph (1)(A)(ii) shall retain such designation until the President determines and reports to the appropriate congressional committees that the country should no longer be so designated.

**(4) Effect on designation as country of particular concern**

The presence or absence of a country from the Special Watch List in any given year shall not preclude the designation of such country as a country of particular concern for religious freedom under paragraph (1)(A)(ii) in any such year.

**(c) Presidential actions with respect to countries of particular concern for religious freedom**

**(1) In general**

Subject to paragraphs (2), (3), (4), and (5) with respect to each country of particular concern for religious freedom designated under subsection (b)(1)(A), the President shall, after the requirements of sections 6443 and 6444 of this title have been satisfied, but not later than 90 days (or 180 days in case of a delay under paragraph (3)) after the date of designation of the country under that subsection, carry out one or more of the following actions under subparagraph (A) or subparagraph (B):

**(A) Presidential actions**

One or more of the Presidential actions described in paragraphs (9) through (15) of section 6445(a) of this title, as determined by the President.

**(B) Commensurate actions**

Commensurate action in substitution to any action described in subparagraph (A).