

§ 6442a. Non-state actor designations**(a) In general**

The President, concurrent with the annual foreign country review required under section 402(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A)), shall—

(1) review and identify any non-state actors operating in any such reviewed country or surrounding region that have engaged in particularly severe violations of religious freedom; and

(2) designate, in a manner consistent with such Act [22 U.S.C. 6401 et seq.], each such non-state actor as an entity of particular concern for religious freedom.

(b) Report

Whenever the President designates a non-state actor under subsection (a) as an entity of particular concern for religious freedom, the President, as soon as practicable after the designation is made, shall submit a report to the appropriate congressional committees that describes the reasons for such designation.

(c) Actions

The President should take specific actions, when practicable, to address severe violations of religious freedom of non-state actors that are designated under subsection (a)(2).

(d) Department of State annual report

The Secretary of State should include information detailing the reasons the President designated a non-state actor as an entity of particular concern for religious freedom under subsection (a) in the Annual Report required under section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)).

(e) Sense of Congress

It is the sense of Congress that—

(1) the Secretary of State should work with Congress and the U.S. Commission on International Religious Freedom—

(A) to create new political, financial, and diplomatic tools to address severe violations of religious freedom by non-state actors; and

(B) to update the actions the President can take under section 405 of the International Religious Freedom Act of 1998 (22 U.S.C. 6445);

(2) governments must ultimately be held accountable for the abuses that occur in their territories; and

(3) any actions the President takes after designating a non-state actor as an entity of particular concern should also involve high-level diplomacy with the government of the country in which the non-state actor is operating.

(f) Determinations of responsible parties

In order to appropriately target Presidential actions under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.), the President, with respect to each non-state actor designated as an entity of particular concern for religious freedom under subsection (a), shall seek to determine, to the extent practicable, the specific officials or members that are responsible for the particularly severe violations of reli-

gious freedom engaged in or tolerated by such non-state actor.

(g) Definitions

In this section, the terms “appropriate congressional committees”, “non-state actor”, and “particularly severe violations of religious freedom” have the meanings given such terms in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), as amended by section 3 of this Act.

(Pub. L. 114–281, title III, §301, Dec. 16, 2016, 130 Stat. 1433.)

Editorial Notes

REFERENCES IN TEXT

The International Religious Freedom Act of 1998, referred to in subssecs. (a)(2) and (f), is 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.

Section 3 of this Act, referred to in subsec. (g), means section 3 of Pub. L. 114–281, which amended section 6402 of this title.

CODIFICATION

Section was enacted as part of the Frank R. Wolf International Religious Freedom Act, and not as part of the International Religious Freedom Act of 1998 which comprises this chapter.

Executive Documents

DELEGATION OF RESPONSIBILITIES UNDER THE FRANK R. WOLF INTERNATIONAL RELIGIOUS FREEDOM ACT OF 2016

Memorandum of President of the United States, Jan. 9, 2018, 83 F.R. 3935, 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 section 301 of the Frank R. Wolf International Religious Freedom Act (Public Law 114–281) (the “Act”) [22 U.S.C. 6442a].

This memorandum’s reference to the Act shall be deemed to be a reference to the Act as amended from time to time.

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

DONALD J. TRUMP.

§ 6443. Consultations**(a) In general**

As soon as practicable after the President decides to take action under section 6441 of this title in response to violations of religious freedom and the President decides to take action under paragraphs (9) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto) with respect to that country, or not later than 90 days after the President designates a country as a country of particular concern for religious freedom under section 6442 of this title, as the case may be, the President shall carry out the consultations required in this section.

(b) Duty to consult with foreign governments prior to taking Presidential actions**(1) In general**

The President shall—