

111TH CONGRESS
1ST SESSION

H. R. 606

To express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted and denied their rights in foreign countries on account of gender, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2009

Mrs. MALONEY (for herself and Mr. FATTAH) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted and denied their rights in foreign countries on account of gender, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “International Women’s Freedom Act of 2009”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; policy.
- Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

- Sec. 101. Office on International Women’s Rights; Ambassador at Large for International Women’s Rights.
- Sec. 102. Reports.
- Sec. 103. Establishment of a women’s rights internet site.
- Sec. 104. Training for foreign service officers.
- Sec. 105. High-level contacts with nongovernmental organizations.
- Sec. 106. Programs and allocations of funds by United States missions abroad.
- Sec. 107. Prisoner lists and issue briefs on women’s rights concerns.

TITLE II—COMMISSION ON INTERNATIONAL WOMEN’S RIGHTS

- Sec. 201. Establishment and composition.
- Sec. 202. Duties of the Commission.
- Sec. 203. Powers of the Commission.
- Sec. 204. Commission personnel matters.
- Sec. 205. Reports of the Commission.
- Sec. 206. Applicability of other laws.
- Sec. 207. Standards of conduct and disclosure.
- Sec. 208. Authorization of appropriations.
- Sec. 209. Termination.

TITLE III—NATIONAL SECURITY COUNCIL

- Sec. 301. Special Adviser on International Women’s Rights.

TITLE IV—PRESIDENTIAL ACTIONS

Subtitle A—Targeted Responses to Violations of Women’s Rights Abroad

- Sec. 401. Presidential actions in response to violations of women’s rights.
- Sec. 402. Presidential actions in response to particularly severe violations of women’s rights.
- Sec. 403. Consultations.
- Sec. 404. Report to Congress.
- Sec. 405. Description of Presidential actions.
- Sec. 406. Effects on existing contracts.
- Sec. 407. Presidential waiver.
- Sec. 408. Publication in Federal Register.
- Sec. 409. Termination of Presidential actions.
- Sec. 410. Preclusion of judicial review.

Subtitle B—Strengthening Existing Law

- Sec. 421. United States assistance.
- Sec. 422. Multilateral assistance.
- Sec. 423. Exports of certain items used in particularly severe violations of women’s rights.

TITLE V—PROMOTION OF WOMEN’S RIGHTS

- Sec. 501. Assistance for promoting women’s rights.
- Sec. 502. International broadcasting.
- Sec. 503. International exchanges.
- Sec. 504. Foreign service awards.

TITLE VI—REFUGEE, ASYLUM, AND CONSULAR MATTERS

- Sec. 601. Use of annual report.
- Sec. 602. Refugee training.
- Sec. 603. Reform of asylum policy.
- Sec. 604. Inadmissibility of foreign government officials who have engaged in particularly severe violations of women’s rights.
- Sec. 605. Study on the effect of expedited removal provisions on asylum claims.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Business codes of conduct.

1 **SEC. 2. FINDINGS; POLICY.**

2 (a) FINDINGS.—Congress makes the following find-
 3 ings:

4 (1) Support for human rights is the cornerstone
 5 of American foreign policy, and the advance of wom-
 6 en’s rights and the advance of liberty are ultimately
 7 inseparable.

8 (2) A number of international human rights in-
 9 struments, as well as several international declara-
 10 tions, have recognized the equal rights of men and
 11 women and articulated specific aspects of women’s
 12 human rights, including the Universal Declaration of
 13 Human Rights, the Charter of the United Nations,
 14 the International Covenant on Civil and Political
 15 Rights, the International Covenant on Economic,
 16 Social and Cultural Rights, the Convention on the
 17 Elimination of all Forms of Discrimination against

1 Women, the Inter-American Convention on the Pre-
2 vention, Punishment and Eradication of Violence
3 Against Women, the Declaration on the Elimination
4 of Violence against Women, and the Beijing Dec-
5 laration and Platform for Action.

6 (3) Article 1 of the Universal Declaration of
7 Human Rights recognizes that “[a]ll human beings
8 are born free and equal in dignity and rights”, and
9 article 7 recognizes that “[a]ll are equal before the
10 law and are entitled without any discrimination to
11 equal protection of the law”. Article 3 of the Inter-
12 national Covenant on Civil and Political Rights rec-
13 ognizes that the State Parties to the Covenant “un-
14 dertake to ensure the equal right of men and women
15 to the enjoyment of all civil and political rights set
16 forth in the Covenant”. Article 26 of the Covenant
17 provides that “[a]ll persons are equal before the law
18 and are entitled without any discrimination to the
19 equal protection of the law. In this respect, the laws
20 of each State Party shall prohibit any discrimination
21 and guarantee to all persons equal and effective pro-
22 tection against discrimination on any ground such as
23 race, color, sex, language, religion, political or other
24 opinion, national or social origin, property, birth or
25 other status”. The Preamble of the Charter of the

1 United Nations affirms the equal rights of men and
2 women. Governments have the responsibility to pro-
3 tect the fundamental rights of their citizens and to
4 pursue justice for all. Women's rights are funda-
5 mental rights, regardless of race, country, creed, or
6 nationality, and should never be arbitrarily abridged
7 by any government.

8 (4) Barbaric treatment of women persists in
9 many parts of the world. Women suffer both govern-
10 ment-sponsored and government-tolerated violations
11 of their human rights. In countries where women are
12 subject to particularly severe restrictions, women
13 cannot work outside the home, cannot attend schools
14 or universities, cannot drive, cannot leave the home
15 without a male companion, may only use segregated
16 transportation, cannot obtain a passport or travel
17 without the permission of a male relative, must wear
18 particular clothing, must black out house windows in
19 public view, cannot obtain quality health education,
20 and have limited access to health care because a
21 male relative must be present or because male doc-
22 tors are not allowed to touch female patients. The
23 "In-depth study on all forms of violence against
24 women" conducted by the Secretary General of the
25 United Nations found that in many countries, wom-

1 en's economic opportunities are severely limited be-
2 cause of discrimination in employment, property
3 rights, and access to resources. These inequalities
4 work to limit women's independence and make them
5 more vulnerable to further discrimination, including
6 violence.

7 (5) Violence against women is a form of dis-
8 crimination which is pervasive throughout all parts
9 of the world. In many countries, governments con-
10 done or perpetrate violence against women. Women
11 are subject to various manifestations of brutal vio-
12 lence, including female genital mutilation, honor
13 killings, domestic violence, gender-based murders,
14 rape, trafficking, forced early marriage, and the mal-
15 treatment of widows. Perpetration of violence by the
16 country can include custodial violence, forced steri-
17 lization, sexual violence during armed conflict, and
18 policies on forced pregnancy and forced abortion. Vi-
19 olence against women has consequences for their
20 health and well-being, their economic security, and
21 the economic development of their communities and
22 countries.

23 (6) Though not confined to a particular region
24 or regime, violations of women's rights are often
25 particularly widespread, systematic, and heinous

1 under totalitarian governments and in countries with
2 militant, politicized religious majorities or with
3 strong tribal traditions.

4 (7) Congress has recognized and denounced
5 international violations of women's rights through
6 the adoption of the following resolutions:

7 (A) Senate Resolution 68 of the 106th
8 Congress, expressing the sense of the Senate re-
9 garding the treatment of women and girls by
10 the Taliban in Afghanistan.

11 (B) Senate Concurrent Resolution 42 of
12 the 107th Congress, condemning the Taliban
13 for their discriminatory policies towards women.

14 (C) Senate Concurrent Resolution 86 of
15 the 107th Congress, expressing the sense of
16 Congress that women from all ethnic groups in
17 Afghanistan should participate in the economic
18 and political reconstruction of Afghanistan.

19 (D) House Resolution 393 of the 108th
20 Congress, commending Afghan women for their
21 participation in Afghan government and civil
22 society, encouraging the inclusion of Afghan
23 women in the political and economic life of Af-
24 ghanistan, and advocating the protection of the

1 human rights of all Afghans, particularly
2 women, in the Afghanistan Constitution.

3 (E) Senate Resolution 74 of the 109th
4 Congress, designating March 8, 2005, as Inter-
5 national Women's Day.

6 (b) POLICY.—It shall be the policy of the United
7 States to do the following:

8 (1) To condemn violations of women's rights,
9 and to promote, and to assist other governments in
10 promoting, the fundamental human rights of women.

11 (2) To seek to channel United States security
12 and development assistance to governments other
13 than those found to be engaged in gross violations
14 of the rights of women, as set forth in the Foreign
15 Assistance Act of 1961, in the International Finan-
16 cial Institutions Act, and in other formulations of
17 United States human rights policy.

18 (3) To be vigorous and flexible, reflecting both
19 the unwavering commitment of the United States to
20 women's rights and the desire of the United States
21 for the most effective and principled response, in
22 light of the range of violations of women's rights by
23 a variety of persecuting regimes, and the status of
24 the relations of the United States with different na-
25 tions.

1 (4) To work with foreign governments that af-
2 firm and protect women’s rights, in order to develop
3 multilateral documents and initiatives to combat vio-
4 lations of women’s rights and promote the right of
5 women to enjoy their human rights abroad.

6 (5) Standing for liberty and standing with the
7 disadvantaged, to use and implement appropriate
8 tools in the United States foreign policy apparatus,
9 including diplomatic, political, commercial, chari-
10 table, educational, and cultural channels, to promote
11 respect for women’s rights by all governments and
12 peoples.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **AMBASSADOR AT LARGE.**—The term “Am-
16 bassador at Large” means the Ambassador at Large
17 for International Women’s Rights appointed under
18 section 101(b).

19 (2) **ANNUAL REPORT.**—The term “Annual Re-
20 port” means the Annual Report on International
21 Women’s Rights described in section 102(b).

22 (3) **APPROPRIATE CONGRESSIONAL COMMIT-**
23 **TEES.**—The term “appropriate congressional com-
24 mittees”—

1 (A) means the Committee on Foreign Re-
2 lations of the Senate and the Committee on
3 Foreign Affairs of the House of Representa-
4 tives; and

5 (B) includes, in the case of any determina-
6 tion made with respect to the taking of Presi-
7 dent action under paragraphs (9) through (15)
8 of section 405(a), the committees described in
9 subparagraph (A) and, where appropriate, the
10 Committee on Financial Services of the House
11 of Representatives and the Committee on Bank-
12 ing, Housing, and Urban Affairs of the Senate.

13 (4) COMMENSURATE ACTION.—The term “com-
14 mensurate action” means action taken by the Presi-
15 dent under section 405(b).

16 (5) COMMISSION.—The term “Commission”
17 means the United States Commission on Inter-
18 national Women’s Rights established in section
19 201(a).

20 (6) COUNTRY REPORTS ON HUMAN RIGHTS
21 PRACTICES.—The term “Country Reports on
22 Human Rights Practices” means the annual report
23 required to be submitted by the Secretary of State
24 to Congress under sections 116(d) and 502B(b) of
25 the Foreign Assistance Act of 1961.

1 (7) EXECUTIVE SUMMARY.—The term “Execu-
2 tive Summary” means the Executive Summary to
3 the Annual Report, as described in section
4 102(b)(1)(F).

5 (8) GOVERNMENT OR FOREIGN GOVERN-
6 MENT.—The term “government” or “foreign govern-
7 ment” includes any agency or instrumentality of the
8 government.

9 (9) HUMAN RIGHTS REPORTS.—The term
10 “Human Rights Reports” means all reports sub-
11 mitted by the Secretary of State to Congress under
12 sections 116 and 502B of the Foreign Assistance
13 Act of 1961.

14 (10) OFFICE.—The term “Office” means the
15 Office on International Women’s Rights established
16 in section 101(a).

17 (11) PARTICULARLY SEVERE VIOLATIONS OF
18 WOMEN’S RIGHTS.—The term “particularly severe
19 violations of women’s rights” means systematic, on-
20 going, egregious violations of women’s rights, includ-
21 ing violations such as—

22 (A) denying women freedoms that are
23 guaranteed for men;

24 (B) torture or cruel, inhuman, or degrad-
25 ing treatment or punishment;

1 (C) government-sponsored or tolerated vio-
2 lence such as gender-based murder, rape, tradi-
3 tional practices such as honor killings and fe-
4 male genital mutilation, abduction, trafficking,
5 forced sterilization or forced abortion, and cus-
6 todial violence;

7 (D) limiting or denying access to health
8 care and health education; or

9 (E) other flagrant denials to women or
10 girls of the right to life, liberty, or the security
11 of persons.

12 (12) SPECIAL ADVISER.—The term “Special
13 Adviser” means the Special Adviser to the President
14 on International Women’s Rights described in sec-
15 tion 101(m) of the National Security Act of 1947,
16 as added by section 301 of this Act.

17 (13) VIOLATIONS OF WOMEN’S RIGHTS.—The
18 term “violations of women’s rights” means violations
19 of the internationally recognized human rights of
20 women, as set forth in the international instruments
21 referred to in section 2(a)(2) and as described in
22 section 2(a)(3), including violations such as—

23 (A) arbitrary prohibitions on, restrictions
24 on, or punishment for—

1 (i) women engaging in activities in
2 which men are permitted to engage;

3 (ii) travel, employment, or education
4 for girls or women;

5 (iii) clothing for girls or women;

6 (iv) political participation and voting
7 for women; and

8 (v) possession and distribution of lit-
9 erature pertaining to women's human
10 rights;

11 (B) discriminatory laws or customary prac-
12 tices that deprive women of equal rights, such
13 as those pertaining to marriage and family rela-
14 tions, nationality and citizenship, legal capacity,
15 and access to economic resources; or

16 (C) any of the following acts if committed
17 because an individual is a girl or woman: deten-
18 tion, forced labor or prostitution, imprisonment,
19 forced mass resettlement, beating, torture, mu-
20 tilation, sexual assault and rape, enslavement,
21 murder, and execution.

**TITLE I—DEPARTMENT OF
STATE ACTIVITIES**

**SEC. 101. OFFICE ON INTERNATIONAL WOMEN'S RIGHTS;
AMBASSADOR AT LARGE FOR INTER-
NATIONAL WOMEN'S RIGHTS.**

(a) ESTABLISHMENT OF OFFICE.—There is established within the Department of State an Office on International Women's Rights that shall be headed by the Ambassador at Large for International Women's Rights appointed under subsection (b).

(b) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate.

(c) DUTIES.—The Ambassador at Large shall have the following responsibilities:

(1) IN GENERAL.—The primary responsibility of the Ambassador at Large shall be to advance women's rights abroad, to denounce the violation of those rights, and to recommend appropriate responses by the United States Government when those rights are violated.

(2) ADVISORY ROLE.—The Ambassador at Large shall be a principal adviser to the President and the Secretary of State regarding matters affecting women's rights abroad and, with advice from the

1 Commission, shall make recommendations regard-
2 ing—

3 (A) the policies of the United States Gov-
4 ernment toward governments that violate wom-
5 en's rights or that fail to ensure the rights of
6 individual women; and

7 (B) policies to advance women's rights
8 abroad.

9 (3) DIPLOMATIC REPRESENTATION.—Subject to
10 the direction of the President and the Secretary of
11 State, the Ambassador at Large is authorized to
12 represent the United States in matters and cases
13 relevant to women's rights abroad in—

14 (A) contacts with foreign governments,
15 intergovernmental organizations, specialized
16 agencies of the United Nations, the Organiza-
17 tion on Security and Cooperation in Europe,
18 and other international organizations of which
19 the United States is a member; and

20 (B) multilateral conferences and meetings
21 relevant to women's rights abroad.

22 (4) REPORTING RESPONSIBILITIES.—The Am-
23 bassador at Large shall have the reporting respon-
24 sibilities described in section 102.

1 (5) SENIOR COORDINATOR FOR INTERNATIONAL
2 WOMEN’S ISSUES.—The Ambassador at Large shall,
3 in addition to his or her other duties, assume the
4 duties of the Senior Coordinator for International
5 Women’s Issues of the Department of State.

6 (d) FUNDING.—The Secretary of State shall provide
7 the Ambassador at Large with such funds as may be nec-
8 essary for the hiring of staff for the Office, for the conduct
9 of investigations by the Office, and for necessary travel
10 to carry out the provisions of this section.

11 **SEC. 102. REPORTS.**

12 (a) PORTIONS OF ANNUAL HUMAN RIGHTS RE-
13 PORTS.—The Ambassador at Large shall assist the Sec-
14 retary of State in preparing those portions of the Human
15 Rights Reports that relate to women’s rights and freedom
16 from discrimination based on gender and those portions
17 of other information provided to the Congress under sec-
18 tions 116 and 502B of the Foreign Assistance Act of 1961
19 (22 U.S.C. 2304(a)(1)) that relate to the right to freedom
20 from discrimination based on sex.

21 (b) ANNUAL REPORT ON INTERNATIONAL WOMEN’S
22 RIGHTS.—

23 (1) DEADLINE FOR SUBMISSION.—On Sep-
24 tember 1 of each year or the first day thereafter on
25 which the appropriate House of Congress is in ses-

1 sion, the Secretary of State, with the assistance of
2 the Ambassador at Large, and taking into consider-
3 ation the recommendations of the Commission, shall
4 prepare and transmit to the Congress an Annual Re-
5 port on International Women's Rights
6 supplementing the most recent Human Rights Re-
7 ports by providing additional detailed information
8 with respect to matters involving international wom-
9 en's rights. Each Annual Report shall contain the
10 following:

11 (A) STATUS OF WOMEN'S RIGHTS.—A de-
12 scription of the status of women's rights in
13 each foreign country, including—

14 (i) trends toward improvement in the
15 respect and protection of women's rights
16 and trends toward deterioration of such
17 rights;

18 (ii) violations of women's rights en-
19 gaged in or tolerated by the government of
20 that country; and

21 (iii) particularly severe violations of
22 women's rights engaged in or tolerated by
23 the government of that country.

24 (B) VIOLATIONS OF WOMEN'S RIGHTS.—

25 An assessment and description of the nature

1 and extent of violations of women's rights in
2 each foreign country, including gender-based
3 discrimination by governmental and nongovern-
4 mental entities, discrimination targeted at indi-
5 viduals or particular groups of women, and the
6 existence of government policies violating wom-
7 en's rights.

8 (C) UNITED STATES POLICIES.—A descrip-
9 tion of United States actions and policies in
10 support of women's rights in each foreign coun-
11 try engaging in or tolerating violations of wom-
12 en's rights, including a description of the meas-
13 ures and policies implemented during the pre-
14 ceding 12 months by the United States under
15 this title and titles IV and V in opposition to
16 violations of women's rights and in support of
17 international women's rights.

18 (D) INTERNATIONAL AGREEMENTS IN EF-
19 FECT.—A description of any binding agreement
20 with a foreign government entered into by the
21 United States under section 401(b) or 402(c).

22 (E) TRAINING AND GUIDELINES OF GOV-
23 ERNMENT PERSONNEL.—A description of—

24 (i) the training described in the last
25 sentence of section 708(a) of the Foreign

1 Service Act of 1980 (as amended by sec-
2 tion 104 of this Act), and sections 208(f)
3 and 240(f) of the Immigration and Nation-
4 ality Act (as amended by section 603 of
5 this Act), on violations of women's rights
6 that is provided to immigration judges and
7 consular, refugee, immigration, and asylum
8 officers; and

9 (ii) the development and implementa-
10 tion of the guidelines described in sub-
11 sections (f)(3) and (g) of section 207 of
12 the Immigration and Nationality Act (as
13 amended by section 602 of this Act).

14 (F) EXECUTIVE SUMMARY.—An executive
15 summary to the annual report highlighting the
16 status of women's rights in certain foreign
17 countries and including the following:

18 (i) COUNTRIES IN WHICH THE
19 UNITED STATES IS ACTIVELY PROMOTING
20 WOMEN'S RIGHTS.—An identification of
21 foreign countries in which the United
22 States is actively promoting women's
23 rights. This section of the report shall in-
24 clude a description of actions taken by the
25 United States to promote the internation-

1 ally recognized human rights of women
2 and oppose violations of such rights under
3 title IV and title V of this Act during the
4 period covered by the Annual Report. Any
5 country designated as a country of par-
6 ticular concern for women's rights under
7 section 402(b)(1) shall be included in this
8 section of the report.

9 (ii) COUNTRIES OF SIGNIFICANT IM-
10 PROVEMENT IN WOMEN'S RIGHTS.—An
11 identification of foreign countries the gov-
12 ernments of which have demonstrated sig-
13 nificant improvement in the protection and
14 promotion of the internationally recognized
15 human rights of women during the period
16 covered by the Annual Report. This section
17 of the report shall include a description of
18 the nature of the improvement and an
19 analysis of the factors contributing to such
20 improvement, including actions taken by
21 the United States under this Act.

22 (2) CLASSIFIED ADDENDUM.—If the Secretary
23 of State determines that it is in the national security
24 interests of the United States or is necessary for the
25 safety of individuals to be identified in the Annual

1 Report or is necessary to further the purposes of
2 this Act, any information required by paragraph (1),
3 including measures or actions taken by the United
4 States, may be summarized in the Annual Report or
5 the Executive Summary and submitted in more de-
6 tail in a classified addendum to the Annual Report
7 or the Executive Summary.

8 (c) PREPARATION OF REPORTS REGARDING VIOLA-
9 TIONS OF WOMEN'S RIGHTS.—

10 (1) STANDARDS AND INVESTIGATIONS.—The
11 Secretary of State shall ensure that United States
12 missions abroad maintain a consistent reporting
13 standard and thoroughly investigate reports of viola-
14 tions of the internationally recognized human rights
15 of women.

16 (2) CONTACTS WITH NONGOVERNMENTAL OR-
17 GANIZATIONS.—In compiling data and assessing the
18 respect of women's rights for the Human Rights Re-
19 ports, the Annual Report, and the Executive Sum-
20 mary, United States mission personnel shall, as ap-
21 propriate, seek out and maintain contacts with wom-
22 en's and human rights nongovernmental organiza-
23 tions, with the consent of those organizations, in-
24 cluding receiving reports and updates from such or-

1 ganizations and, when appropriate, investigating
2 such reports.

3 (d) AMENDMENTS TO THE FOREIGN ASSISTANCE
4 ACT OF 1961.—

5 (1) CONTENT OF HUMAN RIGHTS REPORTS FOR
6 COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—

7 Section 116(d) of the Foreign Assistance Act of
8 1961 (22 U.S.C. 2151n(d)) is amended—

9 (A) by striking “and” at the end of para-
10 graph (10);

11 (B) by striking the period at the end of
12 paragraph (11) and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(12) wherever applicable, violations of women’s
15 rights, including particularly severe violations of
16 women’s rights (as defined in section 3 of the Inter-
17 national Women’s Freedom Act of 2009).”.

18 (2) CONTENTS OF HUMAN RIGHTS REPORTS
19 FOR COUNTRIES RECEIVING SECURITY ASSIST-
20 ANCE.—Section 502B(b) of the Foreign Assistance
21 Act of 1961 (22 U.S.C. 2304(b)) is amended—

22 (A) in the first sentence, by inserting “and
23 the Ambassador at Large for International
24 Women’s Rights” after “Religious Freedom”;
25 and

1 (B) in the fourth sentence by inserting
2 after “1998)” the following: “, and information
3 on violations of women’s rights, including par-
4 ticularly severe violations of women’s rights (as
5 defined in section 3 of the International Wom-
6 en’s Freedom Act of 2009)”.
7

8 **SEC. 103. ESTABLISHMENT OF A WOMEN’S RIGHTS INTER-**
9 **NET SITE.**

10 In order to facilitate access by nongovernmental orga-
11 nizations and by the public around the world to inter-
12 national documents on the protection of women’s rights,
13 the Secretary of State, with the assistance of the Amba-
14 sador at Large, shall establish and maintain an Internet
15 site containing major international documents relating to
16 women’s rights, the Annual Report, the Executive Sum-
17 mary, and any other documentation or references to other
18 sites as deemed appropriate or relevant by the Amba-
19 sador at Large.

20 **SEC. 104. TRAINING FOR FOREIGN SERVICE OFFICERS.**

21 Section 708(a) of the Foreign Service Act of 1980
22 (22 U.S.C. 4028(a)) is amended by adding at the end the
23 following flush sentence:
24 “After January 1, 2008, such training shall include in-
struction on the internationally recognized rights of

1 women and the various aspects and manifestations of vio-
2 lations of women's rights.''.

3 **SEC. 105. HIGH-LEVEL CONTACTS WITH NONGOVERN-**
4 **MENTAL ORGANIZATIONS.**

5 United States chiefs of mission shall seek out and
6 contact any women's nongovernmental organizations to
7 provide high-level meetings with such nongovernmental or-
8 ganizations where appropriate and beneficial. United
9 States chiefs of mission and Foreign Service officers
10 abroad shall seek to meet with imprisoned women's rights
11 advocates where appropriate and beneficial.

12 **SEC. 106. PROGRAMS AND ALLOCATIONS OF FUNDS BY**
13 **UNITED STATES MISSIONS ABROAD.**

14 It is the sense of the Congress that—

15 (1) United States diplomatic missions in coun-
16 tries the governments of which engage in or tolerate
17 violations of the internationally recognized human
18 rights of women should develop, as part of annual
19 program planning, a strategy to promote respect for
20 the internationally recognized human rights of
21 women; and

22 (2) in allocating or recommending the allocation
23 of funds or recommending candidates for programs
24 and grants funded by the United States Govern-
25 ment, United States diplomatic missions should give

1 particular consideration to those programs and can-
2 didates deemed to assist in the promotion of wom-
3 en's rights.

4 **SEC. 107. PRISONER LISTS AND ISSUE BRIEFS ON WOMEN'S**
5 **RIGHTS CONCERNS.**

6 (a) SENSE OF THE CONGRESS.—To encourage in-
7 volvement with women's rights concerns at every possible
8 opportunity and by all appropriate representatives of the
9 United States Government, it is the sense of the Congress
10 that officials of the executive branch of the United States
11 Government should promote increased advocacy on such
12 issues during meetings between foreign dignitaries and ex-
13 ecutive branch officials or Members of Congress.

14 (b) PRISONER LISTS AND ISSUE BRIEFS ON
15 WOMEN'S RIGHTS CONCERNS.—The Secretary of State,
16 in consultation with the Ambassador at Large, the Under
17 Secretary of State for Democracy and Global Affairs, the
18 Assistant Secretaries of State for Democracy, Human
19 Rights, and Labor, United States chiefs of mission
20 abroad, regional experts, and nongovernmental human
21 rights groups, shall prepare and maintain issue briefs on
22 women's rights, on a country-by-country basis, consisting
23 of lists of persons believed to be imprisoned, detained, or
24 placed under house arrest because of their gender, to-
25 gether with brief evaluations and critiques of the policies

1 of the respective country restricting women's rights. In
2 considering the inclusion of names of prisoners on such
3 lists, the Secretary of State shall exercise appropriate dis-
4 cretion, including concerns regarding the safety, security,
5 and benefit to such prisoners.

6 (c) AVAILABILITY OF INFORMATION.—The Secretary
7 shall, as appropriate, provide women's rights issue briefs
8 under subsection (b) to executive branch officials and
9 Members of Congress in anticipation of bilateral contacts
10 with foreign leaders, both in the United States and
11 abroad.

12 **TITLE II—COMMISSION ON**
13 **INTERNATIONAL WOMEN'S**
14 **RIGHTS**

15 **SEC. 201. ESTABLISHMENT AND COMPOSITION.**

16 (a) IN GENERAL.—There is established the United
17 States Commission on International Women's Rights.

18 (b) MEMBERSHIP.—

19 (1) APPOINTMENT.—The Commission shall be
20 composed of—

21 (A) the Ambassador at Large, who shall
22 serve ex officio as a nonvoting member of the
23 Commission; and

24 (B) nine other members, who shall be
25 United States citizens who are not being paid

1 as officers or employees of the United States,
2 and who shall be appointed as follows:

3 (i) Three members of the Commission
4 shall be appointed by the President.

5 (ii) Three members of the Commission
6 shall be appointed by the President pro
7 tempore of the Senate, of which two of the
8 members shall be appointed upon the rec-
9 ommendation of the leader in the Senate of
10 the political party that is not the political
11 party of the President, and of which one of
12 the members shall be appointed upon the
13 recommendation of the leader in the Sen-
14 ate of the other political party.

15 (iii) Three members of the Commis-
16 sion shall be appointed by the Speaker of
17 the House of Representatives, of which two
18 of the members shall be appointed upon
19 the recommendation of the leader in the
20 House of the political party that is not the
21 political party of the President, and of
22 which one of the members shall be ap-
23 pointed upon the recommendation of the
24 leader in the House of the other political
25 party.

1 (2) SELECTION.—

2 (A) IN GENERAL.—Members of the Com-
3 mission shall be selected from among distin-
4 guished individuals noted for their knowledge
5 and experience in fields relevant to the issue of
6 international women’s rights, including foreign
7 affairs, direct experience abroad, human rights,
8 and international law.

9 (B) SECURITY CLEARANCES.—Each mem-
10 ber of the Commission shall be required to ob-
11 tain a security clearance.

12 (3) TIME OF APPOINTMENT.—The appoint-
13 ments required by paragraph (1) shall be made not
14 later than 120 days after the date of the enactment
15 of this Act.

16 (c) TERMS.—The term of office of each member of
17 the Commission shall be 2 years, beginning on the date
18 of the initial appointment of all of the members of the
19 Commission. Members of the Commission shall be eligible
20 for reappointment.

21 (d) ELECTION OF CHAIRPERSON.—At the first meet-
22 ing of the Commission in each calendar year, a majority
23 of the members of the Commission present and voting
24 shall elect the Chairperson of the Commission.

1 (e) QUORUM.—Six voting members of the Commis-
2 sion shall constitute a quorum for purposes of transacting
3 business.

4 (f) MEETINGS.—Each year, within 15 days, or as
5 soon as practicable, after the issuance of the Country Re-
6 ports on Human Rights Practices, the Commission shall
7 convene. The Commission shall otherwise meet at the call
8 of the Chairperson or, if no Chairperson has been elected
9 for that calendar year, at the call of six voting members
10 of the Commission.

11 (g) VACANCIES.—Any vacancy of the Commission
12 shall not affect its powers, but shall be filled in the manner
13 in which the original appointment was made.

14 (h) ADMINISTRATIVE SUPPORT.—The Administrator
15 of General Services shall provide to the Commission on
16 a reimbursable basis (or, in the discretion of the Adminis-
17 trator, on a nonreimbursable basis) such administrative
18 support services as the Commission may request to carry
19 out the provisions of this title.

20 (i) FUNDING.—Members of the Commission shall be
21 allowed travel expenses, including per diem in lieu of sub-
22 sistence, at rates authorized for employees of agencies
23 under subchapter I of chapter 57 of title 5, United States
24 Code, while away from their homes or regular places of

1 business in the performance of services for the Commis-
2 sion.

3 **SEC. 202. DUTIES OF THE COMMISSION.**

4 (a) IN GENERAL.—The Commission shall have as its
5 primary responsibility—

6 (1) the annual and ongoing review of the facts
7 and circumstances of violations of women’s rights
8 presented in the Country Reports on Human Rights
9 Practices, the Annual Report, and the Executive
10 Summary, as well as information from other sources
11 as appropriate; and

12 (2) the making of policy recommendations to
13 the President, the Secretary of State, and the Con-
14 gress with respect to matters involving international
15 women’s rights.

16 (b) POLICY REVIEW AND RECOMMENDATIONS IN RE-
17 SPONSE TO VIOLATIONS.—The Commission, in evaluating
18 United States Government policies in response to viola-
19 tions of women’s rights, shall consider and recommend op-
20 tions for policies of the United States Government with
21 respect to each foreign country the government of which
22 has engaged in or tolerated violations of women’s rights,
23 including particularly severe violations of women’s rights.
24 Such options include diplomatic inquiry, diplomatic pro-
25 test, official public demarche, condemnation within multi-

1 lateral fora, delay or cancellation of cultural or scientific
2 exchanges, delay or cancellation of working, official, or
3 state visits, reduction of certain assistance funds, termi-
4 nation of certain assistance funds, imposition of targeted
5 trade sanctions, imposition of broad trade sanctions, and
6 withdrawal of the chief of mission.

7 (c) POLICY REVIEW AND RECOMMENDATIONS IN RE-
8 SPONSE TO PROGRESS.—The Commission, in evaluating
9 the United States Government policies with respect to
10 countries found to be taking deliberate steps and making
11 significant improvement with respect to women’s rights,
12 shall consider and recommend policy options, including
13 private commendation, diplomatic commendation, official
14 public commendation, commendation within multilateral
15 fora, an increase in cultural or scientific exchanges, or
16 both, termination or reduction of existing Presidential ac-
17 tions, an increase in certain assistance funds, and invita-
18 tions for working, official, or state visits.

19 (d) EFFECTS ON WOMEN.—Together with specific
20 policy recommendations provided under subsections (b)
21 and (c), the Commission shall also indicate its evaluation
22 of the potential effects of those policies, if implemented,
23 on women in the country in question.

24 (e) MONITORING.—The Commission shall, on an on-
25 going basis, monitor facts and circumstances of violations

1 of women's rights, in consultation with independent
2 human rights groups and nongovernmental organizations,
3 including churches and other religious communities, and
4 make such recommendations as may be necessary to the
5 appropriate officials and offices of the United States Gov-
6 ernment.

7 **SEC. 203. POWERS OF THE COMMISSION.**

8 (a) HEARINGS AND SESSIONS.—The Commission
9 may, for the purpose of carrying out its duties under this
10 title, hold hearings, sit and act at times and places in the
11 United States, take testimony, and receive evidence as the
12 Commission considers advisable to carry out the purposes
13 of this title.

14 (b) INFORMATION FROM FEDERAL AGENCIES.—The
15 Commission may secure directly from any Federal depart-
16 ment or agency such information as the Commission con-
17 sider necessary to carry out the provisions of this section.
18 Upon request of the Chairperson of the Commission, the
19 head of such department or agency shall furnish such in-
20 formation to the Commission, subject to applicable law.

21 (c) POSTAL SERVICES.—The Commission may use
22 the United States mails in the same manner and under
23 the same conditions as other departments and agencies of
24 the Federal Government.

1 (d) ADMINISTRATIVE PROCEDURES.—The Commis-
2 sion may adopt such regulations relating to administrative
3 procedure as may be reasonably necessary to enable it to
4 carry out this title.

5 (e) VIEWS OF THE COMMISSION.—The Members of
6 the Commission may speak in their capacity as private
7 citizens. Statements on behalf of the Commission shall be
8 issued in writing over the names of the Members. The
9 Commission shall in its written statements clearly describe
10 its statutory authority, distinguishing that authority from
11 that of appointed or elected officials of the United States
12 Government. Oral statements, if practicable, shall include
13 a similar description.

14 (f) TRAVEL.—The Members of the Commission may,
15 with the approval of the Commission, conduct such travel
16 as is necessary to carry out the purposes of this title. Each
17 trip must be approved by a majority of the Commission.
18 This subsection shall not apply to the Ambassador at
19 Large, whose travel shall not require approval by the Com-
20 mission.

21 **SEC. 204. COMMISSION PERSONNEL MATTERS.**

22 (a) IN GENERAL.—The Commission may, without re-
23 gard to the civil service laws and regulations, appoint and
24 terminate an Executive Director and such other additional
25 personnel as may be necessary to enable the Commission

1 to perform its duties. The decision to employ or terminate
2 an Executive Director shall be made by an affirmative vote
3 of at least 6 of the 9 members of the Commission.

4 (b) COMPENSATION.—The Commission may fix the
5 compensation of the Executive Director and other per-
6 sonnel without regard to the provisions of chapter 51 and
7 subchapter III of chapter 53 of title 5, United States
8 Code, relating to classification of positions and General
9 Schedule pay rates, except that the rate of pay for the
10 Executive Director and other personnel may not exceed
11 the rate payable for level V of the Executive Schedule
12 under section 5316 of such title.

13 (c) PROFESSIONAL STAFF.—The Commission and
14 the Executive Director shall hire Commission staff on the
15 basis of professional and nonpartisan qualifications. Com-
16 missioners may not individually hire staff of the Commis-
17 sion. Staff shall serve the Commission as a whole and may
18 not be assigned to the particular service of a single Com-
19 missioner or a specified group of Commissioners. This
20 subsection does not prohibit staff personnel from assisting
21 individual members of the Commission with particular
22 needs related to their duties.

23 (d) STAFF AND SERVICES OF OTHER FEDERAL
24 AGENCIES.—

1 (1) DEPARTMENT OF STATE.—The Secretary of
2 State shall assist the Commission by providing on a
3 reimbursable or nonreimbursable basis to the Com-
4 mission such staff and administrative services as
5 may be necessary and appropriate to perform its
6 functions.

7 (2) OTHER FEDERAL AGENCIES.—Upon the re-
8 quest of the Commission, the head of any Federal
9 department or agency may detail, on a reimbursable
10 or nonreimbursable basis, any of the personnel of
11 that department or agency to the Commission to as-
12 sist it in carrying out its functions under this title.
13 The detail of any such personnel shall be without
14 interruption or loss of civil service or Foreign Serv-
15 ice status or privilege.

16 (e) SECURITY CLEARANCES.—The Executive Direc-
17 tor shall be required to obtain a security clearance. The
18 Executive Director may request, on a needs-only basis and
19 in order to perform the duties of the Commission, that
20 other personnel of the Commission be required to obtain
21 a security clearance. The level of clearance shall be the
22 lowest necessary to appropriately perform the duties of the
23 Commission.

24 (f) COST.—The Commission shall reimburse all ap-
25 propriate Government agencies for the cost of obtaining

1 clearances for members of the Commission, for the Execu-
2 tive Director, and for any other personnel.

3 **SEC. 205. REPORTS OF THE COMMISSION.**

4 (a) IN GENERAL.—Not later than May 1 of each
5 year, the Commission shall submit a report to the Presi-
6 dent, the Secretary of State, and the Congress setting
7 forth its recommendations for United States policy options
8 based on its evaluations under section 202.

9 (b) CLASSIFIED FORM OF REPORT.—The report may
10 be submitted in classified form, together with a public
11 summary of recommendations, if the classification of in-
12 formation in the report would further the purposes of this
13 Act.

14 (c) INDIVIDUAL OR DISSENTING VIEWS.—Each
15 member of the Commission may include the individual or
16 dissenting views of the member.

17 (d) FINANCIAL REPORT.—The Commission shall, not
18 later than January 1 of each year, submit to the Com-
19 mittee on International Relations and the Committee on
20 Appropriations of the House of Representatives, and to
21 the Committee on Foreign Relations and the Committee
22 on Appropriations of the Senate, a report detailing and
23 identifying the expenditures of the Commission in the pre-
24 ceding fiscal year.

1 **SEC. 206. APPLICABILITY OF OTHER LAWS.**

2 The Federal Advisory Committee Act (5 U.S.C. App.)
3 shall not apply to the Commission.

4 **SEC. 207. STANDARDS OF CONDUCT AND DISCLOSURE.**

5 (a) COOPERATION WITH NONGOVERNMENTAL ORGA-
6 NIZATIONS, THE DEPARTMENT OF STATE, AND CON-
7 GRESS.—The Commission shall, in performing the Com-
8 mission's duties under this title, seek to effectively and
9 freely cooperate with all governmental and nongovern-
10 mental entities engaged in the promotion of women's
11 rights abroad.

12 (b) CONFLICT OF INTEREST AND ANTINEPOTISM.—

13 (1) MEMBER AFFILIATIONS.—Except as pro-
14 vided in paragraph (3), in order to ensure the inde-
15 pendence and integrity of the Commission, the Com-
16 mission may not compensate any nongovernmental
17 agency, project, or person related to or affiliated
18 with any member of the Commission, whether in
19 that member's direct employ or not. Staff employed
20 by the Commission may not serve in the employ of
21 any nongovernmental agency, project, or person re-
22 lated to or affiliated with any member of the Com-
23 mission while employed by the Commission.

24 (2) STAFF COMPENSATION.—Staff of the Com-
25 mission may not receive compensation from any
26 other source for work performed in carrying out the

1 duties of the Commission while employed by the
2 Commission.

3 (3) EXCEPTION.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), paragraph (1) shall not apply to
6 payments made for items such as conference
7 fees or the purchase of periodicals or other
8 similar expenses, if such payments would not
9 cause the aggregate value paid to any agency,
10 project, or person for a fiscal year to exceed
11 \$250.

12 (B) LIMITATION.—Notwithstanding sub-
13 paragraph (A), the Commission shall not give
14 special preference to any agency, project, or
15 person related to or affiliated with any member
16 of the Commission.

17 (4) DEFINITIONS.—In this subsection, the term
18 “affiliated” means the relationship between a mem-
19 ber of the Commission and—

20 (A) an individual who holds the position of
21 officer, trustee, partner, director, or employee
22 of an agency, project, or person of which that
23 member, or relative of that member of, the
24 Commission is an officer, trustee, partner, di-
25 rector, or employee; or

1 (B) a nongovernmental agency or project
2 of which that member, or a relative of that
3 member, of the Commission is an officer, trust-
4 ee, partner, director, or employee.

5 (c) CONTRACT AUTHORITY.—

6 (1) IN GENERAL.—Subject to the availability of
7 appropriations, the Commission may contract with
8 and compensate Government agencies or persons for
9 the conduct of activities necessary to the discharge
10 of its functions under this title. Any such person
11 shall be hired without interruption or loss of civil
12 service or Foreign Service status or privilege. The
13 Commission may not procure temporary and inter-
14 mittent services under section 3109(b) of title 5,
15 United States Code, or under other contracting au-
16 thority other than that allowed under this title.

17 (2) EXPERT STUDY.—In the case of a study re-
18 quested under section 605 of this Act, the Commis-
19 sion may, subject to the availability of appropria-
20 tions, contract with experts and shall provide the
21 funds for such a study. The Commission shall not be
22 required to provide the funds for that part of the
23 study conducted by the Comptroller General of the
24 United States.

25 (d) GIFTS.—

1 (1) IN GENERAL.—In order to preserve its inde-
2 pendence, the Commission may not accept, use, or
3 dispose of gifts or donations of services or property.
4 An individual Commissioner or employee of the
5 Commission may not, in his or her capacity as a
6 Commissioner or employee, knowingly accept, use, or
7 dispose of gifts or donations of services or property,
8 unless he or she in good faith believes such gifts or
9 donations to have a value of less than \$50 and a cu-
10 mulative value during a calendar year of less than
11 \$100.

12 (2) EXCEPTIONS.—This subsection shall not
13 apply to the following:

14 (A) Gifts provided on the basis of a per-
15 sonal friendship with a Commissioner or em-
16 ployee, unless the Commissioner or employee
17 has reason to believe that the gift was provided
18 because of the Commissioner’s position and not
19 because of the personal friendship.

20 (B) Gifts provided on the basis of a family
21 relationship.

22 (C) The acceptance of training, invitations
23 to attend or participate in conferences or such
24 other events as are related to the conduct of the

1 duties of the Commission, or food or refresh-
2 ment associated with such activities.

3 (D) Items of nominal value or gifts of esti-
4 mated value of \$10 or less.

5 (E) De minimis gifts provided by a foreign
6 leader or state, not exceeding a value of \$260.
7 Gifts believed by Commissioners to be in excess
8 of \$260, but which would create offense or em-
9 barrassment to the United States Government
10 if refused, shall be accepted and turned over to
11 the United States Government in accordance
12 with the Foreign Gifts and Decorations Act of
13 1966 and the rules and regulations governing
14 such gifts provided to Members of Congress.

15 (F) Informational materials such as docu-
16 ments, books, videotapes, periodicals, or other
17 forms of communications.

18 (G) Goods or services provided by any
19 agency or component of the Government of the
20 United States, including any commission estab-
21 lished under the authority of the Government.

22 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated to the Commission such sums as may be necessary
25 to carry out this title.

1 (b) AVAILABILITY OF FUNDS.—Amounts authorized
 2 to be appropriated under subsection (a) are authorized to
 3 remain available until expended, but not later than the
 4 date on which the Commission terminates.

5 **SEC. 209. TERMINATION.**

6 The Commission shall terminate 12 years after the
 7 date of the initial appointment of all of the members of
 8 the Commission.

9 **TITLE III—NATIONAL SECURITY**
 10 **COUNCIL**

11 **SEC. 301. SPECIAL ADVISER ON INTERNATIONAL WOMEN'S**
 12 **RIGHTS.**

13 Section 101 of the National Security Act of 1947 (50
 14 U.S.C. 402) is amended by adding at the end the following
 15 new subsection:

16 “(l) It is the sense of the Congress that there should
 17 be within the staff of the National Security Council a Spe-
 18 cial Adviser to the President on International Women’s
 19 Rights, whose position should be comparable to that of
 20 a director within the Executive Office of the President.
 21 The Special Adviser should serve as a resource for execu-
 22 tive branch officials, compiling and maintaining informa-
 23 tion on the facts and circumstances of violations of wom-
 24 en’s rights (as defined in section 3 of the International
 25 Women’s Freedom Act of 2009), and making policy rec-

1 ommendations. The Special Adviser should serve as liaison
 2 with the Ambassador at Large for International Women’s
 3 Rights, the United States Commission on International
 4 Women’s Rights, the Congress, and, as advisable, women’s
 5 nongovernmental organizations.”.

6 **TITLE IV—PRESIDENTIAL**
 7 **ACTIONS**
 8 **Subtitle A—Targeted Responses to**
 9 **Violations of Women’s Rights**
 10 **Abroad**

11 **SEC. 401. PRESIDENTIAL ACTIONS IN RESPONSE TO VIOLA-**
 12 **TIONS OF WOMEN’S RIGHTS.**

13 (a) RESPONSE TO VIOLATIONS OF WOMEN’S
 14 RIGHTS.—

15 (1) IN GENERAL.—

16 (A) UNITED STATES POLICY.—It shall be
 17 the policy of the United States—

18 (i) to oppose violations of women’s
 19 rights that are or have been engaged in or
 20 tolerated by the governments of foreign
 21 countries; and

22 (ii) to promote women’s rights in
 23 those countries through the actions de-
 24 scribed in subsection (b).

1 (B) REQUIREMENT OF PRESIDENTIAL AC-
2 TION.—For each foreign country the govern-
3 ment of which engages in or tolerates violations
4 of women’s rights, the President shall oppose
5 such violations and promote the human rights
6 of women in that country through the actions
7 described in subsection (b).

8 (2) BASIS OF ACTIONS.—Each action taken
9 under paragraph (1)(B) shall be based upon infor-
10 mation regarding violations of women’s rights, as de-
11 scribed in the latest Country Reports on Human
12 Rights Practices, the Annual Report and Executive
13 Summary, and on any other evidence available, and
14 shall take into account any findings or recommenda-
15 tions by the Commission with respect to the foreign
16 country.

17 (b) PRESIDENTIAL ACTIONS.—

18 (1) IN GENERAL.—Subject to paragraphs (2)
19 and (3), the President, in consultation with the Sec-
20 retary of State, the Ambassador at Large, the Spe-
21 cial Adviser, and the Commission, shall, as expedi-
22 tiously as practicable in response to the violations
23 described in subsection (a) by the government of a
24 foreign country—

1 (A) take one or more of the actions de-
2 scribed in paragraphs (1) through (15) of sec-
3 tion 405(a) (or commensurate action in substi-
4 tution therefor) with respect to that country; or

5 (B) negotiate and enter into a binding
6 agreement with the government of that country,
7 as described in section 405(c).

8 (2) DEADLINE FOR ACTIONS.—Not later than
9 September 1 of each year, the President shall take
10 action under any of paragraphs (1) through (15) of
11 section 405(a) (or commensurate action in substi-
12 tution therefor) with respect to each foreign country
13 the government of which has engaged in or tolerated
14 violations of women’s rights at any time since Sep-
15 tember 1 of the preceding year, except that in the
16 case of action under any of paragraphs (9) through
17 (15) of section 405(a) (or commensurate action in
18 substitution therefor)—

19 (A) the action may only be taken after the
20 requirements of sections 403 and 404 have been
21 satisfied; and

22 (B) the September 1 limitation shall not
23 apply.

24 (3) AUTHORITY FOR DELAY OF PRESIDENTIAL
25 ACTIONS.—The President may delay action that is

described in any of paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution therefor)—

(A) if the President determines and certifies to the Congress that a single, additional period of time, not to exceed 90 days, is necessary for any of the purposes set forth in section 402(c)(3); and

(B) only until the expiration of that additional period.

(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 women's rights;

(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

1 countries with which the United States has dip-
 2 lomatic relations.

3 (2) GUIDELINES FOR PRESIDENTIAL AC-
 4 TIONS.—In addition to the guidelines under para-
 5 graph (1), the President, in determining whether to
 6 take a Presidential action under paragraphs (9)
 7 through (15) of section 405(a) (or commensurate ac-
 8 tion in substitution therefor), shall seek to minimize
 9 any adverse effects on—

10 (A) the population of the country whose
 11 government is targeted by the Presidential ac-
 12 tion or actions; and

13 (B) the humanitarian activities of United
 14 States and foreign nongovernmental organiza-
 15 tions in that country.

16 **SEC. 402. PRESIDENTIAL ACTIONS IN RESPONSE TO PAR-**
 17 **TICULARLY SEVERE VIOLATIONS OF WOM-**
 18 **EN'S RIGHTS.**

19 (a) RESPONSE TO PARTICULARLY SEVERE VIOLA-
 20 TIONS OF WOMEN'S RIGHTS.—

21 (1) UNITED STATES POLICY.—It shall be the
 22 policy of the United States—

23 (A) to oppose particularly severe violations
 24 of women's rights that are or have been en-

gaged in or tolerated by the governments of foreign countries; and

(B) to promote the rights of women 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 women’s rights, the President shall oppose such violations and promote women’s rights through one or more of the actions described in subsection (c).

(b) DESIGNATIONS OF COUNTRIES OF PARTICULAR CONCERN FOR WOMEN’S RIGHTS.—

(1) ANNUAL REVIEW.—

(A) IN GENERAL.—Not later than September 1 of each year, the President shall review the status of women’s rights in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of women’s rights in that country during the preceding 12 months or since the date of the last review of that country under this subparagraph, whichever period is longer. The President shall des-

1 ignite each country the government of which
2 has engaged in or tolerated violations described
3 in this subparagraph as a country of particular
4 concern for women's rights.

5 (B) BASIS OF REVIEW.—Each review con-
6 ducted under subparagraph (A) shall be based
7 upon information contained in the latest Coun-
8 try Reports on Human Rights Practices, the
9 Annual Report, and on any other evidence
10 available, and shall take into account any find-
11 ings or recommendations of the Commission
12 with respect to the foreign country.

13 (C) IMPLEMENTATION.—Any review under
14 subparagraph (A) of a foreign country may
15 take place singly or jointly with the review of
16 one or more countries and may take place at
17 any time before September 1 of the respective
18 year.

19 (2) DETERMINATIONS OF RESPONSIBLE PAR-
20 TIES.—For the government of each country des-
21 ignated as a country of particular concern for wom-
22 en's rights under paragraph (1)(A), the President
23 shall seek to determine the agency or instrumen-
24 tality and specific officials of the government that
25 are responsible for the particularly severe violations

1 of women's rights engaged in or tolerated by that
2 government in order to appropriately target Presi-
3 dential actions under this section in response to the
4 violations.

5 (3) CONGRESSIONAL NOTIFICATION.—Whenever
6 the President designates a country as a country of
7 particular concern for women's rights under para-
8 graph (1)(A), the President shall, as soon as prac-
9 ticable after the designation is made, transmit to the
10 appropriate congressional committees—

11 (A) the designation of the country, signed
12 by the President; and

13 (B) the identification, if any, of responsible
14 parties determined under paragraph (2).

15 (c) PRESIDENTIAL ACTIONS WITH RESPECT TO
16 COUNTRIES OF PARTICULAR CONCERN FOR WOMEN'S
17 RIGHTS.—

18 (1) IN GENERAL.—Subject to paragraphs (2),
19 (3), (4), and (5), with respect to each country of
20 particular concern for women's rights designated
21 under subsection (b)(1)(A), the President shall, after
22 the requirements of sections 403 and 404 have been
23 satisfied, but not later than 90 days after the date
24 of designation of the country under that subsection,

1 carry out one or more of the following actions under
2 subparagraph (A) or subparagraph (B):

3 (A) PRESIDENTIAL ACTIONS.—One or
4 more of the Presidential actions described in
5 paragraphs (9) through (15) of section 405(a),
6 as determined by the President.

7 (B) COMMENSURATE ACTIONS.—Commen-
8 surate action in substitution for any action de-
9 scribed in subparagraph (A).

10 (2) SUBSTITUTION OF BINDING AGREE-
11 MENTS.—

12 (A) IN GENERAL.—In lieu of carrying out
13 action under paragraph (1), the President may
14 conclude a binding agreement with the respec-
15 tive foreign government as described in section
16 405(c). The existence of a binding agreement
17 under this paragraph with a foreign government
18 may be considered by the President before mak-
19 ing any determination or taking any action
20 under this title.

21 (B) STATUTORY CONSTRUCTION.—Nothing
22 in this paragraph may be construed to author-
23 ize the entry of the United States into an
24 agreement covering matters outside the scope of
25 violations of women's rights.

1 (3) AUTHORITY FOR DELAY OF PRESIDENTIAL
2 ACTIONS.—If, on or before the date that the Presi-
3 dent is required (but for this paragraph) to take ac-
4 tion under paragraph (1), the President determines
5 and certifies to the Congress that a single, addi-
6 tional period of time not to exceed 90 days is nec-
7 essary—

8 (A) for a continuation of negotiations that
9 have been commenced with the government of
10 that country to bring about a cessation of the
11 violations by the foreign country,

12 (B) for a continuation of multilateral nego-
13 tiations into which the United States has en-
14 tered to bring about a cessation of the viola-
15 tions by the foreign country, or

16 (C)(i) for a review of corrective action
17 taken by the foreign country after designation
18 of that country as a country of particular con-
19 cern, or

20 (ii) in anticipation that corrective action
21 will be taken by the foreign country during that
22 additional period of time,
23 then the President shall not be required to take
24 action until the expiration of that additional pe-
25 riod of time.

1 (4) EXCEPTION FOR ONGOING PRESIDENTIAL
2 ACTION UNDER THIS ACT.—The President shall not
3 be required to take action under this subsection in
4 the case of a country of particular concern for wom-
5 en’s rights, if, with respect to that country—

6 (A) the President has taken action pursu-
7 ant to this Act in a preceding year;

8 (B) such action is in effect at the time the
9 country is designated as a country of particular
10 concern for women’s rights under this section;
11 and

12 (C) the President reports to the Congress
13 the information described in paragraphs (1),
14 (2), (3), and (4) of section 404(a) regarding the
15 actions in effect with respect to that country.

16 (5) EXCEPTION FOR ONGOING MULTIPLE
17 BROAD-BASED SANCTIONS IN RESPONSE TO HUMAN
18 RIGHTS VIOLATIONS.—If, at the time the President
19 determines a country to be a country of particular
20 concern for women’s rights, that country is already
21 subject to multiple, broad-based sanctions imposed
22 in significant part in response to human rights
23 abuses, and such sanctions are ongoing, the Presi-
24 dent may determine that one or more of these sanc-
25 tions also satisfies the requirements of this sub-

1 section. In the report to the Congress under section
2 404(a), and, as applicable, in the information pub-
3 lished under section 408, the President shall des-
4 ignate the specific sanction or sanctions which the
5 President determines satisfy the requirements of this
6 subsection. The sanctions so designated shall remain
7 in effect as provided in section 409.

8 (d) STATUTORY CONSTRUCTION.—A determination
9 under this Act, or any amendment made by this Act, that
10 a foreign country has engaged in or tolerated particularly
11 severe violations of women’s rights shall not be construed
12 to require the termination of assistance or other activities
13 with respect to that country under any other provision of
14 law, including section 116 or 502B of the Foreign Assist-
15 ance Act of 1961 (22 U.S.C. 2151n, 2304).

16 **SEC. 403. CONSULTATIONS.**

17 (a) IN GENERAL.—As soon as practicable after the
18 President decides under section 401 to take an action
19 under any of paragraphs (9) through (15) of section
20 405(a) (or commensurate action in substitution therefor)
21 with respect to a country in response to violations of wom-
22 en’s rights, or not later than 90 days after the President
23 designates a country as a country of particular concern
24 for women’s rights under section 402, as the case may

1 be, the President shall carry out the consultations required
2 in this section.

3 (b) DUTY TO CONSULT WITH FOREIGN GOVERN-
4 MENTS BEFORE TAKING PRESIDENTIAL ACTIONS.—

5 (1) IN GENERAL.—The President shall—

6 (A) request consultation with the govern-
7 ment of the country concerned regarding the
8 violations giving rise to the designation of that
9 country as a country of particular concern for
10 women’s rights, or to Presidential action under
11 section 401, as the case may be; and

12 (B) if agreed to, enter into such consulta-
13 tions, privately or publicly.

14 (2) USE OF MULTILATERAL FORA.—If the
15 President determines it to be appropriate, consulta-
16 tions under paragraph (1) may be sought and may
17 occur in a multilateral forum, but, in any event, the
18 President shall consult with appropriate foreign gov-
19 ernments for the purposes of achieving a coordinated
20 international policy on actions that may be taken
21 with respect to a country described in subsection (a),
22 before implementing any such action.

23 (3) ELECTION OF NONDISCLOSURE OF NEGO-
24 TIATIONS TO PUBLIC.—If negotiations are under-
25 taken or an agreement is concluded with a foreign

1 government regarding steps to cease the pattern of
2 violations by that government, and if public disclo-
3 sure of such negotiations or agreement would jeop-
4 ardize the negotiations or the implementation of
5 such agreement, as the case may be, the President
6 may refrain from disclosing such negotiations and
7 such agreement to the public, except that the Presi-
8 dent shall inform the appropriate congressional com-
9 mittees of the nature and extent of such negotiations
10 and any agreement reached.

11 (c) DUTY TO CONSULT WITH HUMANITARIAN ORGA-
12 NIZATIONS.—The President should consult with appro-
13 priate humanitarian and human rights organizations con-
14 cerning the potential impact of United States policies to
15 promote women’s rights in countries described in sub-
16 section (a).

17 (d) DUTY TO CONSULT WITH UNITED STATES IN-
18 TERESTED PARTIES.—The President shall, as appro-
19 priate, consult with interested parties in the United
20 States, including the Commission on International Wom-
21 en’s Rights, with respect to the potential impact of in-
22 tended Presidential action or actions in countries de-
23 scribed in subsection (a) on economic or other interests
24 of the United States.

1 **SEC. 404. REPORT TO CONGRESS.**

2 (a) IN GENERAL.—Subject to subsection (b), not
3 later than 90 days after the President decides under sec-
4 tion 401 to take action under paragraphs (9) through (15)
5 of section 405(a) (or commensurate action in substitution
6 therefor) with respect to a country, in response to viola-
7 tions of women’s rights by that country, or not later than
8 90 days after the President designates a country as a
9 country of particular concern for women’s rights under
10 section 402, as the case may be, the President shall submit
11 a report to the Congress containing the following:

12 (1) IDENTIFICATION OF PRESIDENTIAL AC-
13 TIONS.—An identification of the action or actions
14 described in paragraphs (9) through (15) of section
15 405(a) (or commensurate action in substitution
16 therefor) to be taken with respect to the foreign
17 country.

18 (2) DESCRIPTION OF VIOLATIONS.—A descrip-
19 tion of the violations giving rise to the action or ac-
20 tions to be taken.

21 (3) PURPOSE OF PRESIDENTIAL ACTIONS.—A
22 description of the purpose of the action or actions.

23 (4) EVALUATION.—

24 (A) DESCRIPTION.—An evaluation, in con-
25 sultation with the Secretary of State, the Am-
26 bassador at Large, the Commission, the Special

Adviser, the parties described in subsections (c) and (d) of section 403, and whomever else the President deems appropriate, of the effects of the action or actions on—

(i) the government of the foreign country;

(ii) the population of the country; and

(iii) the United States economy and other interested parties.

(B) AUTHORITY TO WITHHOLD DISCLOSURE.—The President may withhold part or all of such evaluation from the public but shall provide the evaluation to the Congress in its entirety.

(5) STATEMENT OF POLICY OPTIONS.—A statement that noneconomic policy options designed to bring about cessation of the violations of women’s rights have reasonably been exhausted, including the consultations required in section 403.

(6) DESCRIPTION OF MULTILATERAL NEGOTIATIONS.—A description of multilateral negotiations sought or carried out, if appropriate and applicable.

(b) DELAY IN TRANSMITTAL OF REPORT.—If, on or before the date that the President is required (but for this subsection) to submit a report under subsection (a) to the

1 Congress, the President determines and certifies to the
2 Congress, under section 401(b)(3) or 402(c)(3), that a
3 single, additional period of time not to exceed 90 days is
4 necessary, then the President shall not be required to sub-
5 mit the report to the Congress until the expiration of that
6 additional period of time.

7 **SEC. 405. DESCRIPTION OF PRESIDENTIAL ACTIONS.**

8 (a) DESCRIPTION OF PRESIDENTIAL ACTIONS.—Ex-
9 cept as provided in subsection (d), the Presidential actions
10 referred to in this subsection are the following:

11 (1) A private demarche.

12 (2) An official public demarche.

13 (3) A public condemnation.

14 (4) A public condemnation within one or more
15 multilateral fora.

16 (5) The delay or cancellation of one or more
17 scientific exchanges.

18 (6) The delay or cancellation of one or more
19 cultural exchanges.

20 (7) The denial of one or more working, official,
21 or state visits.

22 (8) The delay or cancellation of one or more
23 working, official, or state visits.

24 (9) The withdrawal, limitation, or suspension of
25 United States development assistance in accordance

1 with section 116 of the Foreign Assistance Act of
2 1961.

3 (10) Directing the Export-Import Bank of the
4 United States, the Overseas Private Investment Cor-
5 poration, or the Trade and Development Agency not
6 to approve the issuance of any (or a specified num-
7 ber of) guarantees, insurance, extensions of credit,
8 or participations in the extension of credit with re-
9 spect to the specific government, agency, instrumen-
10 tality, or official found or determined by the Presi-
11 dent to be responsible for the violations under sec-
12 tion 401 or 402.

13 (11) The withdrawal, limitation, or suspension
14 of United States security assistance in accordance
15 with section 502B of the Foreign Assistance Act of
16 1961.

17 (12) Consistent with section 701 of the Inter-
18 national Financial Institutions Act, directing the
19 United States executive directors of international fi-
20 nancial institutions to oppose and vote against loans
21 primarily benefitting the specific foreign govern-
22 ment, agency, instrumentality, or official found or
23 determined by the President to be responsible for
24 the violations under section 401 or 402.

1 (13) Ordering the heads of the appropriate
2 United States agencies not to issue any (or a speci-
3 fied number of) specific licenses, and not to grant
4 any other specific authority (or a specified number
5 of authorities), to export any goods or technology to
6 the specific foreign government, agency, instrumen-
7 tality, or official found or determined by the Presi-
8 dent to be responsible for the violations under sec-
9 tion 401 or 402, under—

10 (A) the Export Administration Act of 1979
11 (as continued in effect under the International
12 Emergency Economic Powers Act);

13 (B) the Arms Export Control Act;

14 (C) the Atomic Energy Act of 1954; or

15 (D) any other statute that requires the
16 prior review and approval of the United States
17 Government as a condition for the export or re-
18 export of goods or services.

19 (14) Prohibiting any United States financial in-
20 stitution from making loans or providing credits to-
21 taling more than \$10,000,000 in any 12-month pe-
22 riod to the specific foreign government, agency, in-
23 strumentality, or official found or determined by the
24 President to be responsible for the violations under
25 section 401 or 402.

1 (15) Prohibiting the United States Government
2 from procuring, or entering into any contract for the
3 procurement of, any goods or services from the for-
4 eign government, agency, instrumentality, or official
5 found or determined by the President to be respon-
6 sible for the violations under section 401 or 402.

7 (b) COMMENSURATE ACTION.—Except as provided in
8 subsection (d), the President may substitute any other ac-
9 tion authorized by law for any action described in para-
10 graphs (1) through (15) of subsection (a) if such action
11 is commensurate in effect to the action substituted and
12 if the action would further the policy of the United States
13 set forth in section 2(b) of this Act. The President shall
14 seek to take all appropriate and feasible actions authorized
15 by law to obtain the cessation of the violations. If commen-
16 surate action is taken, the President shall report such ac-
17 tion, together with an explanation for taking such action,
18 to the appropriate congressional committees.

19 (c) BINDING AGREEMENTS.—The President may ne-
20 gotiate and enter into a binding agreement with a foreign
21 government against which sanctions would otherwise be
22 imposed that obligates that government to cease, or take
23 substantial steps to address and phase out, the act, policy,
24 or practice constituting the violation or violations of wom-
25 en's rights. The entry into force of a binding agreement

1 for the cessation of the violations shall be a primary objec-
2 tive for the President in responding to a foreign govern-
3 ment that has engaged in or tolerated particularly severe
4 violations of women's rights.

5 (d) EXCEPTIONS.—Any action taken pursuant to
6 subsection (a) or (b) may not prohibit or restrict the provi-
7 sion of medicine, medical equipment or supplies, food, or
8 other humanitarian assistance.

9 **SEC. 406. EFFECTS ON EXISTING CONTRACTS.**

10 The President shall not be required to apply or main-
11 tain any Presidential action under this subtitle—

12 (1) in the case of procurement of defense arti-
13 cles or defense services—

14 (A) under existing contracts or sub-
15 contracts, including the exercise of options for
16 production quantities, to satisfy requirements
17 essential to the national security of the United
18 States;

19 (B) if the President determines in writing
20 and so reports to the Congress that the person
21 or other entity to which the Presidential action
22 would otherwise be applied is a sole source sup-
23 plier of the defense articles or services, that the
24 defense articles or services are essential, and

1 that alternative sources are not readily or rea-
2 sonably available; or

3 (C) if the President determines in writing
4 and so reports to the Congress that such arti-
5 cles or services are essential to the national se-
6 curity under defense coproduction agreements;
7 or

8 (2) to products or services provided under con-
9 tracts entered into before the date on which the
10 President publishes his intention to take the Presi-
11 dential action.

12 **SEC. 407. PRESIDENTIAL WAIVER.**

13 (a) IN GENERAL.—Subject to subsection (b), the
14 President may waive the application of any of the actions
15 described in paragraphs (9) through (15) of section 405(a)
16 (or commensurate action in substitution therefor) with re-
17 spect to a country, if the President determines and so re-
18 ports to the appropriate congressional committees that—

19 (1) the government of that country has ceased
20 the violations giving rise to the Presidential action;

21 (2) the exercise of such waiver authority would
22 further the purposes of this Act; or

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

1 (b) CONGRESSIONAL NOTIFICATION.—Not later than
2 the date of the exercise of a waiver under subsection (a),
3 the President shall notify the appropriate congressional
4 committees of the waiver or the intention to exercise the
5 waiver, together with a detailed justification therefor.

6 **SEC. 408. PUBLICATION IN FEDERAL REGISTER.**

7 (a) IN GENERAL.—Subject to subsection (b), the
8 President shall cause to be published in the Federal Reg-
9 ister the following:

10 (1) DETERMINATIONS OF GOVERNMENTS, OFFI-
11 CIALS, AND ENTITIES OF PARTICULAR CONCERN.—
12 Any designation of a country of particular concern
13 for women’s rights under section 402(b)(1), together
14 with, when applicable and to the extent practicable,
15 the identities of the officials or entities determined
16 to be responsible for the violations under section
17 402(b)(2).

18 (2) PRESIDENTIAL ACTIONS.—A description of
19 any Presidential action under paragraphs (9)
20 through (15) of section 405(a) (or commensurate ac-
21 tion in substitution therefor) and the effective date
22 of the Presidential action.

23 (3) DELAYS IN TRANSMITTAL OF PRESI-
24 DENTIAL ACTION REPORTS.—Any delay in trans-

1 mittal of a Presidential action report, as described
2 in section 404(b).

3 (4) WAIVERS.—Any waiver under section 407.

4 (b) LIMITED DISCLOSURE OF INFORMATION.—The
5 President may limit publication of information under this
6 section in the same manner and to the same extent as
7 the President may limit the publication of findings and
8 determinations described in section 654(c) of the Foreign
9 Assistance Act of 1961 (22 U.S.C. 2414(c)), if the Presi-
10 dent determines that the publication of information under
11 this section—

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

14 (2) would not further the purposes of this Act.

15 **SEC. 409. TERMINATION OF PRESIDENTIAL ACTIONS.**

16 Any Presidential action taken under this Act with re-
17 spect to a foreign country shall terminate on the earlier
18 of the following dates:

19 (1) TERMINATION DATE.—The date that is 2
20 years after the effective date of the Presidential ac-
21 tion, unless expressly reauthorized by law.

22 (2) FOREIGN GOVERNMENT ACTIONS.—The
23 date on which the President determines, in consulta-
24 tion with the Commission, and certifies to the Con-
25 gress that the government of the foreign country has

1 ceased or taken substantial and verifiable steps to
2 cease the particularly severe violations of women’s
3 rights.

4 **SEC. 410. PRECLUSION OF JUDICIAL REVIEW.**

5 No court shall have jurisdiction to review any Presi-
6 dential determination or agency action under this Act or
7 any amendment made by this Act.

8 **Subtitle B—Strengthening Existing**
9 **Law**

10 **SEC. 421. UNITED STATES ASSISTANCE.**

11 (a) IMPLEMENTATION OF PROHIBITION ON ECO-
12 NOMIC ASSISTANCE.—Section 116(c) of the Foreign As-
13 sistance Act of 1961 (22 U.S.C. 2151n(c)) is amended—

14 (1) in the matter preceding paragraph (1), by
15 inserting “and the Ambassador at Large for Inter-
16 national Women’s Rights” after “Religious Free-
17 dom”;

18 (2) by striking “and” at the end of paragraph
19 (2);

20 (3) by striking the period at the end of para-
21 graph (3) and inserting “; and”; and

22 (4) by adding at the end the following new
23 paragraph:

24 “(4) whether the government—

1 “(A) has engaged in or tolerated particu-
 2 larly severe violations of women’s rights, as de-
 3 fined in section 3 of the International Women’s
 4 Freedom Act of 2009; or

5 “(B) has failed to undertake serious and
 6 sustained efforts to combat particularly severe
 7 violations of women’s rights (as defined in sec-
 8 tion 3 of the International Women’s Freedom
 9 Act of 2009), when such efforts could have been
 10 reasonably undertaken.”.

11 (b) IMPLEMENTATION OF PROHIBITION ON MILITARY
 12 ASSISTANCE.—Section 502B(a)(4) of the Foreign Assist-
 13 ance Act of 1961 (22 U.S.C. 2304(a)(4)) is amended—

- 14 (1) by striking “(A)” and inserting “(A)(i)”;
- 15 (2) by striking “(B)” and inserting “(ii)”;
- 16 (3) by striking the period at the end and insert-
 17 ing “; or”; and
- 18 (4) by adding at the end the following:

19 “(B)(i) has engaged in or tolerated particularly
 20 severe violations of women’s rights, as defined in
 21 section 3 of the International Women’s Freedom Act
 22 of 2009; or

23 “(ii) has failed to undertake serious and sus-
 24 tained efforts to combat particularly severe viola-

1 tions of women’s rights when such efforts could have
2 been reasonably undertaken.”.

3 **SEC. 422. MULTILATERAL ASSISTANCE.**

4 Section 701 of the International Financial Institu-
5 tions Act (22 U.S.C. 262d) is amended—

6 (1) by redesignating the second subsection (g)
7 as subsection (h); and

8 (2) by adding at the end the following new sub-
9 section:

10 “(i) In determining whether the government of a
11 country engages in a pattern of gross violations of inter-
12 nationally recognized human rights, as described in sub-
13 section (a), the President shall give particular consider-
14 ation to whether a foreign government—

15 “(1) has engaged in or tolerated particularly se-
16 vere violations of women’s rights, as defined in sec-
17 tion 3 of the International Women’s Freedom Act of
18 2009; or

19 “(2) has failed to undertake serious and sus-
20 tained efforts to combat particularly severe viola-
21 tions of women’s rights when such efforts could have
22 been reasonably undertaken.”.

1 **SEC. 423. EXPORTS OF CERTAIN ITEMS USED IN PARTICU-**
2 **LARLY SEVERE VIOLATIONS OF WOMEN'S**
3 **RIGHTS.**

4 (a) MANDATORY LICENSING.—Notwithstanding any
5 other provision of law, the Secretary of Commerce, with
6 the concurrence of the Secretary of State, shall include
7 on the list of crime control and detection instruments or
8 equipment controlled for export and reexport under sec-
9 tion 6(n) of the Export Administration Act of 1979 (50
10 U.S.C. App. 2405(n)) (as continued in effect under the
11 International Emergency Economic Powers Act), or under
12 any other provision of law, items being exported or reex-
13 ported to countries of particular concern for women's
14 rights that the Secretary of Commerce, with the concur-
15 rence of the Secretary of State, and in consultation with
16 appropriate officials including the Under Secretary of
17 State for Democracy and Global Affairs, the Assistant
18 Secretary of State for Democracy, Human Rights, and
19 Labor, and the Ambassador at Large, determines are
20 being used or are intended for use directly and in signifi-
21 cant measure to carry out particularly severe violations of
22 women's rights.

23 (b) LICENSING BAN.—The prohibition on the
24 issuance of a license for export of crime control and detec-
25 tion instruments or equipment under section 502B(a)(2)
26 of the Foreign Assistance Act of 1961 (22 U.S.C.

1 2304(a)(2)) shall apply to the export and reexport of any
2 item included under subsection (a) on the list of crime con-
3 trol instruments.

4 **TITLE V—PROMOTION OF** 5 **WOMEN’S RIGHTS**

6 **SEC. 501. ASSISTANCE FOR PROMOTING WOMEN’S RIGHTS.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) In many countries where severe violations of
10 women’s rights occur, there is insufficient statutory
11 legal protection for women, a lack of enforcement of
12 the law, or insufficient cultural and social under-
13 standing of international norms of women’s rights.

14 (2) Accordingly, in the provision of foreign as-
15 sistance, the United States should make a priority of
16 promoting and developing legal protections and en-
17 forcement, as well as cultural respect for women’s
18 rights.

19 (b) ALLOCATION OF FUNDS FOR INCREASED PRO-
20 MOTION OF WOMEN’S RIGHTS.—Section 116(e) of the
21 Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)) is
22 amended by inserting “and the rights of women” after
23 “free religious belief and practice”.

1 **SEC. 502. INTERNATIONAL BROADCASTING.**

2 Section 303(a)(8) of the United States International
3 Broadcasting Act of 1994 (22 U.S.C. 6202(a)(8)) is
4 amended by inserting “and women’s rights” after “reli-
5 gion”.

6 **SEC. 503. INTERNATIONAL EXCHANGES.**

7 Section 102(b) of the Mutual Educational and Cul-
8 tural Exchange Act of 1961 (22 U.S.C. 2452(b)) is
9 amended—

10 (1) by striking “and” after paragraph (11);

11 (2) by striking the period at the end of para-
12 graph (12) and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(13) promoting respect for and guarantees of
15 women’s rights abroad by interchanges and visits be-
16 tween the United States and other nations of lead-
17 ers, scholars, and legal experts in the field of wom-
18 en’s rights.”.

19 **SEC. 504. FOREIGN SERVICE AWARDS.**

20 (a) PERFORMANCE PAY.—Section 405(d) of the For-
21 eign Service Act of 1980 (22 U.S.C. 3965(d)) is amended
22 in the second sentence by inserting “and women’s rights”
23 after “freedom of religion”.

24 (b) FOREIGN SERVICE AWARDS.—Section 614 of the
25 Foreign Service Act of 1980 (22 U.S.C. 4013) is amended

1 in the last sentence by inserting “and women’s rights,”
2 after “freedom of religion”.

3 **TITLE VI—REFUGEE, ASYLUM,**
4 **AND CONSULAR MATTERS**

5 **SEC. 601. USE OF ANNUAL REPORT.**

6 The Annual Report, together with other relevant doc-
7 umentation, shall serve as a resource for immigration
8 judges and consular, refugee, and asylum officers in cases
9 involving claims of mistreatment on the grounds of gender.
10 Absence of reference by the Annual Report to conditions
11 described by the alien shall not constitute the sole grounds
12 for a denial of the alien’s claim.

13 **SEC. 602. REFUGEE TRAINING.**

14 (a) TRAINING FOR FOREIGN SERVICE OFFICERS.—
15 Section 708(b) of the Foreign Service Act of 1980 (22
16 U.S.C. 4028(b)) is amended by striking “and on religious
17 persecution” and inserting “, on religious persecution, and
18 on gender-based discrimination”.

19 (b) CONSULTATION WITH CONGRESS CONCERNING
20 ADMISSIONS OF REFUGEES.—

21 (1) IN GENERAL.—Section 207 of the Immigra-
22 tion and Nationality Act (8 U.S.C. 1157) is amend-
23 ed—

24 (A) in subsection (d)(1), in the first sen-
25 tence, by inserting “, information relating to

gender-based discrimination against such refugees in their countries of nationality or last habitual residence,” after “resettlement during the fiscal year”;

(B) in subsection (e)—

(i) in the matter preceding paragraph (1), by inserting “the Secretary of State and” before “designated”;

(ii) by redesignating paragraph (7) as paragraph (8); and

(iii) by inserting after paragraph (6) the following new paragraph:

“(7) A description of any gender-based discrimination experienced by such refugees in their countries of nationality or last habitual residence.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect beginning with the first fiscal year that begins after the date of the enactment of this Act.

(c) GUIDELINES AND TRAINING FOR OFFICIALS ADJUDICATING REFUGEE CASES.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (f), by adding at the end the following new paragraph:

1 “(3) The Secretary of Homeland Security, in con-
2 sultation with the Secretary of State, shall develop and
3 implement training guidelines related to nondiscrimination
4 in the adjudication of such cases as a result of the gender,
5 race, religion, nationality, membership in a particular so-
6 cial group, or political opinion of the alien applying to be
7 admitted as a refugee under this section. Such training
8 guidelines shall be culturally sensitive and shall provide
9 the officials subject to such training with the tools to pro-
10 vide a nonbiased and nonadversarial atmosphere for the
11 purpose of adjudicating such cases.”; and

12 (B) by adding at the end the following new
13 subsection:

14 “(g)(1) The Secretary of Homeland Security, in con-
15 sultation with the Secretary of State, shall promulgate
16 regulations to ensure—

17 “(A) uniform procedures for the establishment
18 of agreements between the United States Govern-
19 ment and designated entities and personnel respon-
20 sible for the preparation of refugee case files for use
21 in refugee adjudications; and

22 “(B) uniform procedures regarding the prepara-
23 tion of such files by such entities and personnel.

24 “(2) Such regulations shall ensure that—

1 “(A) such files accurately reflect the informa-
2 tion provided by the alien seeking admission as a
3 refugee under this section; and

4 “(B) such aliens are not disadvantaged or de-
5 nied such admission as a result of faulty case file
6 preparation.”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall take effect and apply with re-
9 spect to aliens seeking admission as refugees under
10 section 207 of the Immigration and Nationality Act
11 (8 U.S.C. 1157) beginning with the first fiscal year
12 that begins after the date of the enactment of this
13 Act.

14 **SEC. 603. REFORM OF ASYLUM POLICY.**

15 (a) LANGUAGE TRANSLATION SERVICES.—

16 (1) IN GENERAL.—Section 208(d) of the Immi-
17 gration and Nationality Act (8 U.S.C. 1158(d)) is
18 amended by adding at the end the following new
19 paragraph:

20 “(8) LANGUAGE TRANSLATION SERVICES.—

21 “(A) IN GENERAL.—The Secretary of
22 Homeland Security, in consultation with the
23 Secretary of State, shall promulgate regulations
24 that provide that the United States does not
25 use the language translation services of an indi-

vidual who demonstrates a bias or potential bias on the grounds of gender, race, religion, nationality, membership in a particular social group, or political opinion in connection with the giving of testimony by an alien before the trier of fact under subsection (b)(1)(B) or an asylum officer under section 235(b)(1)(B).

“(B) PROHIBITION ON ASSISTANCE BY CERTAIN INDIVIDUALS.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall promulgate regulations to provide that the United States does not use the language translation services of an individual who is an interpreter for or other employee of an airline owned by a country the government of which the Secretary of Homeland Security, in consultation with the Secretary of State, has determined has engaged in persecution on the grounds of gender, race, religion, nationality, membership in a particular social group, or political opinion in connection with the giving of testimony by an alien before the trier of fact under subsection (b)(1)(B) or an asylum officer under section 235(b)(1)(B).”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall apply to the use of language
3 translation services after the date of the enactment
4 of this Act.

5 (b) TRAINING FOR OFFICIALS.—Section 208 of the
6 Immigration and Nationality Act (8 U.S.C. 1158) is
7 amended by adding at the end the following new sub-
8 section:

9 “(f) TRAINING FOR OFFICIALS.—In addition to the
10 training that is provided to officers adjudicating asylum
11 cases under this section and asylum officers under section
12 235(b)(1)(E), the Secretary of Homeland Security, in con-
13 sultation with the Secretary of State, the Ambassador at
14 Large for International Women’s Rights of the Depart-
15 ment of State, the Director of the George P. Shultz Na-
16 tional Foreign Affairs Training Center (commonly re-
17 ferred to as the ‘Foreign Service Institute’), and other ap-
18 propriate officials, shall provide to such officers training
19 relating to the nature of gender-based discrimination in
20 foreign countries (including country-specific conditions),
21 instruction concerning internationally recognized women’s
22 rights, and information regarding state sponsored and
23 non-state sponsored applicable distinctions in a foreign
24 country between the treatment of men and women.”.

1 (c) TRAINING FOR IMMIGRATION JUDGES CON-
2 DUCTING PROCEEDINGS FOR DECIDING THE INADMIS-
3 SIBILITY OR DEPORTABILITY OF AN ALIEN.—Section 240
4 of the Immigration and Nationality Act (8 U.S.C. 1229a)
5 is amended by adding at the end the following new sub-
6 section:

7 “(f) TRAINING FOR IMMIGRATION JUDGES CON-
8 DUCTING PROCEEDINGS FOR DECIDING THE INADMIS-
9 SIBILITY OR DEPORTABILITY OF AN ALIEN.—The Attor-
10 ney General shall provide to immigration judges training
11 related to the nature of gender-based discrimination in
12 foreign countries (including country-specific conditions),
13 instruction concerning internationally recognized women’s
14 rights, and information regarding state sponsored and
15 non-state sponsored distinctions in a foreign country be-
16 tween the treatment of men and women.”.

17 **SEC. 604. INADMISSIBILITY OF FOREIGN GOVERNMENT OF-**
18 **FICIALS WHO HAVE ENGAGED IN PARTICU-**
19 **LARLY SEVERE VIOLATIONS OF WOMEN’S**
20 **RIGHTS.**

21 (a) INELIGIBILITY FOR VISAS AND ADMISSION TO
22 THE UNITED STATES.—Section 212(a)(2) of the Immi-
23 gration and Nationality Act (8 U.S.C. 1182(a)(2)) is
24 amended by adding at the end the following new subpara-
25 graph:

1 “(J) FOREIGN GOVERNMENT OFFICIALS
2 WHO HAVE ENGAGED IN PARTICULARLY SE-
3 VERE VIOLATIONS OF WOMEN’S RIGHTS.—Any
4 alien who, while serving as a foreign govern-
5 ment official, was responsible for or directly
6 carried out, at any time during the preceding
7 24-month period, particularly severe violations
8 of women’s rights, as defined in section 3 of the
9 International Women’s Freedom Act of 2009,
10 and the spouse, son, or daughter, if any, of
11 such official, is inadmissible.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply to determinations of admissi-
14 bility made on or after the date of the enactment of this
15 Act.

16 **SEC. 605. STUDY ON THE EFFECT OF EXPEDITED REMOVAL**
17 **PROVISIONS ON ASYLUM CLAIMS.**

18 (a) STUDY.—

19 (1) COMPTROLLER GENERAL.—The Comp-
20 troller General of the United States shall conduct a
21 study alone or, upon request by the Commission
22 under paragraph (2), in cooperation with experts in-
23 vited by the Commission, to determine whether im-
24 migration officers (including asylum officers (as de-
25 fined in section 235(b)(1)(E) of the Immigration

1 and Nationality Act (8 U.S.C. 1225(b)(1)(E))) per-
2 forming duties under section 235(b) of such Act
3 with respect to aliens who may be eligible for asylum
4 are engaging in any of the following conduct:

5 (A) Failing to inform an alien of the right
6 to seek protection in the United States if (s)he
7 has any reason to fear persecution in his or her
8 home country.

9 (B) Encouraging aliens expressing a fear
10 of gender-based persecution to withdraw their
11 applications for admission.

12 (C) Determining aliens are ineligible for
13 asylum before referring such aliens for an inter-
14 view by an asylum officer for a determination of
15 whether they have a credible fear of persecution
16 (within the meaning of section 235(b)(1)(B)(v)
17 of such Act).

18 (D) Incorrectly failing to keep complete
19 records of a decision to enforce expedited re-
20 moval and an alien's reasons for the withdrawal
21 of an asylum application.

22 (E) Improperly using detention as a deter-
23 rent to an alien's pursuing an asylum claim.

1 (F) Improperly detaining asylum seekers
 2 who establish a credible fear, identity, commu-
 3 nity ties, and who do not pose a security risk.

4 (G) Improperly detaining asylum seekers
 5 in jail-like facilities where staff is not given spe-
 6 cific training on the special needs of asylum
 7 seekers.

8 (2) COMMISSION REQUEST FOR PARTICIPATION
 9 BY EXPERTS ON REFUGEE AND ASYLUM ISSUES.—
 10 The Commission may invite experts who are recog-
 11 nized for their expertise and knowledge of refugee
 12 and asylum issues to cooperate with the Comptroller
 13 General in carrying out paragraph (1).

14 (b) REPORTS.—

15 (1) COMPTROLLER GENERAL.—Not later than
 16 one year after the date of the enactment of this Act,
 17 the Comptroller General of the United States shall
 18 submit to the Committee on the Judiciary of the
 19 House of Representatives, the Committee on the Ju-
 20 diciary of the Senate, the Committee on Foreign Af-
 21 fairs of the House of Representatives, and the Com-
 22 mittee on Foreign Relations of the Senate a report
 23 containing the findings of the study conducted under
 24 subsection (a). If the experts referred to in such
 25 subsection were involved in conducting such study,

1 the Comptroller General shall allow such experts to
2 include in the report a section setting forth their
3 views and conclusions.

4 (2) EXPERTS.—In the case of a Commission re-
5 quest under subsection (a)(2), the experts invited by
6 the Commission under such subsection may submit
7 a report to the committees described in paragraph
8 (1). Such report may be submitted with the Com-
9 ptroller General’s report under paragraph (1) or inde-
10 pendently.

11 (c) ACCESS TO PROCEEDINGS.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), to facilitate the completion of the duties
14 described in this section, the Comptroller General
15 and the experts, if any, referred to in subsection
16 (a)(2) shall have unrestricted access to all stages of
17 all inspections of aliens for admission under section
18 235(b) of the Immigration and Nationality Act (8
19 U.S.C. 1225(b)).

20 (2) EXCEPTION.—Paragraph (1) shall not
21 apply with respect to the inspection if—

22 (A) the alien concerned objects to such ac-
23 cess; or

24 (B) the Secretary of Homeland Security
25 determines that the security of a particular pro-

ceeding would be threatened by such access, so long as any restrictions on the access of experts invited by the Commission under subsection (a)(2) do not contravene international law.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. BUSINESS CODES OF CONDUCT.

(a) CONGRESSIONAL FINDING.—The Congress recognizes the increasing importance of transnational corporations as global actors, and their potential for providing positive leadership in their host countries in the area of human rights.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that transnational corporations operating overseas, particularly those corporations operating in countries the governments of which have engaged in or tolerated violations of women’s rights, as identified in the Annual Report, should adopt codes of conduct—

(1) upholding the rights of their female employees; and

(2) ensuring that a worker’s gender shall in no way affect, or be allowed to affect, the status or terms of his or her employment.

