

111TH CONGRESS
1ST SESSION

S. 230

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 SENATE OF THE UNITED STATES

JANUARY 13, 2009

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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 a 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
18 Women, the Inter-American Convention on the Pre-
19 vention, Punishment and Eradication of Violence

1 Against Women, the Declaration on the Elimination
2 of Violence against Women, and the Beijing Dec-
3 laration and Platform for Action.

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

1 tect the fundamental rights of their citizens and to
2 pursue justice for all. Women’s rights are funda-
3 mental rights, regardless of race, country, creed, or
4 nationality, and should never be arbitrarily abridged
5 by any government.

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

1 rights, and access to resources. These inequalities
2 work to limit women's independence and make them
3 more vulnerable to further discrimination, including
4 violence.

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

21 (6) Though not confined to a particular region
22 or regime, violations of women's rights are often
23 particularly widespread, systematic, and heinous
24 under totalitarian governments and in countries with

1 militant, politicized religious majorities or with
2 strong tribal traditions.

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

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

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

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

18 (D) House Resolution 393 of the 108th
19 Congress, commending Afghan women for their
20 participation in Afghan government and civil
21 society, encouraging the inclusion of Afghan
22 women in the political and economic life of Af-
23 ghanistan, and advocating the protection of the
24 human rights of all Afghans, particularly
25 women, in the Afghanistan Constitution.

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

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

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

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

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

24 (4) To work with foreign governments that af-
25 firm and protect women’s rights, in order to develop

1 multilateral documents and initiatives to combat vio-
2 lations of women’s rights and promote the right of
3 women to enjoy their human rights abroad.

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

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

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

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

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

23 (A) means the Committee on Foreign Re-
24 lations of the Senate and the Committee on

1 Foreign Affairs of the House of Representa-
2 tives; and

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

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

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

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

24 (7) EXECUTIVE SUMMARY.—The term “Execu-
25 tive Summary” means the Executive Summary to

1 the Annual Report, as described in section
2 102(b)(1)(F).

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

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

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

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

20 (A) denying women freedoms that are
21 guaranteed for men;

22 (B) torture or cruel, inhuman, or degrad-
23 ing treatment or punishment;

24 (C) government-sponsored or tolerated vio-
25 lence such as gender-based murder, rape, tradi-

1 tional practices such as honor killings and fe-
 2 male genital mutilation, abduction, trafficking,
 3 forced sterilization or forced abortion, and cus-
 4 todial violence;

5 (D) limiting or denying access to health
 6 care and health education; or

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

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

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

21 (A) arbitrary prohibitions on, restrictions
 22 on, or punishment for—

23 (i) women engaging in activities that
 24 men are permitted to engage in;

1 (ii) travel, employment, or education
2 for girls or women;

3 (iii) clothing for girls or women;

4 (iv) political participation and voting
5 for women; and

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

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

14 (C) any of the following acts if committed
15 because an individual is a girl or woman: deten-
16 tion, forced labor or prostitution, imprisonment,
17 forced mass resettlement, beating, torture, mu-
18 tilation, sexual assault and rape, enslavement,
19 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 section
25 202(e)(3) of the Immigration and Nation-

ality Act (as amended by section 603(b) of this Act), the last sentence of section 708(a) of the Foreign Service Act of 1980 (as amended by section 602(a) of this Act), and sections 208(e) and 240(f) of the Immigration and Nationality Act (as amended by section 603 of this Act), on violations of women's rights that is provided to immigration judges and consular, refugee, immigration, and asylum officers; and

(ii) the development and implementation of the guidelines described in subsections (f)(3) and (g) of 207(g) section 207 of the Immigration and Nationality Act (as amended by section 602 of this Act).

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

(i) COUNTRIES IN WHICH THE UNITED STATES IS ACTIVELY PROMOTING WOMEN'S RIGHTS.—An identification of foreign countries in which the United

1 States is actively promoting women's
2 rights. This section of the report shall in-
3 clude a description of actions taken by the
4 United States to promote the internation-
5 ally recognized human rights of women
6 and oppose violations of such rights under
7 title IV and title V of this Act during the
8 period covered by the Annual Report. Any
9 country designated as a country of par-
10 ticular concern for women's rights under
11 section 402(b)(1) shall be included in this
12 section of the report.

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

1 (2) CLASSIFIED ADDENDUM.—If the Secretary
 2 of State determines that it is in the national security
 3 interests of the United States or is necessary for the
 4 safety of individuals to be identified in the Annual
 5 Report or is necessary to further the purposes of
 6 this Act, any information required by paragraph (1),
 7 including measures or actions taken by the United
 8 States, may be summarized in the Annual Report or
 9 the Executive Summary and submitted in more de-
 10 tail in a classified addendum to the Annual Report
 11 or the Executive Summary.

12 (c) PREPARATION OF REPORTS REGARDING VIOLA-
 13 TIONS OF WOMEN’S RIGHTS.—

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

20 (2) CONTACTS WITH NONGOVERNMENTAL OR-
 21 GANIZATIONS.—In compiling data and assessing the
 22 respect of women’s rights for the Human Rights Re-
 23 ports, the Annual Report, and the Executive Sum-
 24 mary, United States mission personnel shall, as ap-
 25 propriate, seek out and maintain contacts with wom-

1 en’s and human rights nongovernmental organiza-
 2 tions, with the consent of those organizations, in-
 3 cluding receiving reports and updates from such or-
 4 ganizations and, when appropriate, investigating
 5 such reports.

6 (d) AMENDMENTS TO THE FOREIGN ASSISTANCE
 7 ACT OF 1961.—

8 (1) CONTENT OF HUMAN RIGHTS REPORTS FOR
 9 COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—

10 Section 116(d) of the Foreign Assistance Act of
 11 1961 (22 U.S.C. 2151n(d)) is amended—

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

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

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

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

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

1 (A) in the first sentence, by inserting “and
 2 the Ambassador at Large for International
 3 Women’s Rights” after “Religious Freedom”;
 4 and

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

11 **SEC. 103. ESTABLISHMENT OF A WOMEN’S RIGHTS INTER-**
 12 **NET SITE.**

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

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

2 Section 708(a) of the Foreign Service Act of 1980
3 (22 U.S.C. 4028(a)) is amended by adding at the end the
4 following flush sentence:

5 “After January 1, 2010, such training shall include in-
6 struction on the internationally recognized rights of
7 women and the various aspects and manifestations of vio-
8 lations of women’s rights.”.

9 **SEC. 105. HIGH-LEVEL CONTACTS WITH NONGOVERN-**
10 **MENTAL ORGANIZATIONS.**

11 United States chiefs of mission shall seek out and
12 contact any women’s nongovernmental organizations to
13 provide high-level meetings with such nongovernmental or-
14 ganizations where appropriate and beneficial. United
15 States chiefs of mission and Foreign Service officers
16 abroad shall seek to meet with imprisoned women’s rights
17 advocates where appropriate and beneficial.

18 **SEC. 106. PROGRAMS AND ALLOCATIONS OF FUNDS BY**
19 **UNITED STATES MISSIONS ABROAD.**

20 It is the sense of the Congress that—

21 (1) United States diplomatic missions in coun-
22 tries the governments of which engage in or tolerate
23 violations of the internationally recognized human
24 rights of women should develop, as part of annual
25 program planning, a strategy to promote respect for

1 the internationally recognized human rights of
2 women; and

3 (2) in allocating or recommending the allocation
4 of funds or recommending candidates for programs
5 and grants funded by the United States Govern-
6 ment, United States diplomatic missions should give
7 particular consideration to those programs and can-
8 didates deemed to assist in the promotion of wom-
9 en's rights.

10 **SEC. 107. PRISONER LISTS AND ISSUE BRIEFS ON WOMEN'S**
11 **RIGHTS CONCERNS.**

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

20 (b) PRISONER LISTS AND ISSUE BRIEFS ON
21 WOMEN'S RIGHTS CONCERNS.—The Secretary of State,
22 in consultation with the Ambassador at Large, the Under
23 Secretary of State for Democracy and Global Affairs, the
24 Assistant Secretary of State for Democracy, Human
25 Rights and Labor, United States chiefs of mission abroad,

1 regional experts, and nongovernmental human rights
 2 groups, shall prepare and maintain issue briefs on wom-
 3 en's rights, on a country-by-country basis, consisting of
 4 lists of persons believed to be imprisoned, detained, or
 5 placed under house arrest because of their gender, to-
 6 gether with brief evaluations and critiques of the policies
 7 of the respective country restricting women's rights. In
 8 considering the inclusion of names of prisoners on such
 9 lists, the Secretary of State shall exercise appropriate dis-
 10 cretion, including concerns regarding the safety, security,
 11 and benefit to such prisoners.

12 (c) AVAILABILITY OF INFORMATION.—The Secretary
 13 shall, as appropriate, provide women's rights issue briefs
 14 under subsection (b) to executive branch officials and
 15 Members of Congress in anticipation of bilateral contacts
 16 with foreign leaders, both in the United States and
 17 abroad.

18 **TITLE II—COMMISSION ON** 19 **INTERNATIONAL WOMEN'S** 20 **RIGHTS**

21 **SEC. 201. ESTABLISHMENT AND COMPOSITION.**

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

24 (b) MEMBERSHIP.—

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

3 (A) the Ambassador at Large, who shall
4 serve ex officio as a nonvoting member of the
5 Commission; and

6 (B) nine other members, who shall be
7 United States citizens who are not being paid
8 as officers or employees of the United States,
9 and who shall be appointed as follows:

10 (i) Three members of the Commission
11 shall be appointed by the President.

12 (ii) Three members of the Commission
13 shall be appointed by the President pro
14 tempore of the Senate, of which two of the
15 members shall be appointed upon the rec-
16 ommendation of the leader in the Senate of
17 the political party that is not the political
18 party of the President, and of which one of
19 the members shall be appointed upon the
20 recommendation of the leader in the Sen-
21 ate of the other political party.

22 (iii) Three members of the Commis-
23 sion shall be appointed by the Speaker of
24 the House of Representatives, of which two
25 of the members shall be appointed upon

1 the recommendation of the leader in the
2 House of the political party that is not the
3 political party of the President, and of
4 which one of the members shall be ap-
5 pointed upon the recommendation of the
6 leader in the House of the other political
7 party.

8 (2) SELECTION.—

9 (A) IN GENERAL.—Members of the Com-
10 mission shall be selected from among distin-
11 guished individuals noted for their knowledge
12 and experience in fields relevant to the issue of
13 international women’s rights, including foreign
14 affairs, direct experience abroad, human rights,
15 and international law.

16 (B) SECURITY CLEARANCES.—Each mem-
17 ber of the Commission shall be required to ob-
18 tain a security clearance.

19 (3) TIME OF APPOINTMENT.—The appoint-
20 ments required by paragraph (1) shall be made not
21 later than 120 days after the date of the enactment
22 of this Act.

23 (c) TERMS.—The term of office of each member of
24 the Commission shall be 2 years, beginning on the date
25 of the initial appointment of all of the members of the

1 Commission. Members of the Commission shall be eligible
2 for reappointment.

3 (d) ELECTION OF CHAIRPERSON.—At the first meet-
4 ing of the Commission in each calendar year, a majority
5 of the members of the Commission present and voting
6 shall elect the Chairperson of the Commission.

7 (e) QUORUM.—Six voting members of the Commis-
8 sion shall constitute a quorum for purposes of transacting
9 business.

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

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

20 (h) ADMINISTRATIVE SUPPORT.—The Administrator
21 of General Services shall provide to the Commission on
22 a reimbursable basis (or, in the discretion of the Adminis-
23 trator, on a nonreimbursable basis) such administrative
24 support services as the Commission may request to carry
25 out the provisions of this title.

1 (i) FUNDING.—Members of the Commission shall be
 2 allowed travel expenses, including per diem in lieu of sub-
 3 sistence, at rates authorized for employees of agencies
 4 under subchapter I of chapter 57 of title 5, United States
 5 Code, while away from their homes or regular places of
 6 business in the performance of services for the Commis-
 7 sion.

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

9 (a) IN GENERAL.—The Commission shall have as its
 10 primary responsibility—

11 (1) the annual and ongoing review of the facts
 12 and circumstances of violations of women’s rights
 13 presented in the Country Reports on Human Rights
 14 Practices, the Annual Report, and the Executive
 15 Summary, as well as information from other sources
 16 as appropriate; and

17 (2) the making of policy recommendations to
 18 the President, the Secretary of State, and the Con-
 19 gress with respect to matters involving international
 20 women’s rights.

21 (b) POLICY REVIEW AND RECOMMENDATIONS IN RE-
 22 SPONSE TO VIOLATIONS.—The Commission, in evaluating
 23 United States Government policies in response to viola-
 24 tions of women’s rights, shall consider and recommend op-
 25 tions for policies of the United States Government with

1 respect to each foreign country the government of which
 2 has engaged in or tolerated violations of women's rights,
 3 including particularly severe violations of women's rights.
 4 Such options include diplomatic inquiry, diplomatic pro-
 5 test, official public demarche, condemnation within multi-
 6 lateral fora, delay or cancellation of cultural or scientific
 7 exchanges, delay or cancellation of working, official, or
 8 state visits, reduction of certain assistance funds, termi-
 9 nation of certain assistance funds, imposition of targeted
 10 trade sanctions, imposition of broad trade sanctions, and
 11 withdrawal of the chief of mission.

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

24 (d) EFFECTS ON WOMEN.—Together with specific
 25 policy recommendations provided under subsections (b)

1 and (c), the Commission shall also indicate its evaluation
2 of the potential effects of those policies, if implemented,
3 on women in the country in question.

4 (e) MONITORING.—The Commission shall, on an on-
5 going basis, monitor facts and circumstances of violations
6 of women’s rights, in consultation with independent
7 human rights groups and nongovernmental organizations,
8 including churches and other religious communities, and
9 make such recommendations as may be necessary to the
10 appropriate officials and offices of the United States Gov-
11 ernment.

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

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

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

1 (c) POSTAL SERVICES.—The Commission may use
2 the United States mails in the same manner and under
3 the same conditions as other departments and agencies of
4 the Federal Government.

5 (d) ADMINISTRATIVE PROCEDURES.—The Commis-
6 sion may adopt such regulations relating to administrative
7 procedure as may be reasonably necessary to enable it to
8 carry out this title.

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

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

1 **SEC. 204. COMMISSION PERSONNEL MATTERS.**

2 (a) IN GENERAL.—The Commission may, without re-
3 gard to the civil service laws and regulations, appoint and
4 terminate an Executive Director and such other additional
5 personnel as may be necessary to enable the Commission
6 to perform its duties. The decision to employ or terminate
7 an Executive Director shall be made by an affirmative vote
8 of at least 6 of the 9 members of the Commission.

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

18 (c) PROFESSIONAL STAFF.—The Commission and
19 the Executive Director shall hire Commission staff on the
20 basis of professional and nonpartisan qualifications. Com-
21 missioners may not individually hire staff of the Commis-
22 sion. Staff shall serve the Commission as a whole and may
23 not be assigned to the particular service of a single Com-
24 missioner or a specified group of Commissioners. This
25 subsection does not prohibit staff personnel from assisting

1 individual members of the Commission with particular
2 needs related to their duties.

3 (d) STAFF AND SERVICES OF OTHER FEDERAL
4 AGENCIES.—

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

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

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

1 lowest necessary to appropriately perform the duties of the
2 Commission.

3 (f) COST.—The Commission shall reimburse all ap-
4 propriate Government agencies for the cost of obtaining
5 clearances for members of the Commission, for the Execu-
6 tive Director, and for any other personnel.

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

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

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

18 (c) INDIVIDUAL OR DISSENTING VIEWS.—Each
19 member of the Commission may include the individual or
20 dissenting views of the member.

21 (d) FINANCIAL REPORT.—The Commission shall, not
22 later than January 1 of each year, submit to the Com-
23 mittee on International Relations and the Committee on
24 Appropriations of the House of Representatives, and to
25 the Committee on Foreign Relations and the Committee

1 on Appropriations of the Senate, a report detailing and
 2 identifying the expenditures of the Commission in the pre-
 3 ceding fiscal year.

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

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

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

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

15 (b) CONFLICT OF INTEREST AND ANTINEPOTISM.—

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

lated to or affiliated with any member of the Commission while employed by the Commission.

(2) STAFF COMPENSATION.—Staff of the Commission may not receive compensation from any other source for work performed in carrying out the duties of the Commission while employed by the Commission.

(3) EXCEPTION.—

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

(B) LIMITATION.—Notwithstanding subparagraph (A), the Commission shall not give special preference to any agency, project, or person related to or affiliated with any member of the Commission.

(4) DEFINITIONS.—In this subsection, the term “affiliated” means the relationship between a member of the Commission and—

1 (A) an individual who holds the position of
 2 officer, trustee, partner, director, or employee
 3 of an agency, project, or person of which that
 4 member, or relative of that member of, the
 5 Commission is an officer, trustee, partner, di-
 6 rector, or employee; or

7 (B) a nongovernmental agency or project
 8 of which that member, or a relative of that
 9 member, of the Commission is an officer, trust-
 10 ee, partner, director, or employee.

11 (c) CONTRACT AUTHORITY.—

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

23 (2) EXPERT STUDY.—In the case of a study re-
 24 quested under section 605 of this Act, the Commis-
 25 sion may, subject to the availability of appropria-

1 tions, contract with experts and shall provide the
2 funds for such a study. The Commission shall not be
3 required to provide the funds for that part of the
4 study conducted by the Comptroller General of the
5 United States.

6 (d) GIFTS.—

7 (1) IN GENERAL.—In order to preserve its inde-
8 pendence, the Commission may not accept, use, or
9 dispose of gifts or donations of services or property.
10 An individual Commissioner or employee of the
11 Commission may not, in his or her capacity as a
12 Commissioner or employee, knowingly accept, use, or
13 dispose of gifts or donations of services or property,
14 unless he or she in good faith believes such gifts or
15 donations to have a value of less than \$50 and a cu-
16 mulative value during a calendar year of less than
17 \$100.

18 (2) EXCEPTIONS.—This subsection shall not
19 apply to the following:

20 (A) Gifts provided on the basis of a per-
21 sonal friendship with a Commissioner or em-
22 ployee, unless the Commissioner or employee
23 has reason to believe that the gift was provided
24 because of the Commissioner's position and not
25 because of the personal friendship.

1 (B) Gifts provided on the basis of a family
2 relationship.

3 (C) The acceptance of training, invitations
4 to attend or participate in conferences or such
5 other events as are related to the conduct of the
6 duties of the Commission, or food or refresh-
7 ment associated with such activities.

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

10 (E) De minimis gifts provided by a foreign
11 leader or state, not exceeding a value of \$260.
12 Gifts believed by Commissioners to be in excess
13 of \$260, but which would create offense or em-
14 barrassment to the United States Government
15 if refused, shall be accepted and turned over to
16 the United States Government in accordance
17 with the Foreign Gifts and Decorations Act of
18 1966 and the rules and regulations governing
19 such gifts provided to Members of Congress.

20 (F) Informational materials such as docu-
21 ments, books, videotapes, periodicals, or other
22 forms of communications.

23 (G) Goods or services provided by any
24 agency or component of the Government of the

1 United States, including any commission estab-
 2 lished under the authority of the Government.

3 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

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

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

11 **SEC. 209. TERMINATION.**

12 The Commission shall terminate 12 years after the
 13 date of the initial appointment of all of the members of
 14 the Commission.

15 **TITLE III—NATIONAL SECURITY**
 16 **COUNCIL**

17 **SEC. 301. SPECIAL ADVISER ON INTERNATIONAL WOMEN'S**
 18 **RIGHTS.**

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

22 “(m) It is the sense of the Congress that there should
 23 be within the staff of the National Security Council a Spe-
 24 cial Adviser to the President on International Women's
 25 Rights, whose position should be comparable to that of

1 a director within the Executive Office of the President.
 2 The Special Adviser should serve as a resource for execu-
 3 tive branch officials, compiling and maintaining informa-
 4 tion on the facts and circumstances of violations of wom-
 5 en’s rights (as defined in section 3 of the International
 6 Women’s Freedom Act of 2009), and making policy rec-
 7 ommendations. The Special Adviser should serve as liaison
 8 with the Ambassador at Large for International Women’s
 9 Rights, the United States Commission on International
 10 Women’s Rights, the Congress, and, as advisable, women’s
 11 nongovernmental organizations.”.

12 **TITLE IV—PRESIDENTIAL** 13 **ACTIONS**

14 **Subtitle A—Targeted Responses to** 15 **Violations of Women’s Rights** 16 **Abroad**

17 **SEC. 401. PRESIDENTIAL ACTIONS IN RESPONSE TO VIOLA-** 18 **TIONS OF WOMEN’S RIGHTS.**

19 (a) RESPONSE TO VIOLATIONS OF WOMEN’S
 20 RIGHTS.—

21 (1) IN GENERAL.—

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

24 (i) to oppose violations of women’s
 25 rights that are or have been engaged in or

1 tolerated by the governments of foreign
2 countries; and

3 (ii) to promote women's rights in
4 those countries through the actions de-
5 scribed in subsection (b).

6 (B) REQUIREMENT OF PRESIDENTIAL AC-
7 TION.—For each foreign country the govern-
8 ment of which engages in or tolerates violations
9 of women's rights, the President shall oppose
10 such violations and promote the human rights
11 of women in that country through the actions
12 described in subsection (b).

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

22 (b) PRESIDENTIAL ACTIONS.—

23 (1) IN GENERAL.—Subject to paragraphs (2)
24 and (3), the President, in consultation with the Sec-
25 retary of State, the Ambassador at Large, the Spe-

1 cial Adviser, and the Commission, shall, as expedi-
2 tiously as practicable in response to the violations
3 described in subsection (a) by the government of a
4 foreign country—

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

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

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

23 (A) the action may only be taken after the
24 requirements of sections 403 and 404 have been
25 satisfied; and

1 (B) the September 1 limitation shall not
 2 apply.

3 (3) AUTHORITY FOR DELAY OF PRESIDENTIAL
 4 ACTIONS.—The President may delay action that is
 5 described in any of paragraphs (9) through (15) of
 6 section 405(a) (or commensurate action in substi-
 7 tution therefor)—

8 (A) if the President determines and cer-
 9 tifies to the Congress that a single, additional
 10 period of time, not to exceed 90 days, is nec-
 11 essary for any of the purposes set forth in sec-
 12 tion 402(c)(3); and

13 (B) only until the expiration of that addi-
 14 tional period.

15 (c) IMPLEMENTATION.—

16 (1) IN GENERAL.—In carrying out subsection
 17 (b), the President shall—

18 (A) take the action or actions that most
 19 appropriately respond to the nature and sever-
 20 ity of the violations of women’s rights;

21 (B) seek to the fullest extent possible to
 22 target action as narrowly as practicable with re-
 23 spect to the agency or instrumentality of the
 24 foreign government, or specific officials thereof,
 25 that are responsible for such violations; and

1 (C) when appropriate, make every reason-
 2 able effort to conclude a binding agreement
 3 concerning the cessation of such violations in
 4 countries with which the United States has dip-
 5 lomatic relations.

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

13 (A) the population of the country whose
 14 government is targeted by the Presidential ac-
 15 tion or actions; and

16 (B) the humanitarian activities of United
 17 States and foreign nongovernmental organiza-
 18 tions in that country.

19 **SEC. 402. PRESIDENTIAL ACTIONS IN RESPONSE TO PAR-**
 20 **TICULARLY SEVERE VIOLATIONS OF WOM-**
 21 **EN'S RIGHTS.**

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

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

1 (A) to oppose particularly severe violations
 2 of women's rights that are or have been en-
 3 gaged in or tolerated by the governments of for-
 4 eign countries; and

5 (B) to promote the rights of women in
 6 those countries through the actions described in
 7 subsection (c).

8 (2) REQUIREMENT OF PRESIDENTIAL AC-
 9 TION.—Whenever the President determines that the
 10 government of a foreign country has engaged in or
 11 tolerated particularly severe violations of women's
 12 rights, the President shall oppose such violations
 13 and promote women's rights through one or more of
 14 the actions described in subsection (c).

15 (b) DESIGNATIONS OF COUNTRIES OF PARTICULAR
 16 CONCERN FOR WOMEN'S RIGHTS.—

17 (1) ANNUAL REVIEW.—

18 (A) IN GENERAL.—Not later than Sep-
 19 tember 1 of each year, the President shall re-
 20 view the status of women's rights in each for-
 21 eign country to determine whether the govern-
 22 ment of that country has engaged in or toler-
 23 ated particularly severe violations of women's
 24 rights in that country during the preceding 12
 25 months or since the date of the last review of

1 that country under this subparagraph, which-
2 ever period is longer. The President shall des-
3 ignate each country the government of which
4 has engaged in or tolerated violations described
5 in this subparagraph as a country of particular
6 concern for women's rights.

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

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

21 (2) DETERMINATIONS OF RESPONSIBLE PAR-
22 TIES.—For the government of each country des-
23 ignated as a country of particular concern for wom-
24 en's rights under paragraph (1)(A), the President
25 shall seek to determine the agency or instrumen-

1 tality and specific officials of the government that
 2 are responsible for the particularly severe violations
 3 of women’s rights engaged in or tolerated by that
 4 government in order to appropriately target Presi-
 5 dential actions under this section in response to the
 6 violations.

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

13 (A) the designation of the country, signed
 14 by the President; and

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

17 (c) PRESIDENTIAL ACTIONS WITH RESPECT TO
 18 COUNTRIES OF PARTICULAR CONCERN FOR WOMEN’S
 19 RIGHTS.—

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

1 of designation of the country under that subsection,
 2 carry out one or more of the following actions under
 3 subparagraph (A) or subparagraph (B):

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

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

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

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

22 (B) STATUTORY CONSTRUCTION.—Nothing
 23 in this paragraph may be construed to author-
 24 ize the entry of the United States into an

1 agreement covering matters outside the scope of
2 violations of women's rights.

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

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

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

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

22 (ii) in anticipation that corrective action
23 will be taken by the foreign country during that
24 additional period of time,

1 then the President shall not be required to take
2 action until the expiration of that additional pe-
3 riod of time.

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

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

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

15 (C) the President reports to the Congress
16 the information described in paragraphs (1),
17 (2), (3), and (4) of section 404(a) regarding the
18 actions in effect with respect to that country.

19 (5) EXCEPTION FOR ONGOING MULTIPLE
20 BROAD-BASED SANCTIONS IN RESPONSE TO HUMAN
21 RIGHTS VIOLATIONS.—If, at the time the President
22 determines a country to be a country of particular
23 concern for women’s rights, that country is already
24 subject to multiple, broad-based sanctions imposed
25 in significant part in response to human rights

1 abuses, and such sanctions are ongoing, the Presi-
2 dent may determine that one or more of these sanc-
3 tions also satisfies the requirements of this sub-
4 section. In the report to the Congress under section
5 404(a), and, as applicable, in the information pub-
6 lished under section 408, the President shall des-
7 ignate the specific sanction or sanctions which the
8 President determines satisfy the requirements of this
9 subsection. The sanctions so designated shall remain
10 in effect as provided in section 409.

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

19 **SEC. 403. CONSULTATIONS.**

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

1 designates a country as a country of particular concern
 2 for women's rights under section 402, as the case may
 3 be, the President shall carry out the consultations required
 4 in this section.

5 (b) DUTY TO CONSULT WITH FOREIGN GOVERN-
 6 MENTS PRIOR TO TAKING PRESIDENTIAL ACTIONS.—

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

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

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

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

1 (3) ELECTION OF NONDISCLOSURE OF NEGOTIATIONS TO PUBLIC.—If negotiations are undertaken or an agreement is concluded with a foreign government regarding steps to cease the pattern of violations by that government, and if public disclosure of such negotiations or agreement would jeopardize the negotiations or the implementation of such agreement, as the case may be, the President may refrain from disclosing such negotiations and such agreement to the public, except that the President shall inform the appropriate congressional committees of the nature and extent of such negotiations and any agreement reached.

14 (c) DUTY TO CONSULT WITH HUMANITARIAN ORGANIZATIONS.—The President should consult with appropriate humanitarian and human rights organizations concerning the potential impact of United States policies to promote women's rights in countries described in subsection (a).

20 (d) DUTY TO CONSULT WITH UNITED STATES INTERESTED PARTIES.—The President shall, as appropriate, consult with interested parties in the United States, including the Commission on International Women's Rights, with respect to the potential impact of intended Presidential action or actions in countries de-

1 scribed in subsection (a) on economic or other interests
 2 of the United States.

3 **SEC. 404. REPORT TO CONGRESS.**

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

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

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

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

25 (4) EVALUATION.—

(A) DESCRIPTION.—An evaluation, in consultation with the Secretary of State, the Ambassador 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.

1 (b) DELAY IN TRANSMITTAL OF REPORT.—If, on or
 2 before the date that the President is required (but for this
 3 subsection) to submit a report under subsection (a) to the
 4 Congress, the President determines and certifies to the
 5 Congress, under section 401(b)(3) or 402(c)(3), that a
 6 single, additional period of time not to exceed 90 days is
 7 necessary, then the President shall not be required to sub-
 8 mit the report to the Congress until the expiration of that
 9 additional period of time.

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

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

14 (1) A private demarche.

15 (2) An official public demarche.

16 (3) A public condemnation.

17 (4) A public condemnation within one or more
 18 multilateral fora.

19 (5) The delay or cancellation of one or more
 20 scientific exchanges.

21 (6) The delay or cancellation of one or more
 22 cultural exchanges.

23 (7) The denial of one or more working, official,
 24 or state visits.

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

3 (9) The withdrawal, limitation, or suspension of
4 United States development assistance in accordance
5 with section 116 of the Foreign Assistance Act of
6 1961.

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

17 (11) The withdrawal, limitation, or suspension
18 of United States security assistance in accordance
19 with section 502B of the Foreign Assistance Act of
20 1961.

21 (12) Consistent with section 701 of the Inter-
22 national Financial Institutions Act, directing the
23 United States executive directors of international fi-
24 nancial institutions to oppose and vote against loans
25 primarily benefitting the specific foreign govern-

1 ment, agency, instrumentality, or official found or
2 determined by the President to be responsible for
3 the violations under section 401 or 402.

4 (13) Ordering the heads of the appropriate
5 United States agencies not to issue any (or a speci-
6 fied number of) specific licenses, and not to grant
7 any other specific authority (or a specified number
8 of authorities), to export any goods or technology to
9 the specific foreign 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, under—

13 (A) the Export Administration Act of 1979
14 (as continued in effect under the International
15 Emergency Economic Powers Act);

16 (B) the Arms Export Control Act;

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

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

22 (14) Prohibiting any United States financial in-
23 stitution from making loans or providing credits to-
24 taling more than \$10,000,000 in any 12-month pe-
25 riod to the specific foreign government, agency, in-

1 strumentality, or official found or determined by the
2 President to be responsible for the violations under
3 section 401 or 402.

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

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

22 (c) BINDING AGREEMENTS.—The President may ne-
23 gotiate and enter into a binding agreement with a foreign
24 government against which sanctions would otherwise be
25 imposed that obligates that government to cease, or take

1 substantial steps to address and phase out, the act, policy,
 2 or practice constituting the violation or violations of wom-
 3 en's rights. The entry into force of a binding agreement
 4 for the cessation of the violations shall be a primary objec-
 5 tive for the President in responding to a foreign govern-
 6 ment that has engaged in or tolerated particularly severe
 7 violations of women's rights.

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

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

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

15 (1) in the case of procurement of defense arti-
 16 cles or defense services—

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

22 (B) if the President determines in writing
 23 and so reports to the Congress that the person
 24 or other entity to which the Presidential action
 25 would otherwise be applied is a sole source sup-

1 plier of the defense articles or services, that the
 2 defense articles or services are essential, and
 3 that alternative sources are not readily or rea-
 4 sonably available; or

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

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

14 **SEC. 407. PRESIDENTIAL WAIVER.**

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

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

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

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

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

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

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

13 (1) DETERMINATIONS OF GOVERNMENTS, OFFI-
14 CIALS, AND ENTITIES OF PARTICULAR CONCERN.—
15 Any designation of a country of particular concern
16 for women’s rights under section 402(b)(1), together
17 with, when applicable and to the extent practicable,
18 the identities of the officials or entities determined
19 to be responsible for the violations under section
20 402(b)(2).

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

1 (3) DELAYS IN TRANSMITTAL OF PRESI-
 2 DENTIAL ACTION REPORTS.—Any delay in trans-
 3 mittal of a Presidential action report, as described
 4 in section 404(b).

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

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

14 (1) would be harmful to the national security of
 15 the United States; or

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

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

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

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

24 (2) FOREIGN GOVERNMENT ACTIONS.—The
 25 date on which the President determines, in consulta-

1 tion with the Commission, and certifies to the Con-
 2 gress that the government of the foreign country has
 3 ceased or taken substantial and verifiable steps to
 4 cease the particularly severe violations of women’s
 5 rights.

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

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

10 **Subtitle B—Strengthening Existing**
 11 **Law**

12 **SEC. 421. UNITED STATES ASSISTANCE.**

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

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

20 (2) by striking “and” at the end of paragraph
 21 (2);

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

24 (4) by adding at the end the following new
 25 paragraph:

1 “(4) whether the government—

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

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

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

15 (1) by striking “(A)” and inserting “(A)(i)”;

16 (2) by striking “(B)” and inserting “(ii)”;

17 (3) by striking the period at the end and insert-
18 ing “; or”; and

19 (4) by adding at the end the following:

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

24 “(ii) has failed to undertake serious and sus-
25 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, Assistant Sec-
18 retary of State for Democracy, Human Rights and Labor,
19 and the Ambassador at Large, determines are being used
20 or are intended for use directly and in significant measure
21 to carry out particularly severe violations of women's
22 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 Comp-
 9 troller 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-

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

5 **TITLE VII—MISCELLANEOUS**
 6 **PROVISIONS**

7 **SEC. 701. BUSINESS CODES OF CONDUCT.**

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

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

19 (1) upholding the rights of their female employ-
 20 ees; and

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

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