

(ii) in anticipation that corrective action will be taken by the foreign country during the 90-day period,

then the President shall not be required to take action until the expiration of that period of time.

**(4) Exception for ongoing Presidential action under this chapter**

The President shall not be required to take action pursuant to this subsection in the case of a country of particular concern for religious freedom, if with respect to such country—

(A) the President has taken action pursuant to this chapter in a preceding year;

(B) such action is in effect at the time the country is designated as a country of particular concern for religious freedom under this section; and

(C) the President reports to Congress the information described in section 6444(a)(1), (2), (3), and (4) of this title regarding the actions in effect with respect to the country.

**(5) Exception for ongoing, multiple, broad-based sanctions in response to human rights violations**

At the time the President determines a country to be a country of particular concern, if that country is already subject to multiple, broad-based sanctions imposed in significant part in response to human rights abuses, and such sanctions are ongoing, the President may determine that one or more of these sanctions also satisfies the requirements of this subsection. In a report to Congress pursuant to section 6444(a)(1), (2), (3), and (4) of this title, and, as applicable, to section 6448 of this title, the President shall designate the specific sanction or sanctions that the President determines satisfy the requirements under this subsection and include a description of the impact of such sanction or sanctions on each country. The sanctions so designated shall remain in effect subject to section 6449 of this title.

**(d) Statutory construction**

A determination under this chapter, or any amendment made by this chapter, that a foreign country has engaged in or tolerated particularly severe violations of religious freedom shall not be construed to require the termination of assistance or other activities with respect to that country under any other provision of law, including section 2151n or 2304 of this title.

(Pub. L. 105-292, title IV, § 402, Oct. 27, 1998, 112 Stat. 2802; Pub. L. 106-55, § 2(a), Aug. 17, 1999, 113 Stat. 405; Pub. L. 114-281, title III, § 302, Dec. 16, 2016, 130 Stat. 1434.)

**Editorial Notes**

**REFERENCES IN TEXT**

This subchapter, referred to in subsec. (c)(2)(A), was in the original “this title”, meaning title IV of Pub. L. 105-292, Oct. 27, 1998, 112 Stat. 2800, which is classified principally to this subchapter. For complete classification of title IV to the Code, see Tables.

This chapter, referred to in subsecs. (c)(4) and (d), was in the original “this Act”, meaning Pub. L. 105-292, Oct. 27, 1998, 112 Stat. 2787, known as the International Religious Freedom Act of 1998, which is classified prin-

cipally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6401 of this title and Tables.

**AMENDMENTS**

2016—Subsec. (b)(1)(A). Pub. L. 114-281, § 302(1)(A)(i), amended subpar. (A) generally. Prior to amendment, text read as follows: “Not later than September 1 of each year, the President shall review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in that country during the preceding 12 months or since the date of the last review of that country under this subparagraph, whichever period is longer. The President shall designate each country the government of which has engaged in or tolerated violations described in this subparagraph as a country of particular concern for religious freedom.”

Subsec. (b)(1)(C). Pub. L. 114-281, § 302(1)(A)(ii), substituted “before the date on which each Annual Report is submitted under section 6412(b) of this title” for “prior to September 1 of the respective year”.

Subsec. (b)(3). Pub. L. 114-281, § 302(1)(B), amended par. (3) generally. Prior to amendment, text read as follows: “Whenever the President designates a country as a country of particular concern for religious freedom under paragraph (1)(A), the President shall, as soon as practicable after the designation is made, transmit to the appropriate congressional committees—

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

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

Subsec. (b)(4). Pub. L. 114-281, § 302(1)(C), added par. (4).

Subsec. (c)(5). Pub. L. 114-281, § 302(2), substituted “the President shall designate the specific sanction or sanctions that the President determines satisfy the requirements under this subsection and include a description of the impact of such sanction or sanctions on each country.” for “the President must designate the specific sanction or sanctions which he determines satisfy the requirements of this subsection.”

1999—Subsec. (c)(1). Pub. L. 106-55, § 2(a)(1), substituted “(4), and (5)” for “and (4)” in introductory provisions.

Subsec. (c)(4). Pub. L. 106-55, § 2(a)(2)(A), inserted “under this chapter” after “Exception for ongoing Presidential action” in heading.

Subsec. (c)(4)(B) to (D), (5). Pub. L. 106-55, § 2(a)(2)(B)–(D), inserted “and” at end of subpar. (B), substituted period for “; and” at end of subpar. (C), redesignated subpar. (D) as par. (5), inserted par. heading, and substituted “At the time” for “at the time”.

**§ 6442a. Non-state actor designations**

**(a) In general**

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

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

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

**(b) Report**

Whenever the President designates a non-state actor under subsection (a) as an entity of particular concern for religious freedom, the President, as soon as practicable after the designa-

tion is made, shall submit a report to the appropriate congressional committees that describes the reasons for such designation.

**(c) Actions**

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

**(d) Department of State annual report**

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

**(e) Sense of Congress**

It is the sense of Congress that—

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

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

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

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

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

**(f) Determinations of responsible parties**

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

**(g) Definitions**

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

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

**Editorial Notes**

REFERENCES IN TEXT

The International Religious Freedom Act of 1998, referred to in subsecs. (a)(2) and (f), is Pub. L. 105–292, Oct. 27, 1998, 112 Stat. 2787, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6401 of this title and Tables.

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

CODIFICATION

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

**Executive Documents**

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

Memorandum of President of the United States, Jan. 9, 2018, 83 F.R. 3935, provided:

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of State the functions and authorities vested in the President by section 301 of the Frank R. Wolf International Religious Freedom Act (Public Law 114–281) (the “Act”) [22 U.S.C. 6442a].

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

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

DONALD J. TRUMP.

**§ 6443. Consultations**

**(a) In general**

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

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

**(1) In general**

The President shall—

(A) request consultation with the government of such country regarding the violations giving rise to designation of that country as a country of particular concern for religious freedom or to Presidential action under section 6441 of this title; and

(B) if agreed to, enter into such consultations, privately or publicly.

**(2) Use of multilateral fora**

If the President determines it to be appropriate, such consultations may be sought and may occur in a multilateral forum, but, in any event, the President shall consult with appropriate foreign governments for the purposes of achieving a coordinated international policy on actions that may be taken with respect to a country described in subsection (a), prior to implementing any such action.

**(3) Election of nondisclosure of negotiations to public**

If negotiations are undertaken or an agreement is concluded with a foreign government