

(B) if the President determines in writing and so reports to Congress that the person or other entity to which the Presidential action would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing and so reports to Congress that such articles or services are essential to the national security under defense coproduction agreements; or

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to take the Presidential action.

(Pub. L. 105–292, title IV, § 406, Oct. 27, 1998, 112 Stat. 2808.)

#### § 6447. Presidential waiver

##### (a) In general

Subject to subsection (c), the President may waive, for a single, 180-day period, the application of any of the actions described in paragraphs (9) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto) with respect to a country, if the President determines and so reports to the appropriate congressional committees that—

- (1) the exercise of such waiver authority would further the purposes of this chapter; or
- (2) the important national interest of the United States requires the exercise of such waiver authority.

##### (b) Additional authority

Subject to subsection (c), the President may waive, for any additional specified period of time after the 180-day period described in subsection (a), the application of any of the actions described in paragraphs (9) through (15) of section 6445(a) of this title (or a commensurate substitute action) with respect to a country, if the President determines and reports to the appropriate congressional committees that—

- (1) the respective foreign government has ceased the violations giving rise to the Presidential action; or
- (2) the important national interest of the United States requires the exercise of such waiver authority.

##### (c) Congressional notification

Not later than the date of the exercise of a waiver under subsection (a) or (b), the President shall notify the appropriate congressional committees of the waiver or the intention to exercise the waiver, together with a detailed justification thereof.

##### (d) Sense of Congress

It is the sense of Congress that—

- (1) ongoing and persistent waivers of the application of any of the actions described in paragraphs (9) through (15) of section 6445(a) of this title (or commensurate substitute action) with respect to a country do not fulfill the purposes of this chapter; and
- (2) because the promotion of religious freedom is an important interest of United States

foreign policy, the President, the Secretary of State, and other executive branch officials, in consultation with Congress, should seek to find ways to address existing violations, on a case-by-case basis, through the actions described in section 6445 of this title or other commensurate substitute action.

(Pub. L. 105–292, title IV, § 407, Oct. 27, 1998, 112 Stat. 2808; Pub. L. 114–281, title III, § 304, Dec. 16, 2016, 130 Stat. 1435.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (d)(1), 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 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.

##### AMENDMENTS

2016—Subsec. (a). Pub. L. 114–281, § 304(1)(A), (B), in introductory provisions, substituted “subsection (c)” for “subsection (b)” and inserted “, for a single, 180-day period,” after “may waive”.

Subsec. (a)(1) to (3). Pub. L. 114–281, § 304(1)(C), (D), redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1) which read as follows: “the respective foreign government has ceased the violations giving rise to the Presidential action;”.

Subsec. (b). Pub. L. 114–281, § 304(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 114–281, § 304(2), (4), redesignated subsec. (b) as (c) and inserted “or (b)” after “subsection (a)”.

Subsec. (d). Pub. L. 114–281, § 304(5), added subsec. (d).

#### § 6448. Publication in Federal Register

##### (a) In general

Subject to subsection (b), the President shall cause to be published in the Federal Register the following:

##### (1) Determinations of governments, officials, and entities of particular concern

Any designation of a country of particular concern for religious freedom under section 6442(b)(1) of this title, together with, when applicable and to the extent practicable, the identities of the officials or entities determined to be responsible for the violations under section 6442(b)(2) of this title. Any designation of a non-state actor as an entity of particular concern for religious freedom under section 6442a of this title and, if applicable and to the extent practicable, the identities of individuals determined to be responsible for violations described in subsection (f) of such section.

##### (2) Presidential actions

A description of any Presidential action under paragraphs (9) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto) and the effective date of the Presidential action.

##### (3) Delays in transmittal of Presidential action reports

Any delay in transmittal of a Presidential action report, as described in section 6444(b) of this title.

**(4) Waivers**

Any waiver under section 6447 of this title.

**(b) Limited disclosure of information**

The President may limit publication of information under this section in the same manner and to the same extent as the President may limit the publication of findings and determinations described in section 2414(c) of this title, if the President determines that the publication of information under this section—

- (1) would be harmful to the national security of the United States; or
- (2) would not further the purposes of this chapter.

(Pub. L. 105-292, title IV, §408, Oct. 27, 1998, 112 Stat. 2808; Pub. L. 114-281, title III, §305, Dec. 16, 2016, 130 Stat. 1436.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(2), 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 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.

## AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114-281 inserted at end “Any designation of a non-state actor as an entity of particular concern for religious freedom under section 6442a of this title and, if applicable and to the extent practicable, the identities of individuals determined to be responsible for violations described in subsection (f) of such section.”

**§ 6449. Termination of Presidential actions**

Any Presidential action taken under this chapter with respect to a foreign country shall terminate on the earlier of the following dates:

**(1) Termination date**

Within 2 years of the effective date of the Presidential action unless expressly reauthorized by law.

**(2) Foreign government actions**

Upon the determination by the President, in consultation with the Commission, and certification to Congress that the foreign government has ceased or taken substantial and verifiable steps to cease the particularly severe violations of religious freedom.

(Pub. L. 105-292, title IV, §409, Oct. 27, 1998, 112 Stat. 2809.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in text, 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 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.

**§ 6450. Preclusion of judicial review**

No court shall have jurisdiction to review any Presidential determination or agency action

under this chapter or any amendment made by this chapter.

(Pub. L. 105-292, title IV, §410, Oct. 27, 1998, 112 Stat. 2809.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in text, 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 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.

## PART B—STRENGTHENING EXISTING LAW

**§ 6461. Exports of certain items used in particularly severe violations of religious freedom****(a) Mandatory licensing**

Notwithstanding any other provision of law, the Secretary of Commerce, with the concurrence of the Secretary of State, shall include on the list of crime control and detection instruments or equipment controlled for export and reexport under section 4605(n)<sup>1</sup> of title 50 or under any other provision of law, items being exported or reexported to countries of particular concern for religious freedom that the Secretary of Commerce, with the concurrence of the Secretary of State, and in consultation with appropriate officials including the Assistant Secretary of State for Democracy, Human Rights and Labor and the Ambassador at Large, determines are being used or are intended for use directly and in significant measure to carry out particularly severe violations of religious freedom.

**(b) Licensing ban**

The prohibition on the issuance of a license for export of crime control and detection instruments or equipment under section 2304(a)(2) of this title shall apply to the export and reexport of any item included pursuant to subsection (a) on the list of crime control instruments.

(Pub. L. 105-292, title IV, §423, Oct. 27, 1998, 112 Stat. 2810.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 4605(n) of title 50, referred to in subsec. (a), was repealed by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

## SUBCHAPTER IV—REFUGEE, ASYLUM, AND CONSULAR MATTERS

**§ 6471. Use of Annual Report**

The Annual Report, together with other relevant documentation, shall serve as a resource for immigration judges and consular, refugee, and asylum officers in cases involving claims of persecution on the grounds of religion. Absence of reference by the Annual Report to conditions described by the alien shall not constitute the sole grounds for a denial of the alien’s claim.

<sup>1</sup> See References in Text note below.