

COMBATING INTERNATIONAL ISLAMOPHOBIA ACT

DECEMBER 13, 2021.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MEEKS, from the Committee on Foreign Affairs,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 5665]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 5665) to establish in the Department of State the Office to Monitor and Combat Islamophobia, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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THE AMENDMENTS

The amendments are as follows:

Page 2, line 20, strike “Secretary of State” and insert “President, by and with the advice and consent of the Senate,”.

Page 2, line 21, strike “Secretary” and insert “President”.

Page 2, line 22, strike “Secretary” and insert “President”.

Page 2, line 24, insert “of State” after “Secretary”.

Page 5, line 10, strike “; and” and insert a semicolon.

Page 5, beginning line 12, strike “;” the first place it appears and insert “; and”.

Page 5, line 12, insert the following at the end of the matter to be added as paragraph (9) (and before the close quotation marks):

(F) any instances of forced labor, reeducation, or the presence of concentration camps, such as those targeting the Uyghurs in the Xinjiang Province of the People’s Republic of China;

Page 6, line 15, strike “; and” and insert a semicolon.

Page 6, line 17, strike the period the first place it appears and insert “; and”.

Page 6, line 17, insert the following at the end of the matter to be added as subsection (k) (and before the close quotation marks):

(6) any instances of forced labor, reeducation, or the presence of concentration camps, such as those targeting the Uyghurs in the Xinjiang Province of the People’s Republic of China.

Page 7, line 16, strike “; and” and insert a semicolon.

Page 7, line 25, strike the period the first place it appears and insert “; and”.

Page 7, line 25, insert the following at the end of the matter to be added as clause (viii) (and before the close quotation marks):

(III) any instances of forced labor, reeducation, or the presence of concentration camps, such as those targeting the Uyghurs in the Xinjiang Province of the People’s Republic of China.

Add at the end the following:

SEC. 4. PROHIBITION.

No funds made available pursuant to this Act or an amendment made by this Act may be used to promote or endorse a Boycott, Divestment, Sanctions (BDS) movement ideology or used to promote or endorse a Muslim ban, such as the one instituted by former President Trump.

PURPOSE AND SUMMARY

H.R. 5665, the Combating International Islamophobia Act, serves to establish an Office to Monitor and Combat Islamophobia within the Department of State. It would provide the Secretary of State the authority to appoint a Special Envoy for Monitoring and Com-

bating Islamophobia. It would also provide for enhanced reporting on Islamophobic activities in foreign countries in State Department human rights reporting.

BACKGROUND AND NEED FOR LEGISLATION

Both in the United States and around the world, anti-Muslim sentiment and violence has risen at an alarming rate. In the days following the terror attacks on 9/11, hate crimes against Muslims in the United States rose a staggering 1,617% from 2000 to 2001, according to the Federal Bureau of Investigation. Twenty years after those attacks, Islamophobia continues to remain rampant.

Islamophobic incidents against Muslim Americans have resulted in hate crimes of various forms. Mosques have been vandalized, Muslims have been beaten and attacked, and elected officials have received death threats and other forms of hateful rhetoric on the basis of their faith. According to the Department of Homeland Security, Islamophobia is one of several drivers from which domestic violent extremism, described by Secretary Alejandro Mayorkas as the “most lethal and persistent terrorism-related threat to our country today,” is inspired.

Islamophobia is a global problem. Muslim refugees have been met with xenophobia around the world. In 2019, 51 Muslim worshippers were murdered and 40 others were left injured by a gunman in a New Zealand mosque, the worst in the nation’s history. Since 2017, nearly a million Muslim ethnic Rohingya are estimated to have fled widespread atrocities and human rights abuses in Burma. In addition, the world is bearing witness to a horrific genocide being committed by the People’s Republic of China against Uyghur Muslims, with over a million detained and subjected to mass internment, political indoctrination, forced labor, and other unconscionable abuses.

By harnessing the Department of State’s resources and status as a global leader in promoting peace and human rights, a Special Envoy for Monitoring and Combating Islamophobia would be uniquely positioned to combat the rising tide of Islamophobia.

HEARINGS

In compliance with clause 3(c) of rule XIII of the Rules of the House of Representatives, the following Committee or Subcommittee hearings were used to develop or consider H.R. 5665, the Combating International Islamophobia Act:

On February 24, 2021, the Full Committee hearing entitled, “Restoring Diplomacy and Development in a Fracturing World.” Witnesses included Anne-Marie Slaughter, CEO of New America; the Honorable Gayle Smith, CEO of One Campaign; the Honorable Reuben Brigety, Vice Chancellor of the University of the South; the Honorable Ryan Crocker, Nonresident Senior Fellow of Carnegie Endowment for International Peace.

On March 10, 2021, the Full Committee hearing entitled, “The Biden Administration’s Priorities for U.S. Foreign Policy.” The hearing witness was the Honorable Secretary of State Antony Blinken, the 71st United States Secretary of State.

On May 6, 2021, the Full Committee hearing entitled, “The Atrocities Against Uyghurs and Other Minorities in Xinjiang.” Wit-

nesses included the Honorable Nury Turkel, Chairman of the Board of the Uyghur Human Rights Project; Tursunay Ziyawudun, survivor and advocate; James A. Millward, Professor of Inter-Societal History in the Walsh School of Foreign Service, Georgetown University.

On June 7, 2021, the Full Committee hearing entitled, “The State Department’s Foreign Policy Strategy and FY22 Budget Request.” The hearing witness was the Honorable Antony Blinken, the 71st United States Secretary of State.

On June 16, 2021, the Full Committee hearing entitled, “The Biden Administration’s Priorities for Engagement with the United Nations.” The hearing witness was the Honorable Linda Thomas-Greenfield, the 31st United States Ambassador to the United Nations.

COMMITTEE CONSIDERATION

The Committee considered H.R. 5665, the Combating International Islamophobia Act on December 9, 2021 and December 10, 2021, and ordered the measure, as amended, to be favorably reported to the House of Representatives (roll call 27Y–16N).

Amendments considered separately:

- Mast Amendment #63: Requires the inclusion of intra-communal violence to be considered Islamophobic (not adopted, roll call vote 26N–17Y)

Members voting NO (26)

Gregory W. Meeks, D–NY
 Brad Sherman, D–CA
 Albio Sires, D–NJ
 Gerald E. Connolly, D–VA
 Theodore E. Deutch, D–FL
 Karen Bass, D–CA
 William R. Keating, D–MA
 David N. Cicilline, D–RI
 Ami Bera, D–CA
 Joaquin Castro, D–TX
 Dina Titus, D–NV
 Ted Lieu, D–CA
 Susan Wild, D–PA
 Dean Phillips, D–MN
 Ilhan Omar, D–MN
 Colin Allred, D–TX
 Andy Levin, D–MI
 Abigail Spanberger, D–VA
 Chrissy Houlahan, D–PA
 Tom Malinowski, D–NJ
 Andy Kim, D–NJ
 Kathy Manning, D–NC
 Jim Costa, D–CA
 Juan Vargas, D–CA
 Vicente González, D–TX
 Brad Schneider, D–IL

Members voting AYE (17)

Michael T. McCaul, R–TX

Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA
 Darrell Issa, R-OH
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA
 Tim Burchett, R-TN
 Andy Barr, R-KY
 Greg Steube, R-FL
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY
 Peter Meijer, R-MI

- Mast Amendment #64: Requires the advice and consent of the Senate for special envoy position (adopted, voice vote)
- Chabot Amendment #30: Provides a definition limiting what could be considered Islamophobic (not adopted, roll call vote 27N-17Y)

Members voting NO (27)
 Gregory W. Meeks, D-NY
 Brad Sherman, D-CA
 Albio Sires, D-NJ
 Gerald E. Connolly, D-VA
 Theodore E. Deutch, D-FL
 Karen Bass, D-CA
 William R. Keating, D-MA
 David N. Cicilline, D-RI
 Ami Bera, D-CA
 Joaquin Castro, D-TX
 Dina Titus, D-NV
 Ted Lieu, D-CA
 Susan Wild, D-PA
 Dean Phillips, D-MN
 Ilhan Omar, D-MN
 Colin Allred, D-TX
 Andy Levin, D-MI
 Abigail Spanberger, D-VA
 Chrissy Houlahan, D-PA
 Tom Malinowski, D-NJ
 Andy Kim, D-NJ
 Sara Jacobs, D-CA
 Kathy Manning, D-NC
 Jim Costa, D-CA
 Juan Vargas, D-CA
 Vicente González, D-TX
 Brad Schneider, D-IL

Members voting AYE (17)
 Michael T. McCaul, R-TX
 Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA

Darrell Issa, R-OH
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA
 Tim Burchett, R-TN
 Andy Barr, R-KY
 Greg Steube, R-FL
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY
 Peter Meijer, R-MI

- Pfluger Amendment #64: Prohibits funds used to promote or endorse a BDS movement (adopted, voice vote)
- Malinowski Amendment #4 to Pfluger Amendment #64: Prohibits funds to be used to promote or endorse a Muslim Ban (adopted, voice vote)
- Green Amendment #68: Adds forced labor, reeducation, or concentration camps targeted at Muslim populations as a specific type of Islamophobia (adopted, roll call vote 39Y-5N)

Members voting AYE (39)
 Gregory W. Meeks, D-NY
 Brad Sherman, D-CA
 Albio Sires, D-NJ
 Gerald E. Connolly, D-VA
 Theodore E. Deutch, D-FL
 Karen Bass, D-CA
 William R. Keating, D-MA
 David N. Cicilline, D-RI
 Ami Bera, D-CA
 Dina Titus, D-NV
 Ted Lieu, D-CA
 Susan Wild, D-PA
 Dean Phillips, D-MN
 Abigail Spanberger, D-VA
 Chrissy Houlahan, D-PA
 Tom Malinowski, D-NJ
 Andy Kim, D-NJ
 Kathy Manning, D-NC
 Jim Costa, D-CA
 Juan Vargas, D-CA
 Vicente González, D-TX
 Brad Schneider, D-IL
 Michael T. McCaul, R-TX
 Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA
 Darrell Issa, R-OH
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA
 Tim Burchett, R-TN

Andy Barr, R-KY
 Greg Steube, R-FL
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY
 Peter Meijer, R-MI

Members voting NO (5)

Joaquin Castro, D-TX
 Ilhan Omar, D-MN
 Colin Allred, D-TX
 Andy Levin, D-MI
 Sara Jacobs, D-CA

- Perry Amendment #444: Prohibits the office from assessing any action, including counterterrorism measures taken by the Israeli government (not adopted, roll call vote 27N-16Y)

Members voting NO (27)

Gregory W. Meeks, D-NY
 Brad Sherman, D-CA
 Albio Sires, D-NJ
 Gerald E. Connolly, D-VA
 Theodore E. Deutch, D-FL
 Karen Bass, D-CA
 William R. Keating, D-MA
 David N. Cicilline, D-RI
 Ami Bera, D-CA
 Joaquin Castro, D-TX
 Dina Titus, D-NV
 Ted Lieu, D-CA
 Susan Wild, D-PA
 Dean Phillips, D-MN
 Ilhan Omar, D-MN
 Colin Allred, D-TX
 Andy Levin, D-MI
 Abigail Spanberger, D-VA
 Chrissy Houlahan, D-PA
 Tom Malinowski, D-NJ
 Andy Kim, D-NJ
 Sara Jacobs, D-CA
 Kathy Manning, D-NC
 Jim Costa, D-CA
 Juan Vargas, D-CA
 Vicente González, D-TX
 Brad Schneider, D-IL

Members voting AYE (16)

Michael T. McCaul, R-TX
 Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA

Tim Burchett, R-TN
 Andy Barr, R-KY
 Greg Steube, R-FL
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY
 Peter Meijer, R-MI

- Chabot Amendment #31: Restricts the Office to focus solely on the Uyghur genocide (not adopted, roll call vote 27N-16Y)

Members voting NO (27)

Gregory W. Meeks, D-NY
 Brad Sherman, D-CA
 Albio Sires, D-NJ
 Gerald E. Connolly, D-VA
 Theodore E. Deutch, D-FL
 Karen Bass, D-CA
 William R. Keating, D-MA
 David N. Cicilline, D-RI
 Ami Bera, D-CA
 Joaquin Castro, D-TX
 Dina Titus, D-NV
 Ted Lieu, D-CA
 Susan Wild, D-PA
 Dean Phillips, D-MN
 Ilhan Omar, D-MN
 Colin Allred, D-TX
 Andy Levin, D-MI
 Abigail Spanberger, D-VA
 Chrissy Houlahan, D-PA
 Tom Malinowski, D-NJ
 Andy Kim, D-NJ
 Sara Jacobs, D-CA
 Kathy Manning, D-NC
 Jim Costa, D-CA
 Juan Vargas, D-CA
 Vicente González, D-TX
 Brad Schneider, D-IL

Members voting AYE (16)

Michael T. McCaul, R-TX
 Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA
 Tim Burchett, R-TN
 Andy Barr, R-KY
 Greg Steube, R-FL
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY

Peter Meijer, R-MI

- Perry Amendment #445: Prohibits members of certain NGOs from working in the Office to Monitor and Combat Islamophobia (not adopted, roll call vote 27N-17Y)

Members voting NO (27)

Gregory W. Meeks, D-NY
 Brad Sherman, D-CA
 Albio Sires, D-NJ
 Gerald E. Connolly, D-VA
 Theodore E. Deutch, D-FL
 Karen Bass, D-CA
 William R. Keating, D-MA
 David N. Cicilline, D-RI
 Ami Bera, D-CA
 Joaquin Castro, D-TX
 Dina Titus, D-NV
 Ted Lieu, D-CA
 Susan Wild, D-PA
 Dean Phillips, D-MN
 Ilhan Omar, D-MN
 Colin Allred, D-TX
 Andy Levin, D-MI
 Abigail Spanberger, D-VA
 Chrissy Houlahan, D-PA
 Tom Malinowski, D-NJ
 Andy Kim, D-NJ
 Sara Jacobs, D-CA
 Kathy Manning, D-NC
 Jim Costa, D-CA
 Juan Vargas, D-CA
 Vicente González, D-TX
 Brad Schneider, D-IL

Members voting AYE (17)

Michael T. McCaul, R-TX
 Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA
 Darrell Issa, R-CA
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA
 Tim Burchett, R-TN
 Andy Barr, R-KY
 Greg Steube, R-FL
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY
 Peter Meijer, R-MI

- Perry Amendment #446: Prohibits certain actions by Poland, Lithuania, and Latvia from being considered as Islamophobic (not adopted, roll call vote 26N-17Y)

Members voting NO (26)

Gregory W. Meeks, D-NY
 Brad Sherman, D-CA
 Albio Sires, D-NJ
 Gerald E. Connolly, D-VA
 Theodore E. Deutch, D-FL
 Karen Bass, D-CA
 William R. Keating, D-MA
 David N. Cicilline, D-RI
 Ami Bera, D-CA
 Joaquin Castro, D-TX
 Dina Titus, D-NV
 Ted Lieu, D-CA
 Susan Wild, D-PA
 Dean Phillips, D-MN
 Ilhan Omar, D-MN
 Colin Allred, D-TX
 Andy Levin, D-MI
 Abigail Spanberger, D-VA
 Chrissy Houlahan, D-PA
 Tom Malinowski, D-NJ
 Andy Kim, D-NJ
 Sara Jacobs, D-CA
 Kathy Manning, D-NC
 Jim Costa, D-CA
 Juan Vargas, D-CA
 Brad Schneider, D-IL

Members voting AYE (17)

Michael T. McCaul, R-TX
 Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA
 Darrell Issa, R-CA
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA
 Tim Burchett, R-TN
 Andy Barr, R-KY
 Greg Steube, R-FL
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY
 Peter Meijer, R-MI

- Perry Amendment #1: Sense of Congress (not adopted, roll call vote 28N-15Y)

Members voting NO (28)

Gregory W. Meeks, D-NY
 Brad Sherman, D-CA
 Albio Sires, D-NJ
 Gerald E. Connolly, D-VA
 Theodore E. Deutch, D-FL
 Karen Bass, D-CA

William R. Keating, D-MA
 David N. Cicilline, D-RI
 Ami Bera, D-CA
 Joaquin Castro, D-TX
 Dina Titus, D-NV
 Ted Lieu, D-CA
 Susan Wild, D-PA
 Dean Phillips, D-MN
 Ilhan Omar, D-MN
 Colin Allred, D-TX
 Andy Levin, D-MI
 Abigail Spanberger, D-VA
 Chrissy Houlahan, D-PA
 Tom Malinowski, D-NJ
 Andy Kim, D-NJ
 Sara Jacobs, D-CA
 Kathy Manning, D-NC
 Jim Costa, D-CA
 Juan Vargas, D-CA
 Vicente González, D-TX
 Brad Schneider, D-IL
 Peter Meijer, R-MI

Members voting AYE (15)

Michael T. McCaul, R-TX
 Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA
 Tim Burchett, R-TN
 Andy Barr, R-KY
 Greg Steube, R-FL
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY

- H.R. 5665 was ordered favorably reported, as amended, to the House of Representatives (roll call vote 27Y-16N).

Members voting AYE (27)

Gregory W. Meeks, D-NY
 Brad Sherman, D-CA
 Albio Sires, D-NJ
 Gerald E. Connolly, D-VA
 Theodore E. Deutch, D-FL
 Karen Bass, D-CA
 William R. Keating, D-MA
 David N. Cicilline, D-RI
 Ami Bera, D-CA
 Joaquin Castro, D-TX
 Dina Titus, D-NV
 Ted Lieu, D-CA
 Susan Wild, D-PA

Dean Phillips, D-MN
 Ilhan Omar, D-MN
 Colin Allred, D-TX
 Andy Levin, D-MI
 Abigail Spanberger, D-VA
 Chrissy Houlahan, D-PA
 Tom Malinowski, D-NJ
 Andy Kim, D-NJ
 Sara Jacobs, D-CA
 Kathy Manning, D-NC
 Jim Costa, D-CA
 Juan Vargas, D-CA
 Vicente González, D-TX
 Brad Schneider, D-IL

Members voting NO (16)
 Michael T. McCaul, R-TX
 Steve Chabot, R-OH
 Joe Wilson, R-SC
 Scott Perry, R-PA
 Lee Zeldin, R-NY
 Ann Wagner, R-MO
 Brian Mast, R-FL
 Brian Fitzpatrick, R-PA
 Tim Burchett, R-TN
 Andy Barr, R-KY
 Greg Steube, R-FL
 Dan Meuser, R-PA
 Claudia Tenney, R-NY
 August Pfluger, R-TX
 Nicole Malliotakis, R-NY
 Peter Meijer, R-MI

COMMITTEE OVERSIGHT FINDINGS

In compliance with Clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under Clause 2(b)(1) of rule X of the House of Representatives, are incorporated in the descriptive portions of this report, particularly in the “Purpose of Legislation,” “Background and Need for Legislation,” and “Section-by-Section Analysis” sections.

NEW BUDGET AUTHORITY, TAX EXPENDITURES, AND FEDERAL MANDATES

In compliance with clause 3(c)(2) of House Rule XIII and the Unfunded Mandates Reform Act (P.L. 104-4), the committee adopts as its own the estimate of new budget authority, entitlement authority, tax expenditure or revenues, and Federal mandates contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

NON-DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House Rule XIII, the committee states that no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

PERFORMANCE GOALS AND OBJECTIVES

The Act is intended to create a dedicated office at the State Department that can report on, and counter, acts of violence and discrimination against Muslim communities abroad. The key performance goal associated with this objective is for Congress to receive enhanced reporting on Islamophobia and to establish a dedicated State Department office to combat Islamophobia around the world.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 5665 does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

NEW ADVISORY COMMITTEES

H.R. 5665 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

H.R. 5665 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of House Rule XXI.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 2. Authorization for establishment of Office to Monitor and Combat Islamophobia

This section provides the authorization for the establishment of an Office to Monitor and Combat Islamophobia at the State De-

partment. It also provides the authority to the Secretary of State to appoint a Special Envoy for Monitoring and Combating Islamophobia.

Section 3. Inclusion in Department of State annual reports of information concerning acts of Islamophobia in foreign countries

This section requires the State Department to include in annual country reports on human rights practices reporting on the abuse of Muslim communities and individuals around the world.

DISSENTING VIEWS

All of us on the Committee on Foreign Affairs deplore and condemn anti-Muslim persecution, everywhere and anywhere. No one should ever be attacked or denied their human rights or dignity because of their religious faith. But serious, ongoing attempts at monitoring and combating persecution are preferable to rushed, partisan efforts that amount to nothing more than divisive window dressing.

All of us are committed to opposing the heinous acts of violence we have seen directed at Muslims around the world. We were horrified and outraged by the 2016 shooting in a Swiss Islamic center, the 2017 attack during evening prayers at a Quebec mosque, and the 2019 attack on two mosques in Christchurch, New Zealand that killed 51 people. The hateful perpetrators of violence against Muslims must be prosecuted and punished.

That commitment, however, must also apply when the perpetrators are foreign regimes, and especially when those crimes rise to the level of genocide. The genocide committed by the Burmese military against the Rohingya Muslims starting in late 2016 involved some of the most disturbing and heartbreaking atrocities of our generation. Hundreds of thousands of Rohingya are still displaced, homeless, and vulnerable.

Today—at this very moment—the Chinese Communist Party is committing genocide against Uyghur Muslims. Somewhere between one and three million are held in camps. They are being exploited for slave labor and suffering systematic sexual violence. Families are being torn apart, and the CCP prohibits parents from teaching their Islamic faith to their children. Women are suffering forced sterilization and forced abortion, as part of a concerted campaign to suppress Uyghur Muslim birth rates.

Members on our side of the aisle take a back seat to no one in our efforts to combat these anti-Muslim atrocities. In fact, many of us are frustrated that House Democrat Leadership caved to the Biden Administration's efforts to delay a strong U.S. response to the Uyghur Muslim genocide, rather than sending the bipartisan, Senate-passed Uyghur Forced Labor Prevention Act to the President's desk last week. Even that dilatory step was only taken after the press highlighted that House leadership had been sitting on the unanimously passed Senate bill for five months, as well as the House companion that passed this chamber 406 to 3 last year.

The deliberately partisan bill before us today has no Republican cosponsors, and committee Democrats made no effort to work toward a mutually agreeable approach prior to markup. It seems less like a serious legislative effort to enact a necessary law, than a rushed, partisan sop to the most progressive wing of the Democrat party.

The bill does not condemn persecution or gross violations of internationally recognized human rights against Muslims, and Democrats voted down an amendment that would have appropriately focused the new office's efforts on the plight of the Uyghurs and Rohingya, in particular.

Instead, H.R. 5665, creates a duplicative office and a new special envoy position in the State Department, which it charges with combating "Islamophobia and Islamophobic incitement," two deliberately vague terms that appear nowhere in federal statute and are defined nowhere in the bill.

This partisan proposal is not addressing genuine—or even claimed—shortcomings in the State Department's human rights and religious freedom efforts on behalf of persecuted Muslims around the world. Those efforts are already robust and on par with State's efforts on behalf of persecuted Christians and other religious adherents, who also do not have their own special envoys. Monitoring and reporting are already detailed and occur regularly, carried out by human rights officers at our embassies around the world, as well as by State's Bureau of Democracy, Human Rights, and Labor, its Office of International Religious Freedom, and the United States Commission on International Religious Freedom. The current nominee to serve as the Special Envoy for International Religious Freedom, Rashad Hussein, is a prominent Muslim-American. The annual Country Reports on Human Rights Practices include detailed country-specific narratives of human rights violations targeting Muslims. The annual Report on International Religious Freedom describes in detail the country-specific challenges and abuses faced by Muslims because of their faith, as well as U.S. Government policy and engagement to address such challenges.

Creating a new envoy and office would duplicate these pre-existing efforts and further fragment the human rights advocacy conducted by U.S. diplomats, increasing the potential for conflict and delays in policy formulation and clearances. Further, the State Department requested extensive changes to the bill, which have not been incorporated into the bill text.

The deliberate absence of key definitions for unprecedented statutory terms is troubling. At markup, committee Democrats rejected all efforts to clarify what does or does not constitute "Islamophobia and Islamophobic incitement." The Chairman himself stated that such determinations should be left completely up to "relevant actors at the State Department." But unlike "gross violations of internationally recognized human rights," which has a statutory pedigree, State has no experience or competence in assessing "phobias" or other subjective states of mind.

As Representatives Chabot and Zeldin, among others, have pointed out, there are genuine concerns that the vague, undefined terms of the bill could capture legitimate speech and make critics of radical Islamist extremism the targets of the new special envoy and its office. The envoy and office could proceed with a partisan agenda and single out groups, governments, and individuals who do not share their political inclinations. Sadly, committee markup provided ample evidence for such concern, with Democrat Members ir-

responsibly referring to Republican amendments as “Islamophobic and racist” and to Republicans as “violently Islamophobic.”

When, in isolated cases, the teachings of Islam are invoked to justify acts of terror, the demeaning treatment of women, anti-Semitic or anti-Israel incitement (including in school textbooks), and other troubling occurrences, that use should be condemned without fear that such criticism will be labeled “Islamophobic” by official U.S. government representatives.

In sum, the Democrat majority deliberately ignored requests by the State Department and Republican members of Congress to address real redundancies and ambiguities in Representative Omar’s bill. They appear determined to proceed with a divisive partisan charade, rather than to stand together in opposing anti-Muslim violence and persecution that all of us deplore. The bill is deeply flawed and should be strongly opposed.

MICHAEL T. MCCAUL,
Ranking Member.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

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TITLE I—BASIC AUTHORITIES GENERALLY

* * * * *

SEC. 64. MONITORING AND COMBATING ISLAMOPHOBIA.(a) *OFFICE TO MONITOR AND COMBAT ISLAMOPHOBIA.*—

(1) *ESTABLISHMENT.*—*The Secretary of State shall establish within the Department of State an Office to Monitor and Combat Islamophobia (in this section referred to as the “Office”).*

(2) *HEAD OF OFFICE.*—

(A) *SPECIAL ENVOY FOR MONITORING AND COMBATING ISLAMOPHOBIA.*—*The head of the Office shall be the Special Envoy for Monitoring and Combating Islamophobia (in this section referred to as the “Special Envoy”).*

(B) *APPOINTMENT OF SPECIAL ENVOY.*—*The President, by and with the advice and consent of the Senate shall appoint the Special Envoy. If the President determines that such is appropriate, the President may appoint the Special Envoy from among officers and employees of the Department of State. The Secretary of State may allow such officer or employee to retain the position (and the responsibilities associated with such position) held by such officer or employee prior to such appointment.*

(b) *PURPOSE OF OFFICE.*—*Upon establishment, the Office shall assume primary responsibility for the following:*

(1) *Monitoring and combating acts of Islamophobia and Islamophobic incitement that occur in foreign countries.*

(2) *Coordinating and assisting in the preparation of that portion of the reports required by paragraph (9) of section 116(d) and subsection (k) of section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304) relating to an assessment and description of the nature and extent of acts of Islamophobia and Islamophobic incitement.*

(3) *Coordinating and assisting in the preparation of that portion of the report required by clause (viii) of section 102(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)(A)) relating to an assessment and description of the nature and extent of acts of Islamophobia and Islamophobic incitement.*

(c) *CONSULTATIONS.*—*The Special Envoy shall consult with domestic and international nongovernmental organizations and multi-*

lateral organizations and institutions, as the Special Envoy considers appropriate, to carry out this section.

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FOREIGN ASSISTANCE ACT OF 1961

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PART I

CHAPTER 1—POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

* * * * *

SEC. 116. HUMAN RIGHTS.—(a) No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

(b) In determining whether this standard is being met with regard to funds allocated under this part, the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives may require the Administrator primarily responsible for administering part I of this Act to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 617 of this Act.

(b) No assistance may be provided to any government failing to take appropriate and adequate measures, within their means, to protect children from exploitation, abuse or forced conscription into military or paramilitary services.

(c) In determining whether or not a government falls within the provisions of subsection (a) and in formulating development assistance programs under this part, the Administrator shall consider, in consultation with the Assistant Secretary of State for Democracy, Human Rights, and Labor and in consultation with the Ambassador at Large for International Religious Freedom—

- (1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States;

(2) specific actions which have been taken by the President or the Congress relating to multilateral or security assistance to a less developed country because of the human rights practices or policies of such country; and

(3) whether the government—

(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), when such efforts could have been reasonably undertaken.

(d) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by February 25 of each year, a full and complete report regarding—

(1) the status of internationally recognized human rights, within the meaning of subsection (a)—

(A) in countries that receive assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act;

(2) wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization;

(3) the status of child labor practices in each country, including—

(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;

(4) the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year;

(5) the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement;

(6) the steps the Administrator has taken to alter United States programs under this part in any country because of human rights considerations;

(7) wherever applicable, violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998);

(8) wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur during the preceding year, including descriptions of—

(A) acts of physical violence against, or harassment of Jewish people, and acts of violence against, or vandalism of Jewish community institutions, including schools, synagogues, and cemeteries;

(B) instances of propaganda in government and non-government media that attempt to justify or promote racial hatred or incite acts of violence against Jewish people;

(C) the actions, if any, taken by the government of the country to respond to such violence and attacks or to eliminate such propaganda or incitement;

(D) the actions taken by such government to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people; and

(E) the efforts of such government to promote anti-bias and tolerance education;

(9) *wherever applicable, a description of the nature and extent of acts of Islamophobia and Islamophobic incitement that occur during the preceding year, including descriptions of—*

(A) acts of physical violence against, or harassment of, Muslim people, and acts of violence against, or vandalism of, Muslim community institutions, including schools, mosques, and cemeteries;

(B) instances of propaganda in government and non-government media that attempt to justify or promote racial hatred or incite acts of violence against Muslim people;

(C) the actions, if any, taken by the government of the country to respond to such violence and attacks or to eliminate such propaganda or incitement;

(D) the actions taken by such government to enact and enforce laws relating to the protection of the right to religious freedom of Muslim people;

(E) the efforts of such government to promote anti-bias and tolerance education; and

(F) any instances of forced labor, reeducation, or the presence of concentration camps, such as those targeting the Uyghurs in the Xinjiang Province of the People's Republic of China;

[(9)] (10) wherever applicable, consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987);

[(10)] (11) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country;

[(11)] (12)(A) wherever applicable, a description of the nature and extent—

(i) of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported

- paramilitaries, or other armed groups, and the participation of such individuals in such groups; and
- (ii) that such individuals take a direct part in hostilities;
- (B) what steps, if any, taken by the government of the country to eliminate such practices;
- (C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary; and

[(12)] (13) wherever applicable—

(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

(C) in countries where there are particularly severe violations of freedom of the press—

(i) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

(ii) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.

(e) The President is authorized and encouraged to use not less than \$3,000,000 of the funds made available under this chapter, chapter 10 of this part, and chapter 4 of part II for each fiscal year for studies to identify, and for openly carrying out, programs and activities which will encourage or promote increased adherence to civil and political rights, as set forth in the Universal Declaration of Human Rights, in countries eligible for assistance under this chapter or under chapter 10 of this part, except that funds made available under chapter 10 of this part may only be used under this subsection with respect to countries in sub-Saharan Africa. None of these funds may be used, directly or indirectly, to influence the outcome of any election in any country.

(f)(1) The report required by subsection (d) shall include the following:

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

- (ii) Which government authorities in that country are involved in activities to combat such trafficking.
 - (iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.
 - (iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.
 - (v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.
 - (vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.
 - (vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.
 - (viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.
 - (ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.
- (C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.
- (2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.
- (g) CHILD MARRIAGE STATUS.—
- (1) IN GENERAL.—The report required under subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country.
 - (2) DEFINED TERM.—In this subsection, the term “child marriage” means the marriage of a girl or boy who is—

(A) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or

(B) younger than 18 years of age, if no such law exists.

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TITLE XII—FAMINE PREVENTION AND FREEDOM FROM HUNGER

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CHAPTER 1—POLICY

* * * * *

SEC. 502B. HUMAN RIGHTS.—(a)(1) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

(2) Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979 for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979), that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses. Assistance may not be provided under chapter 5 of this part to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.

(3) In furtherance of paragraphs (1) and (2), the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contraven-

tion of the policy of the United States as expressed in this section or otherwise.

(4) In determining whether the government of a country engages in a consistent pattern of gross violations of internationally recognized human rights, the President shall give particular consideration to whether the government—

(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987). Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998). Wherever applicable, such report shall include a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, including the descriptions of such acts required under section 116(d)(8). Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country. Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year. Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement. Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and ex-

tent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State. In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(c)(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor, with respect to the country designated in such request, setting forth—

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term “certification”, as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(d) For the purposes of this section—

(1) the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person;

(2) the term "security assistance" means—

(A) assistance under chapter 2 (military assistance) or chapter 4 (economic support fund) or chapter 5 (military education and training) or chapter 6 (peacekeeping operations) or chapter 8 (antiterrorism assistance) of this part;

(B) sales of defense articles or services, extensions of credits (including participations in credits), and guaranties of loans under the Arms Export Control Act; or

(C) any license in effect with respect to the export to or for the armed forces, police, intelligence, or other internal security forces of a foreign country of—

(i) defense articles or defense services under section 38 of the Armed Export Control Act (22 U.S.C. 2778); or

(ii) items listed under the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;

(e) Notwithstanding any other provision of law, funds authorized to be appropriated under part I of this Act may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.

(f) In allowing the funds authorized to be appropriated by this Act and the Arms Export Control Act, the President shall take into

account significant improvements in the human rights records of recipient countries, except that such allocations may not contravene any other provision of law.

(g) Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.

(h)(1) The report required by subsection (b) shall include the following:

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

(ii) Which government authorities in that country are involved in activities to combat such trafficking.

(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

- (viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.
- (ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.
- (C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.
- (2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.
- (i) The report required by subsection (b) shall include, wherever applicable—
- (1) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;
 - (2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and
 - (3) in countries where there are particularly severe violations of freedom of the press—
 - (A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and
 - (B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.
- [(i)] (j) CHILD MARRIAGE STATUS.—**
- (1) **IN GENERAL.**—The report required under subsection (b) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country.
 - (2) **DEFINED TERM.**—In this subsection, the term “child marriage” means the marriage of a girl or boy who is—
 - (A) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or
 - (B) younger than 18 years of age, if no such law exists.
- (k) INFORMATION CONCERNING ACTS OF ISLAMOPHOBIA IN FOREIGN COUNTRIES.**—*The report required by subsection (b) shall include, wherever applicable, a description of the nature and extent of acts of Islamophobia and Islamophobic incitement that occur during the preceding year, including descriptions of—*
- (1) *acts of physical violence against, or harassment of, Muslim people, and acts of violence against, or vandalism of, Muslim community institutions, including schools, mosques, and cemeteries;*

(2) instances of propaganda in government and nongovernment media that attempt to justify or promote racial hatred or incite acts of violence against Muslim people;

(3) the actions, if any, taken by the government of the country to respond to such violence and attacks or to eliminate such propaganda or incitement;

(4) the actions taken by such government to enact and enforce laws relating to the protection of the right to religious freedom of Muslim people;

(5) the efforts of such government to promote anti-bias and tolerance education; and

(6) any instances of forced labor, reeducation, or the presence of concentration camps, such as those targeting the Uyghurs in the Xinjiang Province of the People's Republic of China.

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INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

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**TITLE I—DEPARTMENT OF STATE
ACTIVITIES**

* * * * *

SEC. 102. REPORTS.

(a) PORTIONS OF ANNUAL HUMAN RIGHTS REPORTS.—The Ambassador at Large shall assist the Secretary of State in preparing those portions of the Human Rights Reports that relate to freedom of religion and freedom from discrimination based on religion and those portions of other information provided Congress under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m, 2304) that relate to the right to freedom of religion.

(b) ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.—

(1) DEADLINE FOR SUBMISSION.—On May 1 of each year or the first day thereafter on which the appropriate House of Congress is in session, the Secretary of State, with the assistance of the Ambassador at Large, and taking into consideration the recommendations of the Commission, shall prepare and transmit to Congress an Annual Report on International Religious Freedom supplementing the most recent Human Rights Reports by providing additional detailed information with respect to matters involving international religious freedom. Each Annual Report shall contain the following:

(A) STATUS OF RELIGIOUS FREEDOM.—A description of the status of religious freedom in each foreign country, including—

(i) trends toward improvement in the respect and protection of the right to religious freedom and trends toward deterioration of such right;

(ii) violations of religious freedom engaged in or tolerated by the government of that country;

(iii) particularly severe violations of religious freedom engaged in or tolerated by the government of that country as well as the routine denial of visa applications for religious workers;

(iv) particularly severe violations of religious freedom in that country if such country does not have a functioning government or the government of such country does not control its territory;

(v) the identification of prisoners, to the extent possible, in that country pursuant to section 108(d);

(vi) any action taken by the government of that country to censor religious content, communications, or worship activities online, including descriptions of the targeted religious group, the content, communication, or activities censored, and the means used; **[and]**

(vii) wherever applicable, an assessment and description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur in that country during the preceding year, including—

(I) acts of physical violence against, or harassment of, Jewish people, acts of violence against, or vandalism of, Jewish community institutions, and instances of propaganda in government and non-government media that incite such acts; and

(II) the actions taken by the government of that country to respond to such violence and attacks or to eliminate such propaganda or incitement, to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people, and to promote anti-bias and tolerance education**[.]**; and

(viii) wherever applicable, an assessment and description of the nature and extent of acts of Islamophobia and Islamophobic incitement that occur in that country during the preceding the year, including—

(I) acts of physical violence against, or harassment of, Muslim people, acts of violence against, or vandalism of, Muslim community institutions, instances of propaganda in government and non-government media that incite such acts, and statements and actions relating thereto;

(II) the actions taken by the government of that country to respond to such violence and attacks or to eliminate such propaganda or incitement, to enact and enforce laws relating to the protection of the right to religious freedom of Muslims, and to promote anti-bias and tolerance education; and

(III) any instances of forced labor, reeducation, or the presence of concentration camps, such as those targeting the Uyghurs in the Xinjiang Province of the People's Republic of China.

(B) VIOLATIONS OF RELIGIOUS FREEDOM.—An assessment and description of the nature and extent of violations of re-

religious freedom in each foreign country, including persecution of one religious group by another religious group, religious persecution by governmental and nongovernmental entities, persecution targeted at individuals or particular denominations or entire religions, persecution of lawyers, politicians, or other human rights advocates seeking to defend the rights of members of religious groups or highlight religious freedom violations, prohibitions on ritual animal slaughter or male infant circumcision, the existence of government policies violating religious freedom, including policies that discriminate against particular religious groups or members of such groups, policies that ban or restrict the public manifestation of religious belief and the peaceful involvement of religious groups or their members in the political life of each such foreign country, and the existence of government policies concerning—

(i) limitations or prohibitions on, or lack of availability of, openly conducted, organized religious services outside of the premises of foreign diplomatic missions or consular posts; and

(ii) the forced religious conversion of minor United States citizens who have been abducted or illegally removed from the United States, and the refusal to allow such citizens to be returned to the United States.

(C) UNITED STATES POLICIES.—A detailed description of United States actions, diplomatic and political coordination efforts, and other policies in support of religious freedom in each foreign country engaging in or tolerating violations of religious freedom, including a description of the measures and policies implemented during the preceding 12 months by the United States under titles I, IV, and V of this Act in opposition to violations of religious freedom and in support of international religious freedom.

(D) INTERNATIONAL AGREEMENTS IN EFFECT.—A description of any binding agreement with a foreign government entered into by the United States under section 401(b) or 402(c).

(E) TRAINING AND GUIDELINES OF GOVERNMENT PERSONNEL.—A description of—

(i) the training described in section 602(a) and (b) and section 603(b) and (c) on violations of religious freedom provided to immigration judges and consular, refugee, immigration, and asylum officers; and

(ii) the development and implementation of the guidelines described in sections 602(c) and 603(a).

(F) EXECUTIVE SUMMARY.—An Executive Summary to the Annual Report highlighting the status of religious freedom in certain foreign countries and including the following:

(i) COUNTRIES IN WHICH THE UNITED STATES IS ACTIVELY PROMOTING RELIGIOUS FREEDOM.—An identification of foreign countries in which the United States is actively promoting religious freedom. This section of

the report shall include a description of United States actions taken to promote the internationally recognized right to freedom of religion and oppose violations of such right under title IV and title V of this Act during the period covered by the Annual Report. Any country designated as a country of particular concern for religious freedom under section 402(b)(1)(A)(ii) shall be included in this section of the report. Any country in which a non-state actor designated as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act is located shall be included in this section of the report.

(ii) COUNTRIES OF SIGNIFICANT IMPROVEMENT IN RELIGIOUS FREEDOM.—An identification of foreign countries the governments of which have demonstrated significant improvement in the protection and promotion of the internationally recognized right to freedom of religion during the period covered by the Annual Report. This section of the report shall include a description of the nature of the improvement and an analysis of the factors contributing to such improvement, including actions taken by the United States under this Act.

(G) ANTI-SEMITISM IN EUROPE.—In addition to the information required under clause (vii) of subparagraph (A), with respect to each European country in which verbal or physical threats or attacks are particularly significant against Jewish persons, places of worship, schools, cemeteries, and other religious institutions, a description of—

(i) the security challenges and needs of European Jewish communities and European law enforcement agencies in such countries to better protect such communities;

(ii) to the extent practicable, the efforts of the United States Government over the reporting period to partner with European law enforcement agencies and civil society groups regarding the sharing of information and best practices to combat anti-Semitic incidents in Europe;

(iii) European educational programming and public awareness initiatives that aim to collaborate on educational curricula and campaigns that impart shared values of pluralism and tolerance, and showcase the positive contributions of Jews in culture, scholarship, science, and art, with special attention to those segments of the population that exhibit a high degree of anti-Semitic animus; and

(iv) efforts by European governments to adopt and apply a working definition of anti-Semitism.

(2) CLASSIFIED ADDENDUM.—If the Secretary of State determines that it is in the national security interests of the United States or is necessary for the safety of individuals to be identified in the Annual Report or is necessary to further the pur-

poses of this Act, any information required by paragraph (1), including measures or actions taken by the United States, may be summarized in the Annual Report or the Executive Summary and submitted in more detail in a classified addendum to the Annual Report or the Executive Summary.

(c) PREPARATION OF REPORTS REGARDING VIOLATIONS OF RELIGIOUS FREEDOM.—

(1) STANDARDS AND INVESTIGATIONS.—The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of violations of the internationally recognized right to freedom of religion.

(2) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing the respect of the right to religious freedom for the Human Rights Reports, the Annual Report on International Religious Freedom, and the Executive Summary, United States mission personnel shall, as appropriate, seek out and maintain contacts with religious and human rights nongovernmental organizations, with the consent of those organizations, including receiving reports and updates from such organizations and, when appropriate, investigating such reports.

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

(1) CONTENT OF HUMAN RIGHTS REPORTS FOR COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following:

“(6) wherever applicable, violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998).”.

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

(A) by inserting “and with the assistance of the Ambassador at Large for International Religious Freedom” after “Labor”; and

(B) by inserting after the second sentence the following new sentence: “Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998).”.

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