

AMENDMENTS

2016—Subsec. (b). Pub. L. 114–281, §101(a)(1), inserted before period at end “, and shall report directly to the Secretary of State”.

Subsec. (c)(1). Pub. L. 114–281, §101(a)(2)(A), substituted “responsibilities” for “responsibility”, inserted dash after “shall be to”, designated remainder of existing provisions as subpar. (A), substituted “; and” for period at end, and added subpar. (B).

Subsec. (c)(2). Pub. L. 114–281, §101(a)(2)(B), inserted “the principal adviser to” before “the Secretary of State” in introductory provisions.

Subsec. (c)(3)(C). Pub. L. 114–281, §101(a)(2)(C), added subpar. (C).

Subsec. (c)(4), (5). Pub. L. 114–281, §101(a)(2)(D), (E), added par. (4) and redesignated former par. (4) as (5).

Subsec. (d). Pub. L. 114–281, §101(a)(3), substituted “appropriate staff for the Office, including full-time equivalent positions and other temporary staff positions needed to compile, edit, and manage the Annual Report under the direct supervision of the Ambassador at Large, and for the conduct of investigations by the Office and for necessary travel to carry out this chapter. The Secretary of State should provide the Ambassador at Large with sufficient funding to carry out the duties described in this section, including, as necessary, representation funds. On the date on which the President’s annual budget request is submitted to Congress, the Secretary shall submit an annual report to the appropriate congressional committees that includes a report on staffing levels for the International Religious Freedom Office.” for “staff for the Office, for the conduct of investigations by the Office, and for necessary travel to carry out the provisions of this section.”

Statutory Notes and Related Subsidiaries

NEAR EAST AND SOUTH CENTRAL ASIA RELIGIOUS FREEDOM

Pub. L. 113–161, Aug. 8, 2014, 128 Stat. 1855, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Near East and South Central Asia Religious Freedom Act of 2014’.

“SEC. 2. SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM OF RELIGIOUS MINORITIES IN THE NEAR EAST AND SOUTH CENTRAL ASIA.

“(a) **APPOINTMENT.**—The President may appoint a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia (in this Act referred to as the ‘Special Envoy’) within the Department of State. The Special Envoy shall have the rank of ambassador and shall hold the office at the pleasure of the President.

“(b) **QUALIFICATIONS.**—The Special Envoy should be a person of recognized distinction in the field of human rights and religious freedom and with expertise in the Near East and South Central Asia.

“SEC. 3. DUTIES.

“(a) **IN GENERAL.**—The Special Envoy shall carry out the following duties:

“(1) Promote the right of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia, denounce the violation of such right, and recommend appropriate responses by the United States Government when such right is violated.

“(2) Monitor and combat acts of religious intolerance and incitement targeted against religious minorities in the countries of the Near East and the countries of South Central Asia.

“(3) Work to ensure that the unique needs of religious minority communities in the countries of the Near East and the countries of South Central Asia are addressed, including the economic and security needs of such communities.

“(4) Work with foreign governments of the countries of the Near East and the countries of South Central Asia to address laws that are discriminatory toward religious minority communities in such countries.

“(5) Coordinate and assist in the preparation of that portion of the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

“(6) Coordinate and assist in the preparation of that portion of the report required by section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

“(b) **COORDINATION.**—In carrying out the duties under subsection (a), the Special Envoy shall, to the maximum extent practicable, coordinate with the Assistant Secretary of State for Population, Refugees and Migration, the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, and other relevant Federal agencies and officials.

“SEC. 4. DIPLOMATIC REPRESENTATION.

“Subject to the direction of the President and the Secretary of State, the Special Envoy is authorized to represent the United States in matters and cases relevant to religious freedom in the countries of the Near East and the countries of South Central Asia in—

“(1) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization of Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

“(2) multilateral conferences and meetings relevant to religious freedom in the countries of the Near East and the countries of South Central Asia.

“SEC. 5. CONSULTATIONS.

“The Special Envoy shall consult with domestic and international nongovernmental organizations and multilateral organizations and institutions, as the Special Envoy considers appropriate to fulfill the purposes of this Act.

“SEC. 6. SUNSET.

“This Act shall cease to be effective beginning on October 1, 2019.

“SEC. 7. FUNDING.

“Of the amounts appropriated or otherwise made available to the Secretary of State for ‘Diplomatic and Consular Programs’ for fiscal years 2015 through 2019, the Secretary of State is authorized to provide to the Special Envoy \$1,000,000 for each such fiscal year for the hiring of staff, the conduct of investigations, and necessary travel to carry out the provisions of this Act.”

§ 6412. 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 2151n and 2304 of this title 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 Con-

gress 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 6417(d) of this title;
- (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.

(B) Violations of religious freedom

An assessment and description of the nature and extent of violations of 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 6441(b) or 6442(c) of this title.

(E) Training and guidelines of Government personnel

A description of—

- (i) the training described in section 6472(a) and (b) of this title and section 6473(b) and (c) of this title 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 6472(c) and 6473(a) of this title.

(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 6442(b)(1)(A)(ii) of this title 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 6442a of this title 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 chapter.

(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 purposes of this chapter, 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.

(Pub. L. 105-292, title I, §102, Oct. 27, 1998, 112 Stat. 2792; Pub. L. 107-228, div. A, title VI, §681(a), Sept. 30, 2002, 116 Stat. 1408; Pub. L. 108-332, §6(b), Oct. 16, 2004, 118 Stat. 1285; Pub. L. 114-281, title I, §102(a), Dec. 16, 2016, 130 Stat. 1429; Pub. L. 115-434, §4, Jan. 14, 2019, 132 Stat. 5528.)

Editorial Notes

REFERENCES IN TEXT

Titles I, IV, and V of this Act, referred to in subsec. (b)(1)(C), (F)(i), are titles I, IV, and V of Pub. L. 105-292, Oct. 27, 1998, 112 Stat. 2791, 2800, 2811. Titles I and IV are classified principally to this subchapter (§6411 et seq.) and subchapter III (§6441 et seq.) of this chapter, respectively. Title V amended sections 2151n, 2452, 3965, 4013, and 6202 of this title and enacted provisions set out as a note under section 2151n of this title. For complete classification of titles I, IV, and V to the Code, see Tables.

This chapter, referred to in subsec. (b)(1)(F)(ii), (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.

CODIFICATION

Section is comprised of section 102 of Pub. L. 105-292. Subsec. (d) of section 102 of Pub. L. 105-292 amended sections 2151n and 2304 of this title.

AMENDMENTS

2019—Subsec. (b)(1)(G). Pub. L. 115-434 added subpar. (G).

2016—Subsec. (b)(1). Pub. L. 114-281, §102(a)(1), substituted “May 1” for “September 1” in introductory provisions.

Subsec. (b)(1)(A)(iii). Pub. L. 114-281, §102(a)(2)(A), substituted “as well as the routine denial of visa applications for religious workers;” for “; and”.

Subsec. (b)(1)(A)(iv) to (vii). Pub. L. 114-281, §102(a)(2)(B), (C), added cls. (iv) to (vi) and redesignated former cl. (iv) as (vii).

Subsec. (b)(1)(B). Pub. L. 114-281, §102(a)(3), in introductory provisions, inserted “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,” after “entire religions,” and “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,” after “such groups.”

Subsec. (b)(1)(C). Pub. L. 114-281, §102(a)(4), substituted “A detailed description of United States actions, diplomatic and political coordination efforts, and other” for “A description of United States actions and”.

Subsec. (b)(1)(F)(i). Pub. L. 114-281, §102(a)(5), substituted “section 6442(b)(1)(A)(ii) of this title” for “section 6442(b)(1) of this title” and inserted at end “Any country in which a non-state actor designated as an entity of particular concern for religious freedom under section 6442a of this title is located shall be included in this section of the report.”

2004—Subsec. (b)(1)(A)(iv). Pub. L. 108-332 added cl. (iv).

2002—Subsec. (b)(1)(B). Pub. L. 107-228 inserted “including policies that discriminate against particular religious groups or members of such groups,” after “the existence of government policies violating religious freedom.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-332 applicable beginning with the first report under sections 2151n(d), 2304(b), and 6412(b) of this title submitted more than 180 days after Oct. 16, 2004, see section 6(c) of Pub. L. 108-332, set out as a note under section 2151n of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

FINDINGS

Pub. L. 115-434, §2, Jan. 14, 2019, 132 Stat. 5526, provided that: “Congress finds the following:

“(1) During the past decade, there has been a steady increase in anti-Semitic incidents in Europe, resulting in European Jews being the targets of physical and verbal harassment and even lethal terrorist attacks, all of which has eroded personal and communal security and the quality of daily Jewish life.

“(2) According to reporting by the European Union Agency for Fundamental Rights (FRA), between 2005 and 2014, anti-Semitic incidents increased in France from 508 to 851; in Germany from 60 to 173; in Belgium from 58 to 130; in Italy from 49 to 86; and in the United Kingdom from 459 to 1,168.

“(3) Anti-Zionism has at times devolved into anti-Semitic attacks, prompting condemnation from many European leaders, including French Prime Minister Manuel Valls, British Prime Minister David Cameron, and German Chancellor Angela Merkel.

“(4) Since 2010, the Department of State has adhered to the working definition of Anti-Semitism by the European Monitoring Center on Racism and Xenophobia (EUMC). Some contemporary examples of anti-Semitism include the following:

“(A) Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a radical ideology or an extremist view of religion).

“(B) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as

such, or the power of Jews as a collective, especially, but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions.

“(C) Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the State of Israel, or even for acts committed by non-Jews.

“(D) Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.

“(E) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own countries.

“(5) On October 16, 2004, the President signed into law the Global Anti-Semitism Review Act of 2004 [see Short Title of 2004 Amendment note set out under section 2651 of this title]. This law provides the legal foundation for a reporting requirement provided by the Department of State annually on anti-Semitism around the world.

“(6) In November 2015, the House of Representatives passed H. Res. 354 by a vote of 418-0, urging the Secretary of State to continue robust United States reporting on anti-Semitism by the Department of State and the Special Envoy to Combat and Monitor Anti-Semitism.

“(7) In 2016, the International Holocaust Remembrance Alliance (IHRA), comprised of 31 member countries, adopted a working definition of anti-Semitism which stated: ‘Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.’.

“(8) The IHRA further clarified that manifestations of anti-Semitism might also target the State of Israel, conceived of as a Jewish collectivity. Anti-Semitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for ‘why things go wrong’. It is expressed in speech, writing, visual forms, and action, and employs sinister stereotypes and negative character traits.”

§ 6413. Establishment of religious freedom Internet site

In order to facilitate access by nongovernmental organizations (NGOs) and by the public around the world to international documents on the protection of religious freedom, the Secretary of State, with the assistance of the Ambassador at Large, shall establish and maintain an Internet site containing major international documents relating to religious freedom, the Annual Report, the Executive Summary, and any other documentation or references to other sites as deemed appropriate or relevant by the Ambassador at Large.

(Pub. L. 105-292, title I, §103, Oct. 27, 1998, 112 Stat. 2795.)

§ 6414. High-level contacts with nongovernmental organizations

United States chiefs of mission shall seek out and contact religious nongovernmental organizations to provide high-level meetings with religious nongovernmental organizations where appropriate and beneficial. United States chiefs of mission and Foreign Service officers abroad shall seek to meet with imprisoned religious leaders where appropriate and beneficial.

(Pub. L. 105-292, title I, §105, Oct. 27, 1998, 112 Stat. 2795.)