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Subcommittee on National Security, the Border, and Foreign Affairs
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Chairman Grothman, Ranking Member Garcia, and members of the Committee, thank you for the opportunity to testify about the ongoing, global crisis of religious freedom and why it is a national security imperative for the United States.

The Religious Freedom Institute (RFI) is committed to achieving broad acceptance of religious liberty as a fundamental human right, a source of individual and social flourishing, the cornerstone of a successful society, and a driver of national and international security.

When considering America’s national security imperatives, the analytical lens of religion and religious freedom is often essential, particularly when considering regions of instability and our strategic competitors.

Countries that violate religious freedom frequently enable, or at least permit, religion-related violence within their own borders. These countries also incubate or sometimes even directly sponsor the export of violent religious extremism and terrorism. When religious repression is allowed to go unchecked, it frequently breeds violent actions – whether domestic conflict and civil war or global transnational terrorism. Promoting religious freedom and combating religious repression is vital to undercut the drivers and motivators of religion-related violence and terrorism.

Just look at what these countries say and do. More specifically, how do governments and other groups behave in four areas?

- How do they treat their own people when it comes to religious freedom?
- What is their ruling philosophy or ideology on matters of religious freedom?
- How do they treat their neighbors?
- What do they do and say on the international stage?

This type of analysis is useful and compelling.

Take Iran, for instance. The government of Iran has a religious political ideology that sees minority religious communities as threats, no matter how peaceful they are. The regime also directs its authoritarianism toward Iran's majority population. Note that observant Muslim women have been in the forefront of challenging the regime's tyrannical behavior and that they have done so by using religious symbols and texts. The ayatollahs have imposed a system that is the opposite of one that values religious freedom. Instead, they provide religious justifications for destruction at home and abroad – from justifying deploying their own young men as human minesweepers, as they did in the 1980s; to supporting criminal and terrorist operations in Yemen, Israel, Lebanon, Iraq, Syria, and elsewhere.

Countries like Russia and China have state ideologies that see religious and ethno-religious minorities as challenges to the regime. This is partially because religious people naturally hold to a moral authority structure that is above the state, the demagogue, or the party. Muslim Uyghurs, Tibetan Buddhists, Christians, Falun Gong and others challenge the omnipotence of President Xi and the Chinese Communist Party by their mere existence, despite the fact that all these people want simply to live quiet and peaceful lives in their homeland.

Another type of case is societies such as Nigeria and India, which have democratic institutions and some level of civil liberties. Yet, they are increasingly characterized by persecution and other forms of religion-justified violence. In India, attacks on Muslims and Christians by Hindu nationalists are growing. A number of Indian provinces have imposed so-called “religious freedom” laws that are actually the opposite, and in fact target religious minorities for surveillance and punishment.

In Nigeria, we see a toxic situation with violent Islamists such as Boko Haram and Islamic State West Africa Province terrorizing the north. There are sharia courts in more than a dozen provinces that disregard equal rights and due process for religious minorities. The ghastly violence in the Middle Belt has resulted in approximately 4,000 Christians killed annually at the hands of extremists in recent years.

What is the Biden Administration doing? It took Nigeria *off* the Country of Particular Concern (CPC) list for religious freedom violations. Indeed, Nigeria is emblematic of the inattention and lack of action by our government at present.

I have mentioned Russia, China, Nigeria, India, and Iran to make it clear that understanding the religious freedom dynamics in a particular situation helps to inform some of our most difficult national security challenges. Let's take a look at what the Biden Administration is doing on this matter.

The Biden Administration appointed an outstanding individual to the role of Ambassador at Large for International Religious Freedom, a public servant who had served in multiple roles in the Obama and Trump Administrations. The State Department continues to publish a useful annual report on international religious freedom. However, the Administration's priorities and lack of consistent commitment to advancing religious freedom negatively affect the State Department's Office of International Religious Freedom. Recently, the Office seems preoccupied with engaging non-religious actors rather than singularly focusing on the millions of people persecuted for their faith around the world.

My testimony provides specific, concrete recommendations that Congress and the Administration could immediately take to improve our national security by greater action on international religious freedom issues. Some of these recommendations are from RFI's recent Capitol Hill event corresponding to the 30th anniversary of the Religious Freedom Restoration Act (RFRA) and 25th anniversary of the bipartisan International Religious Freedom Act of 1998 (IRFA).

First, let me point to how our current approach is actually hurting our national security.

The Biden Administration routinely waives taking any of the formal, legal actions against CPC governments provided for in IRFA. It is worth noting that some of the failure to fully implement this law is a bipartisan problem: while administrations have made 145 Country of Particular Concern designations against 17 countries since IRFA was enacted, every president has chronically waived IRFA actions against those CPCs. The problem is so bad that the bipartisan Frank R. Wolf International Religious Freedom Act, which was enacted in 2016, includes a sense of Congress stating that “ongoing and persistent waivers for any country designated as a country of particular concern for religious freedom...do not fulfill the purposes of this Act.”

However, the Biden Administration has gone further than just continuing the waiver addiction of its predecessors. It ignored the facts on the ground and pulled Nigeria off the CPC list. Fantastically, the administration even claims that climate change is the primary cause of Nigeria's religious violence. Nigeria is a country where robust, creative engagement could help save individual lives and stop a downward spiral of vengeance, violence, and destabilization. If Nigeria fell into civil war and chaos – like we have seen in places such as the Democratic Republic of Congo, Rwanda, and Libya – the results would be catastrophic for both the region and the U.S.

Second, the Biden Administration is harming America's interests and reputation by its aggressive promulgation of “sexual orientation” and “gender” ideologies to highly religious societies.

This began only two weeks after the president was inaugurated, with National Security Memorandum 4 promoting these ideologies in U.S. foreign policy. One has to pause and ask if one of the first acts of the Administration needed to be a national security directive on these matters rather than on energy security, competition in the South China Sea, terrorism, relations with the Russian Federation, or other pressing national security issues.

Our international partners have experienced a continuous drumbeat on these matters, including Vice President Harris' recent “goodwill” tour to Africa where she castigated African societies for their deeply held, widely agreed-upon convictions about religion and morality. My organization and others have heard directly from citizens in those countries: “Why is the U.S. hammering us on transgenderism and related matters? Are we going to lose PEPFAR and other vital support if we hold on to our convictions?”

So on the one hand, the Administration has done nearly nothing in terms of concrete, effective action to push back on ethno-religious violence and the persecution of faith communities from Nicaragua to Afghanistan. At the same time, the Administration is bullying our friends in highly religious societies such as Kenya, Zambia, Tanzania, and Ghana for their religiously-formed convictions on life, human dignity, and family.

However, it need not be so for the Administration. Religious freedom is a hallmark of the American experience of ordered liberty, and a right and blessing that people yearn for around the world. We have a responsibility to do our part to enhance international security by understanding the religious dimensions of global affairs and championing religious freedom for everyone, everywhere.

There are actions that Congress and the Administration can take to sharpen our focus on the national security implications of global religious freedom.

Congress

1. Mandate the Government Accountability Office (GAO) to assess and publicly report on the implementation of the International Religious Freedom Act of 1998 from its enactment to the present.

- The assessment should include an evaluation of the executive branch’s use of waivers from executing the presidential actions against Countries of Particular Concern or visa sanctions on “Foreign government officials who have committed particularly severe violations of religious freedom,” as IRFA mandates.
- Instruct GAO to consult with current and former members of Congress; current and former Congressional staff; and civic organizations based in the United States and in select countries where there have been “particularly severe violations of religious freedom.”
- Instruct GAO to identify which departments and offices in the executive branch drive the use of IRFA waivers.

2. Pass legislation to reduce or eliminate the president’s authority to waive taking action against Countries of Particular Concern, consistent with the Constitution.

3. Pass legislation prohibiting a government from employing a registered lobbyist if its country has been designated as a Country of Particular Concern for three consecutive years.

- Former Rep. Frank Wolf, author of the International Religious Freedom Act of 1998, recommended this legislation at RFI’s symposium on Capitol Hill, “Commemorating RFRA and IRFA: Why Religious Freedom Remains Vital to U.S. Law and Policy,” October 3, 2023.

4. In re-authorizations and appropriations, keep the mandate of the United States Commission on International Religious Freedom (USCIRF) restricted to the one that the International Religious Freedom Act of 1998 gave it: “the facts and circumstances of violations of religious freedom.” Reject Congressional or other efforts to expand USCIRF’s mandate to include “the abuse of religion to justify human rights violations.”

5. Robustly investigate evidence of the Administration threatening to punish countries, including withholding foreign assistance, unless their governments comply with the Administration’s “sexual orientation and gender identity” ideology and abortion agenda.

6. **Consider legislation requiring executive branch agencies to provide an analysis of the religious freedom and economic impact that “sexual orientation and gender identity” ideology requirements and recommendations in executive branch funding opportunities for work in foreign countries would have on potential U.S.-based and local religious non-governmental implementing partners. Require executive branch agencies to include a Religious Freedom Restoration Act analysis as part of their religious freedom impact analysis.**
- Some executive branch agencies now routinely include “sexual orientation and gender identity” requirements and recommendations in funding opportunities for U.S.-based and local, indigenous non-governmental organizations to work in foreign countries. A recent example is language in the May 11, 2023 funding opportunity announcement from the State Department’s Bureau of Democracy, Human Rights, and Labor, entitled “Children and Armed Conflict in Nigeria and/or Ethiopia,” which listed “gender identity, gender expression, sex characteristics, sexual orientation.”

Executive Branch

1. **The Secretary of State must follow the law and make Country of Particular Concern determinations and designations based solely on the facts from-the-ground and whether religious freedom violations meet the statutory criteria.**
- The International Religious Freedom Act of 1998 permits no other factors to be considered, although it does currently permit the president to consider other factors when deciding about presidential action.
2. **Stop persistently exercising waivers for the presidential action against Countries of Particular Concern that the International Religious Freedom Act of 1998 otherwise requires. Consistently impose visa sanctions on “foreign government officials who have committed particularly severe violations of religious freedom,” as IRFA requires.**
3. **Appoint a Special Advisor on International Religious Freedom to the staff of the National Security Council at the level of a director within the Executive Office of the President.**
- The International Religious Freedom Act of 1998 amended the National Security Act of 1947 to include a sense of Congress calling for this appointment.
 - The Frank R. Wolf International Religious Freedom Act of 2016 (PL 114-281) reaffirmed this call.
 - In the 25 years since IRFA was enacted, this position has only been filled once: February 2020.
4. **Stop using diplomacy and foreign aid as weapons against countries that refuse to affirm “sexual orientation and gender identity” ideology or enable abortion.**

5. **Develop and release a whole-of-government United States Strategy to Advance International Religious Freedom. In advance of such a strategy, fully implement the Executive Order on Advancing International Religious Freedom (Executive Order 13926, June 2, 2020).**
 - This executive order was never rescinded and remains in force. It is the closest thing the United States has to a strategy to advance international religious freedom. The executive order is a comprehensive, technically sound blueprint for action.
 - A whole-of government or even an executive branch agency-specific strategy of religious engagement is not the same as a strategy to advance religious freedom. The former is usually mostly to advance an administration’s priorities. The latter is principle-based. E.g., the 2013 “National Strategy on Integrating Religious Leader and Faith Community Engagement” or USAID’s recent “Building Bridges: USAID’s Strategic Religious Engagement Policy” are not fundamentally strategies to advance religious freedom.
6. **Whenever possible, “negotiate and enter into a binding agreement with a foreign government” of a Country of Particular Concern “that obligates such government to cease, or take substantial steps to address and phase out, the act, policy, or practice constituting the violation of religious freedom,” as the International Religious Freedom Act of 1998 authorizes. Only grant waivers to a Country of Particular Concern when its government has entered into a binding agreement. Inform a government that has met the CPC criteria, but is not yet a CPC, that the United States will designate it as a CPC unless it enters into a binding agreement.**
 - Nadine Maenza, former Chair of the United States Commission on International Religious Freedom and current President of the International Religious Freedom Secretariat, made these binding agreement recommendations at RFI’s symposium on Capitol Hill, “Commemorating RFRA and IRFA: Why Religious Freedom Remains Vital to U.S. Law and Policy,” October 3, 2023.
7. **Prioritize cooperative engagements with foreign governments to improve conditions, when those governments are willing.**
 - Nadine Maenza, former Chair of the United States Commission on International Religious Freedom and current President of the International Religious Freedom Secretariat, made this recommendation at RFI’s symposium on Capitol Hill, “Commemorating RFRA and IRFA: Why Religious Freedom Remains Vital to U.S. Law and Policy,” October 3, 2023.