

§ 6417. Prisoner lists and issue briefs on religious freedom concerns

(a) Sense of Congress

To encourage involvement with religious freedom concerns at every possible opportunity and by all appropriate representatives of the United States Government, it is the sense of the Congress that officials of the executive branch of Government should promote increased advocacy on such issues during meetings between foreign dignitaries and executive branch officials or Members of Congress.

(b) Prisoner lists and issue briefs on religious freedom concerns

The Secretary of State, in consultation with the Ambassador at Large, the Assistant Secretary of State for Democracy, Human Rights and Labor, United States chiefs of mission abroad, regional experts, and nongovernmental human rights and religious groups, shall prepare and maintain issue briefs on religious freedom, on a country-by-country basis, consisting of lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious activities, religious freedom advocacy, or efforts to protect and advance the universally recognized right to the freedom of religion, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom. In considering the inclusion of names of prisoners on such lists, the Secretary of State shall exercise appropriate discretion, including concerns regarding the safety, security, and benefit to such prisoners.

(c) Availability of information

The Secretary shall make available religious freedom issue briefs under subsection (b) to executive branch officials and Members of Congress in anticipation of bilateral contacts with foreign leaders, both in the United States and abroad.

(d) Victims list maintained by the United States Commission on International Religious Freedom

(1) In general

The Commission shall make publicly available, to the extent practicable, online and in official publications, lists of persons it determines are imprisoned or detained, have disappeared, been placed under house arrest, been tortured, or subjected to forced renunciations of faith for their religious activity or religious freedom advocacy by the government of a foreign country that the Commission recommends for designation as a country of particular concern for religious freedom under section 6442(b)(1)(A)(ii) of this title or by a non-state actor that the Commission recommends for designation as an entity of particular concern for religious freedom under section 6442a of this title and include as much publicly available information as practicable on the conditions and circumstances of such persons.

(2) Discretion

In compiling lists under paragraph (1), the Commission shall exercise all appropriate dis-

cretion, including consideration of the safety and security of, and benefit to, the persons who may be included on the lists and the families of such persons.

(Pub. L. 105–292, title I, §108, Oct. 27, 1998, 112 Stat. 2796; Pub. L. 114–281, title I, §104, Dec. 16, 2016, 130 Stat. 1432.)

AMENDMENTS

2016—Subsec. (b). Pub. L. 114–281, §104(1), substituted “activities, religious freedom advocacy, or efforts to protect and advance the universally recognized right to the freedom of religion,” for “faith.”

Subsec. (c). Pub. L. 114–281, §104(2), substituted “make available” for “, as appropriate, provide”.

Subsec. (d). Pub. L. 114–281, §104(3), added subsec. (d).

SUBCHAPTER II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

§ 6431. Establishment and composition

(a) In general

There is established the United States Commission on International Religious Freedom.

(b) Membership

(1) Appointment

The Commission shall be composed of—

(A) the Ambassador at Large, who shall serve ex officio as a nonvoting member of the Commission; and

(B) Nine¹ other members, who shall be United States citizens who are not being paid as officers or employees of the United States, and who shall be appointed as follows:

(i) Three members of the Commission shall be appointed by the President.

(ii) Three members of the Commission shall be appointed by the President pro tempore of the Senate, of which two of the members shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President, and of which one of the members shall be appointed upon the recommendation of the leader in the Senate of the other political party.

(iii) Three members of the Commission shall be appointed by the Speaker of the House of Representatives, of which two of the members shall be appointed upon the recommendation of the leader in the House of the political party that is not the political party of the President, and of which one of the members shall be appointed upon the recommendation of the leader in the House of the other political party.

(2) Selection

Members of the Commission shall be selected among distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct experience abroad, human rights, and international law.

(3) Time of appointment

The appointments required by paragraph (1) shall be made not later than 120 days after October 27, 1998.

¹ So in original. Probably should not be capitalized.

(c) Terms**(1) In general**

The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to December 23, 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.

(2) Establishment of staggered terms**(A) In general**

Notwithstanding paragraph (1), members of the Commission appointed to serve on the Commission during the period May 15, 2003, through May 14, 2005, shall be appointed to terms in accordance with the provisions of this paragraph.

(B) Presidential appointments

Of the three members of the Commission appointed by the President under subsection (b)(1)(B)(i), two shall be appointed to a 1-year term and one shall be appointed to a 2-year term.

(C) Appointments by the President pro tempore of the Senate

Of the three members of the Commission appointed by the President pro tempore of the Senate under subsection (b)(1)(B)(ii), one of the appointments made upon the recommendation of the leader in the Senate of the political party that is not the political party of the President shall be appointed to a 1-year term, and the other two appointments under such clause shall be 2-year terms.

(D) Appointments by the Speaker of the House of Representatives

Of the three members of the Commission appointed by the Speaker of the House of Representatives under subsection (b)(1)(B)(iii), one of the appointments made upon the recommendation of the leader in the House of the political party that is not the political party of the President shall be to a 1-year term, and the other two appointments under such clause shall be 2-year terms.

(E) Appointments to 1-year terms

The term of each member of the Commission appointed to a 1-year term shall be considered to have begun on May 15, 2003, and shall end on May 14, 2004, regardless of the date of the appointment to the Commission. Each vacancy which occurs upon the expiration of the term of a member appointed to a 1-year term shall be filled by the appointment of a successor to a 2-year term.

(F) Appointments to 2-year terms

Each appointment of a member to a two-year term shall identify the member succeeded thereby, and each such term shall end on May 14 of the year that is at least

two years after the expiration of the previous term, regardless of the date of the appointment to the Commission.

(3) Ineligibility for reappointment

If a member of the Commission attends, by being physically present or by conference call, less than 75 percent of the meetings of the Commission during one of that member's terms on the Commission, the member shall not be eligible for reappointment to the Commission.

(d) Election of Chair and Vice Chair

At the first meeting of the Commission after May 30 of each year, a majority of the members of the Commission who are present and voting shall elect a Chair and a Vice Chair. The Vice Chair shall have been appointed by an officeholder from a different political party than the officeholder who appointed the member of the Commission who was elected Chair. The positions of Chair and Vice Chair shall be rotated annually between members who were appointed to the Commission by officeholders of different political parties.

(e) Quorum

Six voting members of the Commission shall constitute a quorum for purposes of transacting business.

(f) Meetings

Each year, within 15 days, or as soon as practicable, after the issuance of the International Religious Freedom Report, the Commission shall convene. The Commission shall otherwise meet at the call of the Chair or, if no Chair has been elected for that calendar year, at the call of six voting members of the Commission.

(g) Vacancies

Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made. A member may serve after the expiration of that member's term until a successor has taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(h) Administrative support

The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out the provisions of this subchapter.

(i) Funding

Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Commission. Members of the Commission shall comply with the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the "Federal Travel Regulation") and the Department of

State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.

(j) Removal

If a payment is made under section 415(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) for an award or settlement in connection with a claim alleging a violation of unlawful harassment, intimidation, reprisal, or discrimination under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) that was committed personally by an individual who, at the time of committing the violation, was a Member of the Commission, the Member shall be removed from the Commission.

(Pub. L. 105–292, title II, §201, Oct. 27, 1998, 112 Stat. 2797; Pub. L. 106–55, §§1(a), 2(b), Aug. 17, 1999, 113 Stat. 401, 406; Pub. L. 107–228, div. A, title VI, §681(b)–(d), Sept. 30, 2002, 116 Stat. 1408, 1409; Pub. L. 112–75, §2, Dec. 23, 2011, 125 Stat. 1272; Pub. L. 116–94, div. J, title VIII, §§803, 806(a), Dec. 20, 2019, 133 Stat. 3076, 3078.)

REFERENCES IN TEXT

The Congressional Accountability Act of 1995, referred to in subsec. (j), is Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, which is classified principally to chapter 24 (§1301 et seq.) of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note under section 1301 of Title 2 and Tables.

AMENDMENTS

2019—Subsec. (b)(2). Pub. L. 116–94, §803(1), struck out subpar. (A) designation and heading and subpar. (B). Prior to amendment, text of subpar. (B) read as follows: “Each member of the Commission shall be required to obtain a security clearance.”

Subsec. (d). Pub. L. 116–94, §803(2), amended subsec. (d) generally. Prior to amendment, text read as follows: “At the first meeting of the Commission after May 30 of each year, a majority of the members of the Commission present and voting shall elect the Chair of the Commission. No member of the Commission is eligible to be elected as Chair of the Commission for a second, consecutive term.”

Subsec. (f). Pub. L. 116–94, §803(3), substituted “International Religious Freedom Report” for “Country Report on Human Rights Practices”.

Subsec. (i). Pub. L. 116–94, §806(a), substituted “shall comply with” for “are subject to”.

Subsec. (j). Pub. L. 116–94, §803(4), added subsec. (j).

2011—Subsec. (c)(1). Pub. L. 112–75, §2(a)(1), added par. (1) and struck out former par. (1) which read as follows: “The term of office of each member of the Commission shall be 2 years. The term of each member of the Commission appointed to the first two-year term of the Commission shall be considered to have begun on May 15, 1999, and shall end on May 14, 2001, regardless of the date of appointment to the Commission. The term of each member of the Commission appointed to the second two-year term of the Commission shall begin on May 15, 2001, and shall end on May 14, 2003, regardless of the date of appointment to the Commission. In the case in which a vacancy in the membership of the Commission is filled during a two-year term of the Commission, such membership on the Commission shall terminate at the end of that two-year term of the Commission. Members of the Commission shall be eligible for reappointment to a second term.”

Subsec. (c)(3). Pub. L. 112–75, §2(a)(2), added par. (3).

Subsec. (d). Pub. L. 112–75, §2(b), inserted at end “No member of the Commission is eligible to be elected as

Chair of the Commission for a second, consecutive term.”

Subsec. (i). Pub. L. 112–75, §2(c), inserted at end “Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the ‘Federal Travel Regulation’) and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.”

2002—Subsec. (c)(2). Pub. L. 107–228, §681(b), added par. (2).

Subsec. (d). Pub. L. 107–228, §681(c), substituted “after May 30 of each” for “in each calendar”.

Subsec. (g). Pub. L. 107–228, §681(d), inserted at end “A member may serve after the expiration of that member’s term until a successor has taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term.”

1999—Pub. L. 106–55, §1(a)(2), which directed amendment of section by inserting after first sentence “The term of each member of the Commission appointed to the first two-year term of the Commission shall be considered to have begun on May 15, 1999, and shall end on May 14, 2001, regardless of the date of appointment to the Commission. The term of each member of the Commission appointed to the second two-year term of the Commission shall begin on May 15, 2001, and shall end on May 14, 2003, regardless of the date of appointment to the Commission. In the case in which a vacancy in the membership of the Commission is filled during a two-year term of the Commission, such membership on the Commission shall terminate at the end of that two-year term of the Commission.”, was executed by making the insertion after the first sentence of subsec. (c)(1) to reflect the probable intent of Congress.

Subsec. (b)(1)(B)(iii). Pub. L. 106–55, §2(b), substituted “Three” for “three”.

Subsec. (c). Pub. L. 106–55, §1(a)(1), designated existing provisions as par. (1) and inserted par. heading.

Subsec. (h). Pub. L. 106–55, §1(a)(3), amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows: “The Secretary of State shall assist the Commission by providing to the Commission such staff and administrative services of the Office as may be necessary and appropriate for the Commission to perform its functions. Any employee of the executive branch of Government may be detailed to the Commission without reimbursement to the agency of that employee and such detail shall be without interruption or loss of civil service status or privilege.”

§ 6432. Duties of Commission

(a) In general

The Commission shall have as its primary responsibility—

(1) the annual and ongoing review of the facts and circumstances of violations of religious freedom presented in the Country Reports on Human Rights Practices, the Annual Report, and the Executive Summary, as well as information from other sources as appropriate; and

(2) the making of policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international religious freedom.

(b) Policy review and recommendations in response to violations

The Commission, in evaluating United States Government policies in response to violations of religious freedom, shall consider and rec-