

116TH CONGRESS
1ST SESSION

H. R. 5379

To reauthorize the United States Commission on International Religious Freedom, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2019

Mr. CICILLINE introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reauthorize the United States Commission on International Religious Freedom, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Commis-
5 sion on International Religious Freedom Reauthorization
6 Act of 2019”.

1 **SEC. 2. REAUTHORIZATION.**

2 Section 209 of the International Religious Freedom
3 Act of 1998 (22 U.S.C. 6436) is amended by striking
4 “2019” and inserting “2023”.

5 **SEC. 3. COMPOSITION OF COMMISSION.**

6 Section 201 of the International Religious Freedom
7 Act of 1998 (22 U.S.C. 6431) is amended—

8 (1) in subsection (b)(2)—

9 (A) by striking “(A) IN GENERAL.—”; and

10 (B) by striking subparagraph (B);

11 (2) in subsection (c)(1)—

12 (A) by striking “2 years” and inserting “3
13 years”; and

14 (B) by striking the second and third sen-
15 tences and inserting the following: “Individuals
16 serving on the Commission on the date of the
17 enactment of the United States Commission on
18 International Religious Freedom Reauthoriza-
19 tion Act of 2019 who were previously re-
20 appointed to the Commission may not remain
21 in office after the end of the term for which the
22 member was appointed. Individuals serving on
23 the Commission as of such date of enactment
24 who were not previously reappointed to the
25 Commission may be reappointed for 1 addi-
26 tional 2-year term. Individuals appointed to the

1 Commission on or after such date of enactment
2 may not serve more than 1 term as members of
3 the Commission under any circumstance. Indi-
4 viduals whose service as members of the Com-
5 mission ended before such date of enactment
6 may not be reappointed to the Commission.”;

7 (3) by amending subsection (d) to read as fol-
8 lows:

9 “(d) ELECTION OF CHAIR AND VICE CHAIR.—At the
10 first meeting of the Commission after May 30 of each
11 year, a majority of the members of the Commission who
12 are present and voting shall elect a Chair and a Vice
13 Chair. The Vice Chair shall have been appointed by an
14 officeholder from a different political party than the office-
15 holder who appointed the member of the Commission who
16 was elected Chair. The positions of Chair and Vice Chair
17 shall be rotated annually between members who were ap-
18 pointed to the Commission by officeholders of different po-
19 litical parties.”;

20 (4) in subsection (f), by striking “Country Re-
21 port on Human Rights Practices” and inserting
22 “International Religious Freedom Report”; and

23 (5) by adding at the end the following:

24 “(j) REMOVAL.—If a payment is made under section
25 415(a) of the Congressional Accountability Act of 1995

1 (2 U.S.C. 1415(a)) for an award or settlement in connec-
 2 tion with a claim alleging a violation of unlawful harass-
 3 ment, intimidation, reprisal, or discrimination under the
 4 Congressional Accountability Act of 1995 (2 U.S.C. 1301
 5 et seq.) that was committed personally by an individual
 6 who, at the time of committing the violation, was a Mem-
 7 ber of the Commission, the Member shall be removed from
 8 the Commission.”.

9 **SEC. 4. DUTIES AND POWERS OF THE COMMISSION.**

10 (a) DUTIES.—Section 202 of the International Reli-
 11 gious Freedom Act of 1998 (22 U.S.C. 6432) is amend-
 12 ed—

13 (1) in subsection (a)(1), by inserting “globally
 14 and the abuse of religion to justify human rights vio-
 15 lations, including those” after “freedom”; and

16 (2) in subsection (e)—

17 (A) by striking “The Commission” and in-
 18 serting the following:

19 “(1) IN GENERAL.—The Commission”; and

20 (B) by adding at the end the following:

21 “(2) TRACKING; REVIEW.—The Commission
 22 shall regularly—

23 “(A) track the implementation by the
 24 United States Government of the recommenda-
 25 tions it makes under paragraph (1); and

1 “(B) review, to the extent practicable, the
2 effectiveness of such implemented recommenda-
3 tions in advancing religious freedom inter-
4 nationally.”.

5 (b) POWERS.—Section 203(e) of the International
6 Religious Freedom Act of 1998 (22 U.S.C. 6432a(e)) is
7 amended—

8 (1) by striking “The Members of the Commis-
9 sion” and inserting the following:

10 “(1) IN GENERAL.—The Members of the Com-
11 mission”;

12 (2) in paragraph (1), as redesignated, by insert-
13 ing “When a member of the Commission is speaking
14 at a public event in his or her capacity as a private
15 citizen, the event sponsor shall not identify the mem-
16 ber’s affiliation with the Commission in any printed
17 materials or when introducing the member.” after
18 “private citizens.”; and

19 (3) by adding at the end the following:

20 “(2) SPEAKING AT EVENTS IN OFFICIAL CAPAC-
21 ITY.—When a Member of the Commission is invited
22 to speak at an event in his or her capacity as a
23 Commissioner, the Member shall provide notice of
24 the request to all Commissioners and the Executive
25 Director as soon as the Commissioner becomes

1 aware of the request. When a specific Commissioner
2 is requested to speak at an event, but a different
3 Commissioner has more relevant subject-matter ex-
4 pertise, the Commission may propose that a dif-
5 ferent Commissioner speak at the event. If more
6 than 1 Commissioner would like to speak at an event
7 and interested Commissioners cannot reach a timely,
8 amicable decision on who shall speak, the Commis-
9 sion, as a whole, shall decide who shall speak by ma-
10 jority vote. Speeches and responses to questions at
11 events shall reflect the views of the Commission.
12 Speeches and other prepared materials must be cir-
13 culated to all Commissioners in advance of the
14 event.”.

15 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

16 (a) IN GENERAL.—Section 204 of the International
17 Religious Freedom Act of 1998 (22 U.S.C. 6432b) is
18 amended—

19 (1) in subsection (a)—

20 (A) by striking “, without regard to civil
21 service laws and regulations,”;

22 (B) by striking “and such other additional
23 personnel” and inserting the following: “. The
24 Executive Director, with the approval of the

1 Chair and the Vice Chair, may appoint or ter-
2minate additional senior staff”; and

3 (C) by inserting “The Executive Director,
4 in consultation with the relevant Members of
5 the Commission, may appoint or terminate such
6 junior staff as may be necessary to enable the
7 Commission to perform its duties.” after “du-
8 ties.”;

9 (2) in subsection (b)—

10 (A) by striking “fix the compensation of
11 the Executive Director and other personnel”
12 and inserting “provide reasonable compensation
13 to the Executive Director”;

14 (B) by striking “and other personnel may
15 not exceed the rate payable for level V of the
16 Executive Schedule under section 5316” and in-
17 serting “may not exceed the rate payable under
18 level II of the Executive Schedule under section
19 5313”; and

20 (C) by adding at the end the following:
21 “The rate of pay for other personnel of the
22 Commission may not exceed the rate payable
23 for level IV of the Executive Schedule under
24 section 5315 of such title. All employees of the
25 Commission shall otherwise be treated as em-

1 employees whose pay is disbursed by the Secretary
2 of the Senate, including for purposes of apply-
3 ing the Standing Rules of the Senate. The
4 Commission shall be treated as an employing
5 office of the Senate.”;

6 (3) in subsection (f), by striking “the commis-
7 sion, for the executive director” and inserting “the
8 Commission, for the Executive Director”; and

9 (4) by striking subsection (g).

10 (b) COVERAGE OF COMMISSION EMPLOYEES.—Sec-
11 tion 101(b) of the Congressional Accountability Act (2
12 U.S.C. 1301) is amended—

13 (1) in paragraph (1), by inserting “the United
14 States Commission on International Religious Free-
15 dom,” after “With respect to”;

16 (2) in paragraph (2)—

17 (A) by redesignating subparagraphs (A)
18 and (B) as clauses (i) and (ii);

19 (B) by inserting “(A)” before “Subject to
20 paragraph (3),”; and

21 (C) by adding at the end the following:

22 “(B) Subject to paragraph (3), legal assist-
23 ance and representation under this Act, includ-
24 ing assistance and representation with respect
25 to the proposal or acceptance of the disposition

1 of a claim under this Act, shall be provided to
2 the United States Commission on International
3 Religious Freedom by the Office of Senate
4 Chief Counsel for Employment of the Senate, in
5 the case of assistance and representation in
6 connection with a claim filed under title IV (in-
7 cluding all subsequent proceedings under such
8 title in connection with such claim).”; and

9 (3) in paragraph (3)—

10 (A) in subparagraph (B), by striking
11 “and” at the end;

12 (B) in subparagraph (C), by striking the
13 period at the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(D) the term ‘United States Commission
16 on International Religious Freedom’ means the
17 Commission established under section 201 of
18 the International Religious Freedom Act of
19 1998 (22 U.S.C. 6431).”.

20 **SEC. 6. COMMISSION TRAVEL AND ANNUAL DISCLOSURES.**

21 (a) DUTIES.—Section 201(i) of the International Re-
22 ligious Freedom Act of 1998 (22 U.S.C. 6431(i)) is
23 amended by striking “are subject to” and inserting “shall
24 comply with”.

1 (b) POWERS.—Section 203(f) of the International
2 Religious Freedom Act of 1998 (22 U.S.C. 6432a(f)) is
3 amended—

4 (1) by striking “The Members of the Commis-
5 sion” and inserting the following:

6 “(1) IN GENERAL.—The Members of the Com-
7 mission”; and

8 (2) by adding at the end the following:

9 “(2) PROHIBITION AGAINST PAYMENT OF OFFI-
10 CIAL TRAVEL BY NON-FEDERAL SOURCES.—Mem-
11 bers of the Commission and Commission staff may
12 not accept payment from a non-Federal source for
13 expenses related to official travel on behalf of the
14 Commission.”.

15 (c) ANNUAL DISCLOSURES.—Section 203 of the
16 International Religious Freedom Act of 1998, as amended
17 by subsection (b), is further amended by adding at the
18 end the following:

19 “(g) ANNUAL DISCLOSURES.—Not later than March
20 1 of each year, each Member of the Commission shall sub-
21 mit to the Committee on Foreign Relations of the Senate,
22 the Committee on Foreign Affairs of the House of Rep-
23 resentatives, the Committee on Appropriations of the Sen-
24 ate, and the Committee on Appropriations of the House

1 of Representatives a report that discloses, with respect to
2 the most recently concluded 12-month period—

3 “(1) any travel by the Member outside of the
4 United States that was paid for or reimbursed by a
5 person or entity other than the Member, a relative
6 of the Member, or the Federal Government, includ-
7 ing—

8 “(A) who paid for or reimbursed the trav-
9 el;

10 “(B) a good faith estimate of the cost of
11 the travel; and

12 “(C) brief details of the travel and events
13 related to such travel; and

14 “(2) any instances in which the Member was
15 identified as a Commissioner while speaking at, or
16 otherwise participating in, a public event in his or
17 her capacity as a private citizen.”.

18 **SEC. 7. RECORD RETENTION.**

19 Section 208 of the International Religious Freedom
20 Act of 1998 (22 U.S.C. 6435a) is amended by adding at
21 the end the following:

22 “(f) COMMISSION RECORDS.—The Commission shall
23 comply with all of the records management requirements
24 set forth in chapter 31 of title 44, United States Code

1 (commonly referred to as the ‘Federal Records Act of
2 1950’).

3 “(g) OFFICIAL EMAIL FOR COMMISSION BUSI-
4 NESS.—When conducting any Commission business
5 through email, Commission Members and staff shall use
6 official Commission email.”.

7 **SEC. 8. APPLICABILITY OF THE FREEDOM OF INFORMA-**
8 **TION ACT AND THE ETHICS IN GOVERNMENT**
9 **ACT OF 1978.**

10 Section 206 of the International Religious Freedom
11 Act of 1998 (22 U.S.C. 6434) is amended by—

12 (1) inserting “(a) FEDERAL ADVISORY COM-
13 MITTEE ACT.—” before “The”; and

14 (2) adding at the end the following new sub-
15 sections:

16 “(b) FREEDOM OF INFORMATION ACT.—Notwith-
17 standing sections 551 or 552(f) of title 5, United States
18 Code, the Commission shall be considered to be an agency
19 for purposes of section 552 of such title.

20 “(c) ETHICS IN GOVERNMENT ACT OF 1978.—Each
21 Commissioner appointed under section 201(b)(1)(B)
22 shall—

23 “(1) be subject to the requirements of the Eth-
24 ics in Government Act of 1978 (5 U.S.C. App); and

1 “(2) submit financial disclosure reports under
2 such Act in the same form and manner as an indi-
3 vidual described in section 101(f)(10) of such Act.

4 “(d) CLARIFICATION.—Each Commissioner ap-
5 pointed under section 201(b)(1)(B) shall not be considered
6 a Federal employee except for the purposes of chapter 81
7 of title 5, United States Code, (relating to job-incurred
8 disability) and title 28, United States Code, (relating to
9 tort claims).”.

10 **SEC. 9. STRATEGIC PLAN.**

11 Section 4(d) of the United States Commission on
12 International Religious Freedom Reauthorization Act of
13 2015 (22 U.S.C. 6433a(d)) is amended by striking “Not
14 later than 180 days after the date of the enactment of
15 the Act, and not less frequently than biennially thereafter”
16 and inserting “Not later than 180 days after the date of
17 the enactment of the United States Commission on Inter-
18 national Religious Freedom Reauthorization Act of 2019,
19 and every 2 years thereafter”.

20 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 207(a) of the International Religious Free-
22 dom Act of 1998 (22 U.S.C. 6435(a)) is amended by strik-
23 ing “\$3,500,000 for each of the fiscal years 2016 to

1 2019” and inserting “\$4,500,000 for each of the fiscal
2 years 2020 through 2023”.

○