

116TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. GARDNER, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on _____

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”.

7 **SEC. 2. REAUTHORIZATION.**

8 Section 209 of the International Religious Freedom
9 Act of 1998 (22 U.S.C. 6436) is amended by striking
10 “2019” and inserting “2023”.

1 **SEC. 3. COMPOSITION OF COMMISSION.**

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

4 (1) in subsection (b)(2)—

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

6 (B) by striking subparagraph (B);

7 (2) in subsection (c)(1)—

8 (A) by striking “2 years” and inserting “3
9 years”; and

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

1 mission ended before such date of enactment
2 may not be reappointed to the Commission.”;

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

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

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

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

20 “(j) REMOVAL.—If a payment is made under section
21 415(a) of the Congressional Accountability Act of 1995
22 (2 U.S.C. 1415(a)) for an award or settlement in connec-
23 tion with a claim alleging a violation of unlawful harass-
24 ment, intimidation, reprisal, or discrimination under the
25 Congressional Accountability Act of 1995 (2 U.S.C. 1301

1 et seq.) that was committed personally by an individual
2 who, at the time of committing the violation, was a Mem-
3 ber of the Commission, the Member shall be removed from
4 the Commission.”.

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

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

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

12 (2) in subsection (e)—

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

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

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

17 “(2) TRACKING; REVIEW.—The Commission
18 shall regularly—

19 “(A) track the implementation by the
20 United States Government of the recommenda-
21 tions it makes under paragraph (1); and

22 “(B) review, to the extent practicable, the
23 effectiveness of such implemented recommenda-
24 tions in advancing religious freedom inter-
25 nationally.”.

1 (b) POWERS.—Section 203(e) of the International
2 Religious Freedom Act of 1998 (22 U.S.C. 6432a(e)) 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) in paragraph (1), as redesignated, by insert-
9 ing “When a member of the Commission is speaking
10 at a public event in his or her capacity as a private
11 citizen, the event sponsor shall not identify the mem-
12 ber’s affiliation with the Commission in any printed
13 materials or when introducing the member.” after
14 “private citizens.”; and

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

16 “(2) SPEAKING AT EVENTS IN OFFICIAL CAPAC-
17 ITY.—When a Member of the Commission is invited
18 to speak at an event in his or her capacity as a
19 Commissioner, the Member shall provide notice of
20 the request to all Commissioners and the Executive
21 Director as soon as the Commissioner becomes
22 aware of the request. When a specific Commissioner
23 is requested to speak at an event, but a different
24 Commissioner has more relevant subject-matter ex-
25 pertise, the Commission may propose that a dif-

1 ferent Commissioner speak at the event. If more
2 than 1 Commissioner would like to speak at an event
3 and interested Commissioners cannot reach a timely,
4 amicable decision on who shall speak, the Commis-
5 sion, as a whole, shall decide who shall speak by ma-
6 jority vote. Speeches and responses to questions at
7 events shall reflect the views of the Commission.
8 Speeches and other prepared materials must be cir-
9 culated to all Commissioners in advance of the
10 event.”.

11 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

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

15 (1) in subsection (a)—

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

18 (B) by striking “and such other additional
19 personnel” and inserting the following: “. The
20 Executive Director, with the approval of the
21 Chair and the Vice Chair, may appoint or ter-
22 minate additional senior staff”; and

23 (C) by inserting “The Executive Director,
24 in consultation with the relevant Directors, may
25 appoint or terminate such junior staff as may

1 be necessary to enable the Commission to per-
2 form its duties.” after “duties.”;

3 (2) in subsection (b)—

4 (A) by striking “fix the compensation of
5 the Executive Director and other personnel”
6 and inserting “provide reasonable compensation
7 to the Executive Director”;

8 (B) by striking “and other personnel may
9 not exceed the rate payable for level V of the
10 Executive Schedule under section 5316” and in-
11 sserting “may not exceed the rate payable under
12 level II of the Executive Schedule under section
13 5313”; and

14 (C) by adding at the end the following:
15 “The rate of pay for other personnel of the
16 Commission may not exceed the rate payable
17 for level IV of the Executive Schedule under
18 section 5315 of such title. All employees of the
19 Commission shall otherwise be treated as em-
20 ployees whose pay is disbursed by the Secretary
21 of the Senate, including for purposes of apply-
22 ing the Standing Rules of the Senate. The
23 Commission shall be treated as an employing
24 office of the Senate”;

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

4 (4) by striking subsection (g).

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

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

11 (2) in paragraph (2)—

12 (A) by redesignating subparagraphs (A)
13 and (B) as clauses (i) and (ii);

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

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

17 “(B) Legal assistance and representation
18 under this chapter, including assistance and
19 representation with respect to the proposal or
20 acceptance of the disposition of a claim under
21 this chapter, shall be provided to the United
22 States Commission on International Religious
23 Freedom by the Office of Senate Chief Counsel
24 for Employment of the Senate, in the case of
25 assistance and representation in connection

1 with a claim filed under subchapter IV (includ-
2 ing all subsequent proceedings under such sub-
3 chapter in connection with such claim).”; and

4 (3) in paragraph (3)—

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

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

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

10 “(D) the term ‘United States Commission
11 on International Religious Freedom’ means the
12 Commission established under section 201 of
13 the International Religious Freedom Act of
14 1998 (22 U.S.C. 6431 et seq.).”

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

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

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

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

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

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

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

10 (c) ANNUAL DISCLOSURES.—Section 203 of the
11 International Religious Freedom Act of 1998, as amended
12 by subsection (b), is further amended by adding at the
13 end the following:

14 “(g) ANNUAL DISCLOSURES.—Not later than March
15 1 of each year, each Member of the Commission shall sub-
16 mit a report to the appropriate congressional committees
17 (as defined in section 4(a) of the United States Commis-
18 sion on International Religious Freedom Reauthorization
19 Act of 2015 (22 U.S.C. 6433a(a)) that discloses, with re-
20 spect to the most recently concluded 12-month period—

21 “(1) any travel by the Member outside of the
22 United States that was paid for or reimbursed by a
23 person or entity other than the Member, a relative
24 of the Member, or the Federal Government, includ-
25 ing—

1 “(A) who paid for or reimbursed the trav-
2 el;

3 “(B) a good faith estimate of the cost of
4 the travel; and

5 “(C) brief details of the travel and events
6 related to such travel; and

7 “(2) any instances in which the Member was
8 identified as a Commissioner while speaking at, or
9 otherwise participating in, a public event in his or
10 her capacity as a private citizen.”.

11 **SEC. 7. STRATEGIC PLAN.**

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

19 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 207(a) of the International Religious Free-
21 dom Act of 1998 (22 U.S.C. 6435(a)) is amended by strik-
22 ing “\$3,500,000 for each of the fiscal years 2016 to
23 2019” and inserting “\$4,500,000 for each of the fiscal
24 years 2019 through 2023”; and

1 **SEC. 9. RECORD RETENTION.**

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

5 “(f) COMMISSION RECORDS.—The Commission shall
6 comply with all of the records management requirements
7 set forth in chapter 31 of title 44, United States Code
8 (commonly referred to as the ‘Federal Records Act of
9 1950’).

10 “(g) OFFICIAL EMAIL FOR COMMISSION BUSI-
11 NESS.—When conducting any Commission business
12 through email, Commission Members and staff shall use
13 official Commission email.”.