

109TH CONGRESS
1ST SESSION

H. R. 3108

To establish the Commission on Religious Freedom and Respect in the Armed Forces to assess the freedom of religion and respect for the diversity of spiritual values in the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2005

Mr. ISRAEL (for himself, Mrs. CAPPS, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To establish the Commission on Religious Freedom and Respect in the Armed Forces to assess the freedom of religion and respect for the diversity of spiritual values in the Armed Forces.

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 “Religious Freedom and
5 Respect in the Armed Forces Commission Act”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a commission to be known as the
8 “Commission on Religious Freedom and Respect in the

1 Armed Forces” (in this Act referred to as the “Commis-
2 sion”).

3 **SEC. 3. DEFINITION OF RELIGIOUS FREEDOM.**

4 In this Act, the term “religious freedom” means the
5 freedom to choose one’s religious beliefs, to express such
6 beliefs, and to exercise one’s religious beliefs, rituals, and
7 traditions, without coercion or intimidation.

8 **SEC. 4. DUTIES AND POWERS.**

9 (a) DUTIES OF THE COMMISSION.—The Commission
10 shall conduct a review to assess religious freedom, and re-
11 spect and tolerance for the diversity of spiritual values,
12 in the Armed Forces. The review conducted by the Com-
13 mission shall include—

14 (1) an examination of the issues of religious
15 freedom and respect for the diversity of spiritual val-
16 ues in the Armed Forces;

17 (2) an assessment of the policies, procedures,
18 and responsibilities for the accommodation of reli-
19 gious exercise in the Armed Forces;

20 (3) a review of the report titled “The Report of
21 the Headquarters Review Group Concerning the Re-
22 ligious Climate at the U.S. Air Force Academy”,
23 issued on June 22, 2005; and

24 (4) a review of any reports by the Government
25 Accountability Office or an Inspector General, and

1 any recommendations from other governmental or
2 nongovernmental sources, regarding religious free-
3 dom and respect for the diversity of spiritual values
4 in the Armed Forces that the Commission considers
5 appropriate.

6 (b) AREAS OF REVIEW.—As part of the review under
7 subsection (a), the Commission shall identify and make
8 findings regarding—

9 (1) opportunities to clarify guidelines for reli-
10 gious freedom in the Armed Forces;

11 (2) areas within the Armed Forces where ac-
12 commodation of religious freedom can be enhanced
13 and improved; and

14 (3) ways to improve and enhance respect and
15 tolerance for the diversity of spiritual values in the
16 Armed Forces.

17 (c) HEARINGS.—The Commission may, for the pur-
18 pose of carrying out this Act, hold hearings, take testi-
19 mony, and receive evidence as the Commission considers
20 appropriate. The Commission may issue subpoenas to
21 compel the attendance of witnesses and the production of
22 documents, and may administer oaths to witnesses ap-
23 pearing before it.

24 (d) OBTAINING OFFICIAL DATA.—Subject to sections
25 552, 552a, and 552b of title 5, United States Code, the

1 Commission may secure directly from any department or
2 agency of the United States information necessary to en-
3 able it to carry out this Act. Upon request of the Chair-
4 man of the Commission, the head of that department or
5 agency shall furnish the information to the Commission.

6 (e) CONTRACTS.—The Commission may contract, as
7 the Commission considers appropriate, for the provision
8 of services, facilities, studies, and reports that will assist
9 the Commission in carrying out its duties, responsibilities,
10 and powers.

11 **SEC. 5. MEMBERSHIP.**

12 (a) NUMBER AND QUALIFICATIONS.—The Commis-
13 sion shall be composed of 12 members, appointed from
14 among individuals who are scholars, experts, or other indi-
15 viduals with substantial knowledge of or experience in—

16 (1) the constitution and church-state relations;

17 (2) pastoral care; or

18 (3) professional development in the Armed
19 Forces.

20 (b) APPOINTMENT.—Of the members described
21 under subsection (a)—

22 (1) four shall be appointed by the President,
23 not more than 2 of whom may be of the same polit-
24 ical party;

1 (2) two shall be appointed by the Speaker of
2 the House of Representatives;

3 (3) two shall be appointed by the minority lead-
4 er of the House of Representatives;

5 (4) two shall be appointed by the majority lead-
6 er of the Senate; and

7 (5) two shall be appointed by the minority lead-
8 er of the Senate.

9 (c) OPERATIONS.—

10 (1) APPOINTMENT.—Members of the Commis-
11 sion shall be appointed not later than 30 days after
12 the date of the enactment of this Act.

13 (2) CHAIRMAN.—The President shall designate
14 one member of the Commission to serve as Chair-
15 man of the Commission.

16 (3) MEETINGS.—

17 (A) FREQUENCY.—The Commission shall
18 meet monthly at the call of the Chairman and
19 at additional times as the Commission considers
20 appropriate.

21 (B) QUORUM.—Seven members of the
22 Commission shall constitute a quorum but a
23 lesser number may hold hearings.

24 (4) COMPENSATION.—Members of the Commis-
25 sion shall serve without pay, but shall receive travel

1 expenses, including per diem in lieu of subsistence,
2 in accordance with applicable provisions under sub-
3 chapter I of chapter 57 of title 5, United States
4 Code.

5 (5) PROFESSIONAL STAFF.—The Commission
6 may employ, pursuant to laws and regulations gov-
7 erning the civil service, an executive secretary and
8 any clerical, professional, and technical assistants as
9 may be necessary.

10 (6) TERMS AND VACANCIES.—Each member
11 shall be appointed for the life of the Commission. A
12 vacancy in the Commission shall be filled in the
13 manner in which the original appointment was
14 made. The appointment of the replacement member
15 shall be made not later than 30 days after the date
16 on which the vacancy occurs.

17 **SEC. 6. REPORT.**

18 Not later than 6 months after the date of the enact-
19 ment of this Act, the Commission shall submit a report
20 to the President and Congress on the Commission's find-
21 ings. The report shall include the following:

22 (1) An assessment of religious freedom, and re-
23 spect and tolerance for the diversity of spiritual val-
24 ues, in the Armed Forces.

1 (2) Recommendations to clarify the right of re-
2 ligious freedom in the Armed Forces and to ensure
3 that the rights of those who engage in religious exer-
4 cise and expression, as well as those who do not, are
5 respected.

6 (3) Recommendations regarding how the Armed
7 Forces can promote and enhance tolerance and re-
8 spect for the spiritual values of all people.

9 **SEC. 7. TERMINATION OF THE COMMISSION.**

10 The Commission shall terminate 60 days after the
11 date on which the Commission submits the report required
12 under section 6.

13 **SEC. 8. FUNDING.**

14 Funds for activities of the Commission shall be pro-
15 vided from amounts appropriated for the Department of
16 Defense.

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