

(1) United States diplomatic missions in countries the governments of which engage in or tolerate violations of the internationally recognized right to freedom of religion should develop, as part of annual program planning, a strategy to promote respect for the internationally recognized right to freedom of religion; and

(2) in allocating or recommending the allocation of funds or the recommendation of candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those programs and candidates deemed to assist in the promotion of the right to religious freedom.

(Pub. L. 105-292, title I, §106, Oct. 27, 1998, 112 Stat. 2796.)

§ 6416. Equal access to United States missions abroad for conducting religious activities

(a) In general

Subject to this section, the Secretary of State shall permit, on terms no less favorable than that accorded other nongovernmental activities unrelated to the conduct of the diplomatic mission, access to the premises of any United States diplomatic mission or consular post by any United States citizen seeking to conduct an activity for religious purposes.

(b) Timing and location

The Secretary of State shall make reasonable accommodations with respect to the timing and location of such access in light of—

(1) the number of United States citizens requesting the access (including any particular religious concerns regarding the time of day, date, or physical setting for services);

(2) conflicts with official activities and other nonofficial United States citizen requests;

(3) the availability of openly conducted, organized religious services outside the premises of the mission or post;

(4) availability of space and resources; and

(5) necessary security precautions.

(c) Discretionary access for foreign nationals

The Secretary of State may permit access to the premises of a United States diplomatic mission or consular post to foreign nationals for the purpose of attending or participating in religious activities conducted pursuant to this section.

(Pub. L. 105-292, title I, §107, Oct. 27, 1998, 112 Stat. 2796.)

§ 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 discretion, 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.)

Editorial Notes

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.

(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

¹ So in original. Probably should not be capitalized.