

114TH CONGRESS  
1ST SESSION

# S. 1860

To protect and promote international religious freedom.

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IN THE SENATE OF THE UNITED STATES

JULY 23, 2015

Mr. DURBIN (for himself and Mr. LEAHY) introduced the following bill; which  
was read twice and referred to the Committee on the Judiciary

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## A BILL

To protect and promote international religious freedom.

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 “Further Independence  
5 of Religion for Security and Tolerance Freedom Act of  
6 2015” or the “FIRST Freedom Act”.

7 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) Many of our Nation’s founders fled religious  
10 persecution and placed great importance on religious  
11 freedom. President George Washington summed up  
12 the prevailing view of our founders when he wrote,

1 in 1793, “in this Land of equal liberty it is our  
2 boast, that a man’s religious tenets will not forfeit  
3 the protection of the Laws”.

4 (2) In 1791, the First Amendment to the Con-  
5 stitution was ratified, enshrining freedom of religion  
6 as the “First Freedom” of all Americans and becom-  
7 ing an inspiration to people all over the world who  
8 struggle to throw off the yoke of religious persecu-  
9 tion.

10 (3) Throughout our Nation’s history, the  
11 United States has sought to protect and promote  
12 fundamental human rights, including religious free-  
13 dom, in the United States and throughout the world.

14 (4) After World War II, under Eleanor Roo-  
15 sevelt’s leadership, the United States spearheaded  
16 the ratification of the Universal Declaration of  
17 Human Rights, adopted at Paris December 10,  
18 1948, which recognized freedom of religion as a fun-  
19 damental right of all people. Article 18 of that trea-  
20 ty states “Everyone has the right to freedom of  
21 thought, conscience and religion; this right includes  
22 freedom to change his religion or belief, and freedom  
23 either alone or in community with others and in  
24 public or private, to manifest his religion or belief in  
25 teaching, practice, worship and observance.”.

1           (5) The International Covenant on Civil and  
2 Political Rights, adopted at New York December 16,  
3 1966, and which was ratified by the United States  
4 in 1992, states, “Everyone shall have the right to  
5 freedom of thought, conscience and religion. This  
6 right shall include freedom to have or to adopt a re-  
7 ligion or belief of his choice, and freedom, either in-  
8 dividually or in community with others and in public  
9 or private, to manifest his religion or belief in wor-  
10 ship, observance, practice and teaching.”.

11           (6) Since the enactment of the International  
12 Religious Freedom Act of 1998 (Public Law 105–  
13 292), referred to in this section as “IRFA”, which  
14 established the Department of State’s Office on  
15 International Religious Freedom, the Ambassador at  
16 Large for International Religious Freedom, and the  
17 United States Commission on International Reli-  
18 gious Freedom (referred to in this section as  
19 “USCIRF”), the state of religious freedom through-  
20 out the world has significantly worsened.

21           (7) In section 2(a)(4) of IRFA (2 U.S.C.  
22 6401(a)(4)), Congress stated, “More than one-half  
23 of the world’s population lives under regimes that  
24 severely restrict or prohibit the freedom of their citi-

1 zens to study, believe, observe, and freely practice  
2 the religious faith of their choice.”.

3 (8) According to “Rising Tide of Restrictions  
4 on Religion,” the most recent report of the Pew Re-  
5 search Center’s Forum on Religion & Public Life,  
6 three-quarters of the world’s population lives in  
7 countries in which restrictions on religion were high  
8 or very high.

9 (9) According to the 2014 USCIRF Annual Re-  
10 port, “The past 10 years have seen a worsening of  
11 the already-poor religious freedom environment in  
12 Pakistan, a continued dearth of religious freedom in  
13 Turkmenistan, backsliding in Vietnam, rising viola-  
14 tions in Egypt before and after the Arab Spring,  
15 and Syria’s decent [sic] into sectarian civil war with  
16 all sides perpetrating egregious religious freedom  
17 violations.”.

18 (10) Under section 402 of IRFA (22 U.S.C.  
19 6442), the President is required to designate a coun-  
20 try as a country of particular concern (referred to in  
21 this section as “CPC”) if the government of the  
22 country has engaged in or tolerated systematic, on-  
23 going and egregious violations of religious freedom.

24 (11) According to the 2015 USCIRF Annual  
25 Report, since October 1999, when the first countries

1 were designated as CPCs, “the list has been largely  
2 unchanged. Of the nine countries designated as  
3 CPCs in July 2014, most had been named as CPCs  
4 for over a decade . . . Since IRFA’s inception, only  
5 one country has been removed from the State De-  
6 partment’s CPC list due to diplomatic activity.”.  
7 This track record calls into serious question the util-  
8 ity of the CPC mechanism and the utility of IRFA  
9 to improve the state of religious freedom throughout  
10 the world.

11 (12) The United States has a long tradition of  
12 providing safe haven to refugees, including members  
13 of religious minority groups and those fleeing reli-  
14 gious persecution. Following the international com-  
15 munity’s tragic failure to shelter Jewish refugees  
16 fleeing the Nazi genocide, the United States played  
17 a leadership role in establishing the international  
18 legal regime for the protection of refugees. Since  
19 that time, the American people have generously wel-  
20 comed millions of refugees fleeing war and totali-  
21 tarian regimes, and the United States traditionally  
22 accepts at least 50 percent of resettlement cases  
23 handled by the Office of the United Nations High  
24 Commissioner for Refugees (referred to in this sec-  
25 tion as “UNHCR”).

1           (13) According to the 2014 UNHCR Global  
2 Trends Report, more than 59,500,000 people were  
3 forcibly displaced in 2014—

4           (A) which is equal to 1 displacement for  
5 every 122 people worldwide;

6           (B) which is the most displacements in a  
7 year in recorded history;

8           (C) including—

9           (i) 38,200,000 individuals who were  
10 internally displaced within their own coun-  
11 try;

12           (ii) 19,500,000 refugees; and

13           (iii) 1,800,000 asylum-seekers;

14           (D) many of whom were victims of serious  
15 human rights violations, including religious per-  
16 secution; and

17           (E) many are whom are members of vul-  
18 nerable populations, including religious minori-  
19 ties.

20           (14) The ongoing conflict in Syria has led to  
21 the world's worst ongoing humanitarian crisis and  
22 worst refugee crisis since World War II. More than  
23 50 percent of Syria's 23,000,000 people have been  
24 forcibly displaced from their homes and, as of 2015,  
25 20 percent of the world's refugees are Syrians.

1 UNHCR is seeking to resettle 130,000 Syrian refu-  
2 gees during 2015 and 2016, with a particular focus  
3 on vulnerable individuals such as religious minori-  
4 ties. Although the United States traditionally ac-  
5 cepts at least 50 percent of UNHCR resettlement  
6 cases, the United States has only accepted approxi-  
7 mately 800 Syrian refugees since the beginning of  
8 the Syrian conflict, which is an unacceptably low  
9 number.

10 (15) There are several steps that would facili-  
11 tate the efforts of the United States Government to  
12 protect and provide safe haven to refugees from reli-  
13 gious persecution. The 2015 USCIRF Annual Re-  
14 port recommends that Congress “work to provide  
15 the President with permanent authority to designate  
16 as refugees specifically-defined groups based on  
17 shared characteristics identifying them as targets for  
18 persecution on account of race, religion, nationality,  
19 membership in a particular social group, or political  
20 opinion”.

21 (16) The United States Government has limited  
22 tools to hold accountable the perpetrators of reli-  
23 gious freedom violations. Section 604 of IRFA  
24 added section 212(a)(2)(G) of the Immigration and  
25 Nationality Act (8 U.S.C. 1182(a)(2)(G)), which

1 made foreign government officials who commit par-  
2 ticularly severe violations of religious freedom inad-  
3 missible to the United States, but it has only been  
4 applied once, to deny entry to Narendra Modi, who  
5 was Chief Minister of Gujarat, India. In its 2015  
6 Annual Report, USCIRF recommends that the State  
7 Department: “Make greater efforts to ensure foreign  
8 government officials are denied entry into the United  
9 States due to their inadmissibility under U.S. law  
10 for their responsibility for religious freedom viola-  
11 tions abroad.”. The effectiveness of this law is also  
12 limited because it does not apply to non-state actors,  
13 such as international terrorists, and it can only be  
14 used to deny entry to a perpetrator who has not yet  
15 arrived in the United States, not to deport a perpe-  
16 trator who has already entered the country.

17 (17) In the 2015 USCIRF Annual Report,  
18 USCIRF recommended that the United States Gov-  
19 ernment “should call for or support a referral by the  
20 UN Security Council to the International Criminal  
21 Court to investigate ISIL violations in Iraq and  
22 Syria against religious and ethnic minorities, fol-  
23 lowing the models used in Sudan and Libya, or en-  
24 courage the Iraqi government to accept ICC jurisdic-  
25 tion to investigate ISIL violations in Iraq after June

1 2014". Given the weakness of the international  
2 criminal justice system, particularly that an ICC re-  
3 ferral is subject to a UN Security Council veto, the  
4 United States Government should have the ability to  
5 prosecute members of ISIL in United States courts  
6 for crimes against humanity, including religious per-  
7 secution.

8 (18) Under United States law, it is a crime for  
9 a non-United States national to commit genocide,  
10 torture, terrorism, or several other violations of the  
11 law of nations, but it is not a crime under United  
12 States law to commit crimes against humanity, in-  
13 cluding religious persecution. Since the United  
14 States Government is unable to prosecute perpetra-  
15 tors of these crimes, many foreign war criminals  
16 have found safe haven in this country.

17 (19) In 2006, the United States Government  
18 learned that Marko Boskic, a man who participated  
19 in the Srebrenica massacre in the Bosnian conflict,  
20 was living in Massachusetts. Rather than charging  
21 him with crimes against humanity, or religious per-  
22 secution, Mr. Boskic was charged with visa fraud  
23 and sentenced to only 5 years in prison.

24 (20) There is bipartisan agreement about the  
25 need for the United States Government to promote

1 and protect international human rights, including re-  
2 ligious freedom. USCIRF is, by design, a bipartisan  
3 organization, with Commissioners appointed by the  
4 President and Congressional leaders. USCIRF can  
5 most effectively promote religious freedom on a bi-  
6 partisan basis.

7 (21) In its 2014 Annual Report entitled “Addi-  
8 tional Opportunities to Reduce Fragmentation,  
9 Overlap, and Duplication and Achieve Other Finan-  
10 cial Benefits”, which identifies unnecessary duplica-  
11 tion in the Federal Government, the Government Ac-  
12 countability Office (referred to in this section as  
13 “GAO”)—

14 (A) highlighted the lack of coordination  
15 and overlapping missions of USCIRF and the  
16 Office of International Religious Freedom in  
17 the Department of State;

18 (B) found that “the lack of a definition re-  
19 garding how State and the Commission are to  
20 interact has sometimes created foreign policy  
21 tensions that State has had to mitigate.”; and

22 (C) concluded that the lack of coordination  
23 between the USCIRF and the Department of  
24 State may undermine the efforts of the United  
25 States Government to promote international re-

1 religious freedom by sending mixed messages to  
2 foreign governments and human-rights activists  
3 who are fighting to defend religious freedom in  
4 their countries.

5 (22) Congress, which is responsible for over-  
6 seeing the work of USCIRF and ensuring that it is  
7 effectively pursuing its mission, should provide  
8 greater oversight of USCIRF's practices, including  
9 addressing concerns regarding financial irregularities  
10 and the work environment for religious minorities.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that—

13 (1) the protection and promotion of inter-  
14 national human rights, including religious freedom,  
15 should be an important priority for the United  
16 States Government; and

17 (2) the United States Government should pur-  
18 sue new strategies for protecting and promoting reli-  
19 gious freedom throughout the world, including—

20 (A) the creation of new tools—

21 (i) to deter and punish the perpetra-  
22 tors of particularly severe violations of reli-  
23 gious freedom, including non-state actors;  
24 and

1 (ii) to protect the victims of such vio-  
2 lations; and

3 (B) increased diplomatic engagement that  
4 does not focus primarily on CPC designations.

5 **SEC. 3. ENHANCED PROTECTIONS FOR REFUGEES AND**  
6 **ASYLEES FLEEING RELIGIOUS PERSECUTION.**

7 (a) **AUTHORITY TO DESIGNATE CERTAIN GROUPS OF**  
8 **REFUGEES FOR CONSIDERATION.**—Section 207(c)(1) of  
9 the Immigration and Nationality Act (8 U.S.C.  
10 1157(c)(1)) is amended—

11 (1) by inserting “(A)” before “Subject to the  
12 numerical limitations”; and

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

14 “(B)(i) The Secretary of State, in consultation  
15 with the Secretary of Homeland Security, may des-  
16 ignate specifically defined groups of aliens—

17 “(I) whose resettlement in the United  
18 States is justified by humanitarian concerns or  
19 is otherwise in the national interest; and

20 “(II) who—

21 “(aa) share common characteristics  
22 that identify them as targets of persecu-  
23 tion on account of race, religion, nation-  
24 ality, membership in a particular social  
25 group, or political opinion; or

1                   “(bb) having been identified as targets  
2                   under item (aa), share a common need for  
3                   resettlement due to a specific vulnerability.

4                   “(ii) An alien who establishes membership in a  
5                   group designated under clause (i) to the satisfaction  
6                   of the Secretary of Homeland Security shall be con-  
7                   sidered a refugee for purposes of admission as a ref-  
8                   ugee under this section unless the Secretary of  
9                   Homeland Security determines that such alien or-  
10                  dered, incited, assisted, or otherwise participated in  
11                  the persecution of any person on account of race, re-  
12                  ligion, nationality, membership in a particular social  
13                  group, or political opinion.

14                  “(iii) A designation under clause (i) is for pur-  
15                  poses of adjudicatory efficiency and may be revoked  
16                  by the Secretary of State at any time after notifica-  
17                  tion to Congress.

18                  “(iv) Categories of aliens established under sec-  
19                  tion 599D(b) of the Foreign Operations, Export Fi-  
20                  nancing, and Related Programs Appropriations Act,  
21                  1990 (Public Law 101–167; 8 U.S.C. 1157 note)—

22                         “(I) shall be designated under clause (i)  
23                         until the end of the first fiscal year commencing  
24                         after the date of the enactment of the FIRST  
25                         Freedom Act; and

1           “(II) shall be eligible for designation there-  
2           after at the discretion of the Secretary of State,  
3           considering, among other factors, whether a  
4           country under consideration has been des-  
5           ignated as a country of particular concern  
6           under section 402 of International Religious  
7           Freedom Act of 1998 (22 U.S.C. 6442) for en-  
8           gaging in or tolerating systematic, ongoing, and  
9           egregious violations of religious freedom.

10           “(v) A designation under clause (i) shall not in-  
11           fluence decisions to grant, to any alien, asylum  
12           under section 208, protection under section  
13           241(b)(3), or protection under the Convention  
14           Against Torture and Other Cruel, Inhuman or De-  
15           grading Treatment or Punishment, done at New  
16           York December 10, 1984.

17           “(vi) A decision to deny admission under this  
18           section to an alien who establishes to the satisfaction  
19           of the Secretary of Homeland Security that the alien  
20           is a member of a group designated under clause (i)  
21           shall—

22                   “(I) be in writing; and

23                   “(II) state, to the maximum extent fea-  
24           sible, the reason for the denial.

1           “(vii) Refugees admitted pursuant to a designa-  
2           tion under clause (i)—

3                   “(I) shall be subject to the numerical limi-  
4                   tations under subsection (a); and

5                   “(II) shall be admissible under this sec-  
6                   tion.”.

7           (b) TIME LIMITS FOR FILING FOR ASYLUM.—Section  
8           208(a)(2) of the Immigration and Nationality Act (8  
9           U.S.C. 1158(a)(2)) is amended—

10                   (1) in subparagraph (A), by inserting “or the  
11                   Secretary of Homeland Security” after “Attorney  
12                   General” both places such term appears;

13                   (2) by striking subparagraphs (B) and (D);

14                   (3) by redesignating subparagraph (C) as sub-  
15                   paragraph (B);

16                   (4) in subparagraph (B), as redesignated, by  
17                   striking “subparagraph (D)” and inserting “sub-  
18                   paragraphs (C) and (D)”;

19                   (5) by inserting after subparagraph (B), as re-  
20                   designated, the following:

21                           “(C) CHANGED CIRCUMSTANCES.—Not-  
22                           withstanding subparagraph (B), an application  
23                           for asylum of an alien may be considered if the  
24                           alien demonstrates, to the satisfaction of the  
25                           Attorney General or the Secretary of Homeland

1 Security, the existence of changed cir-  
2 cumstances that materially affect the appli-  
3 cant’s eligibility for asylum.

4 “(D) MOTION TO REOPEN CERTAIN MERI-  
5 TORIOUS CLAIMS.—Notwithstanding subpara-  
6 graph (B) or section 240(c)(7), an alien may  
7 file a motion to reopen an asylum claim during  
8 the 2-year period beginning on the date of the  
9 enactment of the FIRST Freedom Act if the  
10 alien—

11 “(i) was denied asylum based solely  
12 upon a failure to meet the 1-year applica-  
13 tion filing deadline in effect on the date on  
14 which the application was filed;

15 “(ii) was granted withholding of re-  
16 moval pursuant to section 241(b)(3) and  
17 has not obtained lawful permanent resi-  
18 dence in the United States pursuant to any  
19 other provision of law;

20 “(iii) is not subject to the safe third  
21 country exception under subparagraph (A)  
22 or a bar to asylum under subsection (b)(2)  
23 and should not be denied asylum as a mat-  
24 ter of discretion; and

1                   “(iv) is physically present in the  
2                   United States when the motion is filed.”.

3           (c) CONDITIONS FOR GRANTING ASYLUM.—Section  
4 208(b)(1)(B)(i) of the Immigration and Nationality Act  
5 (8 U.S.C. 1158(b)(1)(B)(i)) is amended by striking “at  
6 least one central reason for persecuting the applicant” and  
7 inserting “a factor in the applicant’s persecution or fear  
8 of persecution”.

9           (d) STUDY ON THE EFFECT OF EXPEDITED RE-  
10 MOVAL AND PROCESSING DELAYS ON ASYLUM CLAIMS.—

11                   (1) STUDY.—

12                           (A) DEFINITIONS.—In this paragraph—

13                                   (i) the term “immigration officer”  
14                                   means an officer of the Department of  
15                                   Homeland Security performing duties  
16                                   under section 235(b) of the Immigration  
17                                   and Nationality Act (8 U.S.C. 1225(b))  
18                                   with respect to aliens who—

19   (I) are apprehended after enter-  
20   ing the United States; and

21   (II) may be eligible to apply for  
22   asylum under section 208 or 235 of  
23   such Act; and

1 (ii) the term “improper conduct”  
2 means conduct whereby an immigration of-  
3 ficer—

4 (I) improperly encourages an  
5 alien described in clause (i) to with-  
6 draw or retract claims for asylum;

7 (II) incorrectly fails to refer such  
8 an alien for an interview by an immi-  
9 gration officer to determine whether  
10 the alien has a credible fear of perse-  
11 cution (as defined in section  
12 235(b)(1)(B)(v) of such Act (8 U.S.C.  
13 1225(b)(1)(B)(v)));

14 (III) incorrectly removes such an  
15 alien to a country in which the alien  
16 may be persecuted; or

17 (IV) detains such an alien im-  
18 properly or under inappropriate condi-  
19 tions.

20 (B) AUTHORIZATION.—The United States  
21 Commission on International Religious Free-  
22 dom (referred to in this section as the “Com-  
23 mission”) is authorized to conduct a study to  
24 determine—

1 (i) whether immigration officers are  
2 engaging in improper conduct; and

3 (ii) the impact of delays in interviews  
4 by immigration officers and immigration  
5 court hearings on asylum claims.

6 (2) REPORT.—Not later than 2 years after the  
7 date on which the Commission initiates the study  
8 under subsection (a), the Commission shall submit a  
9 report containing the results of the study to—

10 (A) the Committee on Homeland Security  
11 and Governmental Affairs of the Senate;

12 (B) the Committee on the Judiciary of the  
13 Senate;

14 (C) the Committee on Foreign Relations of  
15 the Senate;

16 (D) the Committee on Homeland Security  
17 of the House of Representatives;

18 (E) the Committee on the Judiciary of the  
19 House of Representatives; and

20 (F) the Committee on Foreign Affairs of  
21 the House of Representatives.

22 (3) STAFF.—

23 (A) FROM OTHER AGENCIES.—

24 (i) IDENTIFICATION.—The Commis-  
25 sion may identify employees of the Depart-

1           ment of Homeland Security, the Depart-  
2           ment of Justice, and the Government Ac-  
3           countability Office who have significant ex-  
4           pertise and knowledge of refugee and asy-  
5           lum issues.

6           (ii) DESIGNATION.—At the request of  
7           the Commission, the Secretary of Home-  
8           land Security, the Attorney General, and  
9           the Comptroller General of the United  
10          States shall authorize staff identified under  
11          subparagraph (A) to assist the Commission  
12          in conducting the study under paragraph  
13          (1).

14          (B) ADDITIONAL STAFF.—The Commis-  
15          sion may hire additional staff and consultants  
16          to conduct the study under paragraph (1).

17          (C) ACCESS TO PROCEEDINGS.—

18          (i) IN GENERAL.—Except as provided  
19          in clause (ii), the Secretary of Homeland  
20          Security and the Attorney General shall  
21          provide staff designated under subpara-  
22          graph (A) or hired under subparagraph  
23          (B) with unrestricted access to all stages  
24          of all proceedings conducted under section

1                   235(b) of the Immigration and Nationality  
2                   Act (8 U.S.C. 1225(b)).

3                   (ii) EXCEPTIONS.—The Secretary of  
4                   Homeland Security and the Attorney Gen-  
5                   eral may not permit unrestricted access  
6                   under clause (i) if—

7                               (I) the alien subject to a pro-  
8                               ceeding under such section 235(b) ob-  
9                               jects to such access; or

10                              (II) the Secretary or Attorney  
11                              General determines that the security  
12                              of a particular proceeding would be  
13                              threatened by such access.

14 **SEC. 4. ACCOUNTABILITY FOR SEVERE VIOLATIONS OF**  
15 **INTERNATIONAL RELIGIOUS FREEDOM.**

16           (a) PARTICULARLY SEVERE VIOLATIONS OF RELI-  
17           GIOUS FREEDOM.—

18                   (1) INADMISSIBILITY.—Section 212(a)(2)(G) of  
19                   the Immigration and Nationality Act (8 U.S.C.  
20                   1182(a)(2)(G)) is amended to read as follows:

21                               “(G) ALIENS WHO HAVE COMMITTED PAR-  
22                               TICULARLY SEVERE VIOLATIONS OF RELIGIOUS  
23                               FREEDOM.—Any alien who was responsible for,  
24                               or directly carried out, at any time, particularly  
25                               severe violations of religious freedom (as de-

1            fined in section 3 of the International Religious  
2            Freedom Act of 1998 (22 U.S.C. 6402)) is in-  
3            admissible.”.

4            (2) REMOVABILITY.—Section 237(a)(4)(E) of  
5            the Immigration and Nationality Act (8 U.S.C.  
6            1227(a)(4)(E)) is amended to read as follows:

7                    “(E) ALIENS WHO HAVE COMMITTED PAR-  
8                    TICULARLY SEVERE VIOLATIONS OF RELIGIOUS  
9                    FREEDOM.—Any alien who was responsible for,  
10                   or directly carried out, at any time, particularly  
11                   severe violations of religious freedom (as de-  
12                   fined in section 3 of the International Religious  
13                   Freedom Act of 1998 (22 U.S.C. 6402)) is de-  
14                   portable.”.

15            (b) RELIGIOUS PERSECUTION.—Chapter 118 of title  
16            18, United States Code, is amended by adding at the end  
17            the following:

18            “§ 2443. **Religious persecution**

19                    “(a) OFFENSE.—Any person who outside the United  
20                   States commits, or attempts or conspires to commit, reli-  
21                   gious persecution—

22                    “(1) shall be fined under this title, imprisoned  
23                   for not more than 20 years, or both; and

1           “(2) if the death of any person results from the  
2 violation of this subsection, shall be fined under this  
3 title and imprisoned for any term of years or for life.

4           “(b) JURISDICTION.—There is jurisdiction over an  
5 offense under subsection (a), and any attempt or con-  
6 spiracy to commit such an offense, if—

7           “(1) the victim is a United States person;

8           “(2) the offender is a United States person or  
9 an alien residing in the United States, regardless of  
10 whether the alien is lawfully admitted for permanent  
11 residence;

12           “(3) the offender is a stateless person whose  
13 habitual residence is in the United States; or

14           “(4) after the conduct required for the offense  
15 occurs, the offender is brought into or found in the  
16 United States, even if the conduct required for the  
17 offense occurs outside the United States.

18           “(c) DEFINITIONS.—In this section:

19           “(1) ADMISSION TO THE UNITED STATES;  
20 ALIEN; IMMIGRANT; LAWFULLY ADMITTED FOR PER-  
21 MANENT RESIDENCE; NONIMMIGRANT.—The terms  
22 ‘admission to the United States’, ‘alien’, ‘immi-  
23 grant’, ‘lawfully admitted for permanent residence’,  
24 and ‘nonimmigrant’ have the meanings given such

1 terms in section 101(a) of the Immigration and Na-  
2 tionality Act (8 U.S.C. 1101(a)).

3 “(2) RELIGIOUS PERSECUTION.—The term ‘re-  
4 ligious persecution’ means conduct that—

5 “(A) is intended—

6 “(i) to obstruct any person in the free  
7 exercise of religious belief or practice; or

8 “(ii) to terrorize or coerce any person  
9 because of the actual or perceived religion  
10 of any person; and

11 “(B) if the conduct described in subpara-  
12 graph (A) occurred in the United States or in  
13 the special maritime and territorial jurisdiction  
14 of the United States, would violate—

15 “(i) section 81 (relating to arson);

16 “(ii) section 1111 (relating to mur-  
17 der);

18 “(iii) section 1201(a) (relating to kid-  
19 napping), regardless of whether the of-  
20 fender is the parent of the victim;

21 “(iv) section 1203 (relating to hostage  
22 taking), notwithstanding any exception  
23 under subsection (b) of such section;

24 “(v) section 1581(a) (relating to peon-  
25 age);

1 “(vi) section 1583(a)(1) (relating to  
2 kidnapping or carrying away individuals  
3 for involuntary servitude or slavery);

4 “(vii) section 1584(a) (relating to sale  
5 into involuntary servitude);

6 “(viii) section 1589(a) (relating to  
7 forced labor);

8 “(ix) section 1590(a) (relating to traf-  
9 ficking with respect to peonage, slavery, in-  
10 voluntary servitude, or forced labor);

11 “(x) section 1591(a) (relating to sex  
12 trafficking of children or by force, fraud,  
13 or coercion);

14 “(xi) section 2241(a) (relating to ag-  
15 gravated sexual abuse by force or threat);

16 “(xii) section 2242 (relating to sexual  
17 abuse); or

18 “(xiii) section 2340A (relating to tor-  
19 ture), regardless of whether the offender is  
20 acting under color of law.

21 “(3) UNITED STATES PERSON.—The term  
22 ‘United States person’ has the meaning given such  
23 term in section 3077.”.

1 (c) STATUTE OF LIMITATIONS.—Chapter 213 of title  
 2 18, United States Code is amended by adding at the end  
 3 the following:

4 **“§ 3302. Religious persecution**

5 “No person may be prosecuted, tried, or punished for  
 6 a violation of section 2443 unless the indictment or the  
 7 information is filed not later than 10 years after the com-  
 8 mission of the offense.”.

9 (d) CLERICAL AMENDMENTS.—Title 18, United  
 10 States Code, is amended—

11 (1) in the table of sections for chapter 118, by  
 12 adding at the end the following:

“2443. Religious persecution.”;

13 and

14 (2) in the table of sections for chapter 213, by  
 15 adding at the end the following:

“3302. Religious persecution.”.

16 **SEC. 5. REFORM AND REAUTHORIZATION OF UNITED**  
 17 **STATES COMMISSION ON INTERNATIONAL**  
 18 **RELIGIOUS FREEDOM.**

19 (a) ESTABLISHMENT AND COMPOSITION.—

20 (1) LEADERSHIP.—Section 201(d) of the Inter-  
 21 national Religious Freedom Act of 1998 (22 U.S.C.  
 22 6431(d)) is amended to read as follows:

23 “(d) ELECTION OF CHAIR.—At the first meeting of  
 24 the Commission after May 30 of each year, a majority of

1 the members of the Commission present and voting shall  
2 elect the Chair and Vice Chair of the Commission, subject  
3 to the following requirements:

4           “(1) INITIAL ELECTIONS.—At the first meeting  
5 of the Commission after May 30, 2016, the members  
6 of the Commission shall elect—

7                   “(A) as Chair, a member of the Commis-  
8 sion who was appointed by an elected official of  
9 the political party that is not the political party  
10 of the President; and

11                   “(B) as Vice Chair, a member of the Com-  
12 mission who was appointed by an elected offi-  
13 cial of the political party of the President.

14           “(2) FUTURE ELECTIONS.—

15                   “(A) NEXT ELECTION.—At the first meet-  
16 ing of the Commission after May 30, 2017, the  
17 members of the Commission shall elect—

18                   “(i) as Chair, a member of the Com-  
19 mission who was appointed by an elected  
20 official of the political party of the Presi-  
21 dent; and

22                   “(ii) as Vice Chair, a member of the  
23 Commission who was appointed by an  
24 elected official of the political party that is  
25 not the political party of the President.

1           “(B) SUBSEQUENT ELECTIONS.—After the  
2 election described in subparagraph (A), the po-  
3 sitions of Chair and Vice Chair shall continue  
4 to rotate on an annual basis between members  
5 of the Commission appointed by elected officials  
6 of each political party.

7           “(3) TERM LIMITS.—No member of the Com-  
8 mission is eligible to be elected as—

9           “(A) Chair of the Commission for a second  
10 term; or

11           “(B) Vice Chair of the Commission for a  
12 second term.”.

13           (2) ATTENDANCE AT MEETINGS OF AMBAS-  
14 SADOR AT LARGE FOR INTERNATIONAL RELIGIOUS  
15 FREEDOM.—Section 201(f) of such Act (22 U.S.C.  
16 6431(f)) is amended by adding at the end the fol-  
17 lowing: “The Ambassador at Large shall be given  
18 advance notice of all Commission meetings and may  
19 attend all Commission meetings as a nonvoting  
20 member of the Commission.”.

21           (3) APPOINTMENTS IN CASES OF VACANCIES.—  
22 Section 201(g) of such Act (22 U.S.C. 6431(g)) is  
23 amended by striking the second sentence.

1 (b) POWERS OF THE COMMISSION.—Section 203(e)  
2 of the International Religious Freedom Act of 1998 (22  
3 U.S.C. 6432a(e)) is amended to read as follows:

4 “(e) VIEWS OF THE COMMISSION.—

5 “(1) PRIVATE SPEECH.—Members of the Com-  
6 mission may speak in their capacity as private citi-  
7 zens. A member of the Commission may be identi-  
8 fied as a member of the Commission when making  
9 oral or written statements in their private or other  
10 professional capacity if the member states clearly  
11 that the statement—

12 “(A) is not on behalf of the Commission;  
13 and

14 “(B) does not necessarily reflect the views  
15 of the Commission.

16 “(2) OFFICIAL STATEMENTS.—

17 “(A) WRITTEN STATEMENTS.—All state-  
18 ments on behalf of the Commission shall be  
19 issued in writing over the names of the mem-  
20 bers of the Commission.

21 “(B) STATUTORY AUTHORITY.—In its  
22 written statements, the Commission shall clear-  
23 ly describe its statutory authority, distin-  
24 guishing that authority from that of appointed  
25 or elected officials of the United States Govern-

1           ment. Oral statements of the Commission shall  
2           include a similar description, to the extent prac-  
3           ticable.

4           “(C) CONSENSUS.—Members of the Com-  
5           mission shall make every effort to reach con-  
6           sensus on all oral or written statements on be-  
7           half of the Commission.

8           “(D) APPROVAL.—All views of the Com-  
9           mission on pending legislation or any other  
10          matter under the jurisdiction of the Commis-  
11          sion shall be approved by an affirmative vote of  
12          at least 6 of the 9 members of the Commission.  
13          Each member of the Commission may include  
14          the individual or dissenting views of the mem-  
15          ber.

16          “(E) ACCURACY.—All oral or written  
17          statements by members or staff of the Commis-  
18          sion on behalf of the Commission, including tes-  
19          timony, press releases, articles, and public or  
20          private correspondence, shall accurately reflect  
21          approved views of the Commission in accord-  
22          ance with subparagraph (D).”.

23          (c) COMMISSION PERSONNEL MATTERS.—Section  
24          204 of the International Religious Freedom Act of 1998  
25          (22 U.S.C. 6432b) is amended—

1 (1) in subsection (a)—

2 (A) by striking “or terminate an Executive  
3 Director” and inserting “an Executive Director  
4 and additional personnel”; and

5 (B) by adding at the end the following:  
6 “The decision to terminate an Executive Direc-  
7 tor and additional personnel shall be made by  
8 an affirmative vote of at least 5 of the 9 mem-  
9 bers of the Commission.”;

10 (2) by redesignating subsections (b) through (g)  
11 as subsections (c) through (h);

12 (3) by inserting after subsection (a) the fol-  
13 lowing:

14 “(b) EXECUTIVE DIRECTOR.—

15 “(1) APPOINTMENT.—Not later than 60 days  
16 after the date of the enactment of the FIRST Free-  
17 dom Act, the Commission shall appoint an Executive  
18 Director by an affirmative vote of at least 6 of the  
19 9 members of the Commission.

20 “(2) TERM OF SERVICE.—Each Executive Di-  
21 rector—

22 “(A) may serve for a 4-year term; and

23 “(B) may serve an additional, consecutive  
24 4-year term if reappointed by the Commission

1 by an affirmative vote of at least 6 of the 9  
2 members of the Commission.”;

3 (4) in subsection (d), as redesignated, by strik-  
4 ing “and the Executive Director”;

5 (5) in subsection (g), as redesignated, by strik-  
6 ing “the commission, for the executive director,” and  
7 inserting “the Commission, for the Executive Direc-  
8 tor,”; and

9 (6) in subsection (h), as redesignated—

10 (A) by striking “For purposes” and insert-  
11 ing the following:

12 “(1) IN GENERAL.—For purposes”;

13 (B) by inserting “(including discrimination  
14 on the bases of race, color, religion, sex, na-  
15 tional origin, age, or disability)” after “employ-  
16 ment discrimination”; and

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

18 “(2) TREATMENT OF DISCRIMINATION ON BASIS

19 OF SEXUAL ORIENTATION OR GENDER IDENTITY.—

20 In applying paragraph (1) to rights and protections

21 that pertain to employment discrimination on the

22 basis of sex, and the remedies and procedures avail-

23 able to address alleged violations of such rights and

24 protections, the laws, rules, and regulations that

25 provide such rights and protections to employees

1 whose pay is disbursed by the Secretary of the Sen-  
2 ate or the Chief Administrative Officer of the House  
3 of Representatives shall be deemed to recognize dis-  
4 crimination on the basis of sexual orientation or gen-  
5 der identity as forms of discrimination on the basis  
6 of sex and shall treat such discrimination in the  
7 same manner as discrimination on the basis of sex.”.

8 (d) REPORT OF COMMISSION.—Section 205 of the  
9 International Religious Freedom Act of 1998 (22 U.S.C.  
10 6433) is amended—

11 (1) in subsection (a), by striking “Not later  
12 than May 1 of each year,” and inserting “Each  
13 year, between 30 and 90 days after the publication  
14 of the Department of State’s Annual Report on  
15 International Religious Freedom,”; and

16 (2) by amending subsection (c) to read as fol-  
17 lows:

18 “(c) INDIVIDUAL OR DISSENTING VIEWS.—Members  
19 of the Commission shall make every effort to reach con-  
20 sensus on the report under this section. When such con-  
21 sensus is not possible, the report shall be approved by an  
22 affirmative vote of at least 6 of the 9 members of the Com-  
23 mission. Each member of the Commission may include the  
24 individual or dissenting views of the member in the re-  
25 port.”.

1 (e) APPLICABILITY OF THE FREEDOM OF INFORMA-  
2 TION ACT.—

3 (1) Section 206 of the International Religious  
4 Freedom Act of 1998 (22 U.S.C. 6434) is amend-  
5 ed—

6 (A) by inserting “(a) FEDERAL ADVISORY  
7 COMMITTEE ACT.—” before “The”; and

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

9 “(b) FREEDOM OF INFORMATION ACT.—Notwith-  
10 standing section 551 of title 5, United States Code, the  
11 Commission shall be considered to be an agency for pur-  
12 poses of section 552 of such title.”.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—Section  
14 207(a) of the International Religious Freedom Act of  
15 1998 (22 U.S.C. 6435(a)) is amended by striking “2015”  
16 and inserting “2017”.

17 (g) TERMINATION.—Section 209 of the International  
18 Religious Freedom Act of 1998 (22 U.S.C. 6436) is  
19 amended by striking “September 30, 2015” and inserting  
20 “September 30, 2017”.

○