

**CHARTER
DEPARTMENT OF STATE
COMMISSION ON UNALIENABLE RIGHTS**

1. Committee's Official Designation:

The official designation is the Department of State Commission on Unalienable Rights (hereinafter "the Commission").

2. Authority:

The Commission is established under the general authority of the Secretary of State and the Department of State as set forth in Title 22 of the United States Code, in particular Section 2656 of that Title and consistent with Federal Advisory Committee Act (5 U.S.C., Appendix). The Under Secretary for Management's approval of this charter constitutes a determination by the Secretary of State that the establishment of the Commission's charter is in the public interest in connection with the performance of duties of the Department of State.

3. Objectives and Scope of Activities:

The Commission provides the Secretary of State informed advice and recommendations concerning international human rights matters. The Commission provides fresh thinking about human rights and proposes reforms of human rights discourse where it has departed from our nation's founding principles of natural law and natural rights, to which Lincoln called us at Gettysburg and to which King called us while standing in front of the Lincoln Memorial on the Mall in Washington, D.C.

4. Description of Duties:

The Commission serves in a solely advisory capacity concerning the promotion of human rights in U.S. foreign policy. Its duties include advice and recommendations, for the Secretary's approval, to guide U.S. diplomatic and foreign policy decisions and actions with respect to human rights in international settings. The Commission's charge is not to discover new principles, but to recover that which is enduring for the maintenance of free and open societies. The Commission may consult with other interested experts, advisors, parties, agencies, and interagency committees and groups

of the United States Government, foreign governments, and with national and international private sector organizations and individuals, as the Department of State and the Commission decide are necessary or desirable.

5. Agency or Official to Whom the Committee Reports:

The Commission reports to the Secretary of State. The Commission's reports may be oral, written, or both, and in any format the Commission deems useful for the Secretary.

6. Support:

The Department of State Policy Planning Staff shall supply all staff and support functions for the Commission.

7. Estimated Annual Operating Costs and Staff Years:

All funding necessary for the organization and operation of the Commission is supplied from funds available to the Secretary. Estimated full-time equivalent (FTE) (federal employees) is 0.10. Total projected annual costs of operation are \$385,074.

8. Designated Federal Officer:

The Secretary, or the Secretary's designee, appoints an Executive Secretary, who will serve as the Commission's Designated Federal Officer. The Executive Secretary approves and attends all meetings and advises the Chair to adjourn, or will adjourn any meeting when in the public interest. The Executive Secretary prepares and approves the agenda, and ensures that the minutes of each meeting are prepared, the accuracy of which the Chair shall certify within 90 days of the meeting, and which will at a minimum contain: a record of the membership present; members of the public who participate in the meeting and the interest and affiliations they represent; a description of matters and material discussed and the conclusions, if any, reached, and the rationale for any recommendations made by members of the Commission. The Executive Secretary also maintains copies of all reports the Commission receives, issues, or approves.

9. Estimated Number and Frequency of Meetings:

It is anticipated that the Commission will meet approximately once per month. Any subcommittees will meet as appropriate for their assigned responsibilities.

10. Duration:

There is a continuing need for the advice offered by this Commission. The Department of State will periodically review this need.

11. Termination:

In accordance with the Federal Advisory Committee Act, the Commission will terminate two years from the date of filing this Charter, unless it is formally determined to be in the public interest to continue it for another two years.

12. Membership and Designation:

(a) The Commission is comprised of no more than fifteen members who have distinguished backgrounds in U.S. diplomacy, international law, and human rights.

(b) Commission members appointed by the Secretary of State, who are not regular government employees, will be appointed as experts and consultants under the authority of 5 U.S.C. § 3109 and serve as Special Government Employees or representative members.

(c) Members of the Commission who are not regular government employees shall receive travel and per diem. A member will be designated as "Rapporteur" to assist the Executive Secretary, and will be responsible for attending all meetings. In addition to travel and per diem, the Rapporteur shall be compensated for days worked; and one other member shall be compensated.

(d) The Secretary of State appoints members to serve for a period of up to one year. Vacancies may be filled as they occur.

(e) The Secretary of State may remove any member at any time.

13. Subcommittees:

The Secretary may establish appropriate subcommittees to carry out assigned responsibilities. The Commission will provide such guidance and direction as is necessary and appropriate to ensure the effective functioning of such subcommittees as established. Any subcommittees must report to the Commission, and will not provide advice or work products directly to the Department of State.

14. Recordkeeping:

The records of the Commission and any subcommittees shall be handled in accordance with General Records Schedule 6.2, and will include, for example, all papers and documents pertinent to the Commission's establishment and activities, including its Charter, agendas, determinations for closing Commission meetings to the public, proceedings, the membership list of the Commission, all written communications between the Department of State and the Commission, and all written materials and reports considered by the Commission. These records will be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.

Now, thereby, this Charter shall be considered approved by the Department of State as of this date and shall be considered filed as of the date when copies have been provided to the appropriate standing committees of the Senate and the House of Representatives having legislative jurisdiction over the Department of State and to the Library of Congress pursuant to the provisions of the Federal Advisory Committee Act.

Approved: _____

William E. Todd

Deputy Under Secretary of State for Management

Date Filed: _____

MEMBERSHIP BALANCE PLAN COMMISSION ON UNALIENABLE RIGHTS

- (1) Name.** The official designation is the Commission on Unalienable Rights (hereinafter “the Commission”).
- (2) Authority.** This Federal advisory committee is established under agency authority. The Commission is established under the general authority of the Secretary of State and the Department of State as set forth in Title 22 of the United States Code, in particular Section 2656 of that Title and consistent with Federal Advisory Committee Act (5 U.S.C., Appendix). The establishment and operation of the Commission are in the public interest in connection with the performance of duties of the Department of State.
- (3) Mission/Function.** The Commission serves the United States Government in a solely advisory capacity concerning the promotion of human rights in U.S. foreign policy. Its duties include drafting a product or products for the Secretary’s approval, to guide U.S. diplomatic and foreign policy decisions and actions with respect to human rights in international settings. The Commission’s charge is not to discover new principles, but to recover that which is enduring for the maintenance of free and open societies. The Commission may consult with other interested experts, advisors, parties, agencies, and interagency committees and groups of the United States Government, foreign governments, and with national and international private sector organizations and individuals, as the Department of State and the Commission decide are necessary or desirable.
- (4) Points of View.**
- (a)** The Commission is comprised of no more than fifteen members who have distinguished backgrounds in international law, human rights, and religious liberties. The membership will be a bi-partisan, diverse group of men and women. The members will be appointed as Regular Government Employees, Special Government Employees, or Representatives.
- (b)** To ensure that Commission members offer advice and recommendations which are in the best interests of the U.S. Government, the majority, if not all of them will be appointed as Special Government Employees. As

such, they will be required to submit financial disclosure forms to flag any conflicts of interest.

A small percentage of the members may be appointed as Representatives.

The members will be proposed for membership from one of the following categories:

- (1) Legal scholars.
- (2) Other academics and leaders of non-profit, non-governmental research institutions.
- (3) Former U.S. Government officials (including former judges).
- (4) Leaders of non-governmental, philanthropic organizations.

The membership will be selected to represent diverse points of view, using the considerations and process provided in paragraph (5), below.

(c) The Commission will consult with other interested experts, advisors, parties, agencies and interagency committees and groups of the United States Government, foreign governments, and with national and international private sector organizations and individuals, as the Department of State and the Commission decide are necessary or desirable.

(5) Candidate Identification Process. The process to identify potential candidates for this advisory committee includes recommendations from both senior career and political officials of the U.S. Department of State in consultation with the Office of the Legal Adviser.

(a) Department of State attorneys and senior leadership will be involved in determining balance on this Federal advisory committee.

(b) Vacancies will be handled through suggestions based on outreach to the private sector, and additional research and due diligence. Vacancies will be filled as they occur to maintain balance and diversity.

(c) The Secretary of State will appoint members to serve for a period of two years or less.

(6) Subcommittee Balance. The process for determining membership for any potential subcommittee will be similar to the process used for the Commission.

(7) Date Prepared. This Membership Balance Plan was created on May 10, 2019