

may be appropriate other than the power to establish general policy statements and guidelines pursuant to section 994(a)(1) and (2), the issuance of general policies and promulgation of rules and regulations pursuant to subsection (a)(1) of this section, and the decisions as to the factors to be considered in establishment of categories of offenses and offenders pursuant to section 994(b). The Commission shall, with respect to its activities under subsections (a)(9), (a)(10), (a)(11), (a)(12), (a)(13), (a)(14), (a)(15), (a)(16), (a)(17), and (a)(18), to the extent practicable, utilize existing resources of the Administrative Office of the United States Courts and the Federal Judicial Center for the purpose of avoiding unnecessary duplication.

(c) Upon the request of the Commission, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Commission in the execution of its functions.

(d) A simple majority of the membership then serving shall constitute a quorum for the conduct of business. Other than for the promulgation of guidelines and policy statements pursuant to section 994, the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the members present.

(e) Except as otherwise provided by law, the Commission shall maintain and make available for public inspection a record of the final vote of each member on any action taken by it.

(Added Pub. L. 98-473, title II, §217(a), Oct. 12, 1984, 98 Stat. 2024; amended Pub. L. 100-690, title VII, §§7104, 7105, 7106(b), Nov. 18, 1988, 102 Stat. 4418; Pub. L. 101-650, title III, §325(b)(5), Dec. 1, 1990, 104 Stat. 5121; Pub. L. 103-322, title XXVIII, §280005(c)(1), Sept. 13, 1994, 108 Stat. 2097; Pub. L. 110-177, title V, §501(a), Jan. 7, 2008, 121 Stat. 2541.)

AMENDMENTS

2008—Subsec. (f). Pub. L. 110-177, §501, temporarily added subsec. (f). See Termination Date of 2008 Amendment note below.

1994—Subsec. (a)(3). Pub. L. 103-322 substituted “Chair” for “Chairman”.

1990—Subsec. (a)(22). Pub. L. 101-650 struck out “and” after semicolon at end.

1988—Subsec. (a)(2). Pub. L. 100-690, §7105, substituted “Level 6 of the Senior Executive Service Schedule (5 U.S.C. 5382)” for “grade 18 of the General Schedule pay rates (5 U.S.C. 5332)”.

Subsec. (a)(23). Pub. L. 100-690, §7104, added par. (23).

Subsec. (a)(24). Pub. L. 100-690, §7106(b), added par. (24).

TERMINATION DATE OF 2008 AMENDMENT

Pub. L. 110-177, title V, §501(b), Jan. 7, 2008, 121 Stat. 2542, provided that: “The amendment made by subsection (a) [amending this section] shall cease to have force and effect on September 30, 2010.”

§ 996. Director and staff

(a) The Staff Director shall supervise the activities of persons employed by the Commission and perform other duties assigned to the Staff Director by the Commission.

(b) The Staff Director shall, subject to the approval of the Commission, appoint such officers and employees as are necessary in the execution

of the functions of the Commission. The officers and employees of the Commission shall be exempt from the provisions of part III of title 5, except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).

(Added Pub. L. 98-473, title II, §217(a), Oct. 12, 1984, 98 Stat. 2026; amended Pub. L. 100-690, title VII, §7106(c), Nov. 18, 1988, 102 Stat. 4418; Pub. L. 101-650, title III, §325(b)(6), Dec. 1, 1990, 104 Stat. 5121; Pub. L. 103-322, title XXVIII, §280005(c)(5), Sept. 13, 1994, 108 Stat. 2097; Pub. L. 106-518, title III, §302(a), Nov. 13, 2000, 114 Stat. 2416.)

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-518 substituted “except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave)” for “United States Code, except the following chapters: 45 (Incentive Awards), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance)”.

1994—Subsec. (a). Pub. L. 103-322 substituted “the Staff Director” for “him” after “assigned to”.

1990—Subsec. (b). Pub. L. 101-650 substituted “and 89 (Health Insurance)” for “89 (Health Insurance), and 91 (Conflicts of Interest)”.

1988—Subsec. (b). Pub. L. 100-690 inserted reference to chapter 45 (Incentive Awards).

SAVINGS PROVISION

Pub. L. 106-518, title III, §302(b), Nov. 13, 2000, 114 Stat. 2417, provided that: “Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act [Nov. 13, 2000] shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.”

§ 997. Annual report

The Commission shall report annually to the Judicial Conference of the United States, the Congress, and the President of the United States on the activities of the Commission.

(Added Pub. L. 98-473, title II, §217(a), Oct. 12, 1984, 98 Stat. 2026.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to requirement to report annually to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 13 of House Document No. 103-7.

§ 998. Definitions

As used in this chapter—

(a) “Commission” means the United States Sentencing Commission;

(b) “Commissioner” means a member of the United States Sentencing Commission;

(c) “guidelines” means the guidelines promulgated by the Commission pursuant to section 994(a) of this title; and