

religious freedom, shall consider and recommend options for policies of the United States Government with respect to each foreign country the government of which has engaged in or tolerated violations of religious freedom, including particularly severe violations of religious freedom, including diplomatic inquiries, diplomatic protest, official public protest demarche of protest, condemnation within multilateral fora, delay or cancellation of cultural or scientific exchanges, delay or cancellation of working, official, or state visits, reduction of certain assistance funds, termination of certain assistance funds, imposition of targeted trade sanctions, imposition of broad trade sanctions, and withdrawal of the chief of mission.

**(c) Policy review and recommendations in response to progress**

The Commission, in evaluating the United States Government policies with respect to countries found to be taking deliberate steps and making significant improvement in respect for the right of religious freedom, shall consider and recommend policy options, including private commendation, diplomatic commendation, official public commendation, commendation within multilateral fora, an increase in cultural or scientific exchanges, or both, termination or reduction of existing Presidential actions, an increase in certain assistance funds, and invitations for working, official, or state visits.

**(d) Effects on religious communities and individuals**

Together with specific policy recommendations provided under subsections (b) and (c), the Commission shall also indicate its evaluation of the potential effects of such policies, if implemented, on the religious communities and individuals whose rights are found to be violated in the country in question.

**(e) Monitoring**

The Commission shall, on an ongoing basis, monitor facts and circumstances of violations of religious freedom, in consultation with independent human rights groups and nongovernmental organizations, including churches and other religious communities, and make such recommendations as may be necessary to the appropriate officials and offices in the United States Government.

(Pub. L. 105-292, title II, §202, Oct. 27, 1998, 112 Stat. 2798; Pub. L. 106-55, §1(b)(1), Aug. 17, 1999, 113 Stat. 401.)

AMENDMENTS

1999—Subsec. (f). Pub. L. 106-55 struck out heading and text of subsec. (f). Text read as follows: “The Commission may, for the purpose of carrying out its duties under this subchapter, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the purposes of this chapter.”

**§ 6432a. Powers of the Commission**

**(a) Hearings and sessions**

The Commission may, for the purpose of carrying out its duties under this subchapter, hold hearings, sit and act at times and places in the United States, take testimony and receive evi-

dence as the Commission considers advisable to carry out the purposes of this chapter.

**(b) Information from Federal agencies**

The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

**(c) Postal services**

The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

**(d) Administrative procedures**

The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable it to carry out the provisions of this subchapter.

**(e) Views of the Commission**

The Members of the Commission may speak in their capacity as private citizens. Statements on behalf of the Commission shall be issued in writing over the names of the Members. The Commission shall in its written statements clearly describe its statutory authority, distinguishing that authority from that of appointed or elected officials of the United States Government. Oral statements, where practicable, shall include a similar description.

**(f) Travel**

The Members of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out the purpose of this subchapter. Each trip must be approved by a majority of the Commission. This provision shall not apply to the Ambassador-at-Large, whose travel shall not require approval by the Commission.

(Pub. L. 105-292, title II, §203, as added Pub. L. 106-55, §1(b)(3), Aug. 17, 1999, 113 Stat. 401.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 105-292, Oct. 27, 1998, 112 Stat. 2787, known as the International Religious Freedom Act of 1998, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6401 of this title and Tables.

PRIOR PROVISIONS

A prior section 203 of Pub. L. 105-292 was renumbered section 205 and is classified to section 6433 of this title.

**§ 6432b. Commission personnel matters**

**(a) In general**

The Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least six of the nine members of the Commission.

**(b) Compensation**

The Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

**(c) Professional staff**

The Commission and the Executive Director shall hire Commission staff on the basis of professional and nonpartisan qualifications. Commissioners may not individually hire staff of the Commission. Staff shall serve the Commission as a whole and may not be assigned to the particular service of a single Commissioner or a specified group of Commissioners. This subsection does not prohibit staff personnel from assisting individual members of the Commission with particular needs related to their duties.

**(d) Staff and services of other Federal agencies****(1) Department of State**

The Secretary of State shall assist the Commission by providing on a reimbursable or nonreimbursable basis to the Commission such staff and administrative services as may be necessary and appropriate to perform its functions.

**(2) Other Federal agencies**

Upon the request of the Commission, the head of any Federal department or agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its functions under this subchapter. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

**(e) Security clearances**

The Executive Director shall be required to obtain a security clearance. The Executive Director may request, on a needs-only basis and in order to perform the duties of the Commission, that other personnel of the Commission be required to obtain a security clearance. The level of clearance shall be the lowest necessary to appropriately perform the duties of the Commission.

**(f) Cost**

The Commission shall reimburse all appropriate Government agencies for the cost of obtaining clearances for members of the commission,<sup>1</sup> for the executive<sup>1</sup> director,<sup>1</sup> and for any other personnel.

**(g) Application of antidiscrimination laws**

For purposes of providing remedies and procedures to address alleged violations of rights and protections that pertain to employment discrimination, family and medical leave, fair labor standards, employee polygraph protection, worker adjustment and retraining, veterans'

employment and reemployment, intimidation or reprisal, protections under the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.], occupational safety and health, labor-management relations, and rights and protections that apply to employees whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, all employees of the Commission shall be treated as employees whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives and the Commission shall be treated as an employing office of the Senate or the House of Representatives.

(Pub. L. 105-292, title II, §204, as added Pub. L. 106-55, §1(b)(3), Aug. 17, 1999, 113 Stat. 402; amended Pub. L. 112-75, §3(a), Dec. 23, 2011, 125 Stat. 1273.)

## REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (g), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

## PRIOR PROVISIONS

A prior section 204 of Pub. L. 105-292 was renumbered section 206 and is classified to section 6434 of this title.

## AMENDMENTS

2011—Subsec. (g). Pub. L. 112-75 added subsec. (g).

## PENDING CLAIMS

Pub. L. 112-75, §3(b), Dec. 23, 2011, 125 Stat. 1273, provided that: "Any administrative or judicial claim or action pending on the date of the enactment of this Act [Dec. 23, 2011] may be maintained under section 204(g) of the International Religious Freedom Act of 1998 [22 U.S.C. 6432b(g)], as added by subsection (a)."

**§ 6433. Report of Commission****(a) In general**

Not later than May 1 of each year, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under section 6432 of this title.

**(b) Classified form of report**

The report may be submitted in classified form, together with a public summary of recommendations, if the classification of information would further the purposes of this chapter.

**(c) Individual or dissenting views**

Each member of the Commission may include the individual or dissenting views of the member.

(Pub. L. 105-292, title II, §205, formerly §203, Oct. 27, 1998, 112 Stat. 2799; renumbered §205, Pub. L. 106-55, §1(b)(2), Aug. 17, 1999, 113 Stat. 401.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 105-292, Oct. 27, 1998, 112 Stat. 2787, known as the International Religious Freedom Act of 1998, which is classified prin-

<sup>1</sup> So in original. Probably should be capitalized.