

(Pub. L. 105-292, title II, § 207, formerly § 205, Oct. 27, 1998, 112 Stat. 2800; renumbered § 207 and amended Pub. L. 106-55, § 1(b)(2), (4), Aug. 17, 1999, 113 Stat. 401, 403; Pub. L. 107-228, div. A, title VI, § 681(e), Sept. 30, 2002, 116 Stat. 1409; Pub. L. 112-75, § 4, Dec. 23, 2011, 125 Stat. 1273; Pub. L. 113-271, § 1(1), Dec. 18, 2014, 128 Stat. 2951; Pub. L. 114-71, § 5, Oct. 16, 2015, 129 Stat. 565; Pub. L. 116-94, div. J, title VIII, § 808, Dec. 20, 2019, 133 Stat. 3079.)

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.

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-94 substituted “2019 through 2022” for “2016 to 2019”.

2015—Pub. L. 114-71 amended section generally. Prior to amendment, section authorized appropriations for fiscal years 2012 through 2015.

2014—Subsec. (a). Pub. L. 113-271 substituted “2015” for “2014”.

2011—Subsec. (a). Pub. L. 112-75 substituted “for each of the fiscal years 2012 through 2014” for “for the fiscal year 2003”.

2002—Subsec. (a). Pub. L. 107-228 inserted “for the fiscal year 2003” after “\$3,000,000”.

1999—Subsec. (a). Pub. L. 106-55, § 1(b)(4), substituted “to carry out the provisions of this subchapter” for “for each of the fiscal years 1999 and 2000 to carry out the provisions of this subchapter.”

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-271, § 2, Dec. 18, 2014, 128 Stat. 2951, provided that: “The amendments made by this Act [amending this section and section 6436 of this title] shall take effect as if enacted on December 10, 2014.”

§ 6435a. Standards of conduct and disclosure

(a) Cooperation with nongovernmental organizations, the Department of State, and Congress

The Commission shall seek to effectively and freely cooperate with all entities engaged in the promotion of religious freedom abroad, governmental and nongovernmental, in the performance of the Commission’s duties under this subchapter.

(b) Conflict of interest and antinepotism

(1) Member affiliations

Except as provided in paragraph (3), in order to ensure the independence and integrity of the Commission, the Commission may not compensate any nongovernmental agency, project, or person related to or affiliated with any member of the Commission, whether in that member’s direct employ or not. Staff employed by the Commission may not serve in the employ of any nongovernmental agency, project, or person related to or affiliated with any member of the Commission while employed by the Commission.

(2) Staff compensation

Staff of the Commission may not receive compensation from any other source for work performed in carrying out the duties of the Commission while employed by the Commission.

(3) Exception

(A) In general

Subject to subparagraph (B), paragraph (1) shall not apply to payments made for items such as conference fees or the purchase of periodicals or other similar expenses, if such payments would not cause the aggregate value paid to any agency, project, or person for a fiscal year to exceed \$250.

(B) Limitation

Notwithstanding subparagraph (A), the Commission shall not give special preference to any agency, project, or person related to or affiliated with any member of the Commission.

(4) Definitions

In this subsection, the term “affiliated” means the relationship between a member of the Commission and—

(A) an individual who holds the position of officer, trustee, partner, director, or employee of an agency, project, or person of which that member, or relative of that member of,¹ the Commission is an officer, trustee, partner, director, or employee; or

(B) a nongovernmental agency or project of which that member, or a relative of that member, of the Commission is an officer, trustee, partner, director, or employee.

(c) Contract authority

(1) In general

Subject to the availability of appropriations, the Commission may contract with and compensate Government agencies or persons for the conduct of activities necessary to the discharge of its functions under this subchapter. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or privilege. The Commission may procure temporary and intermittent services under the authority of section 3109(b) of title 5, except that the Commission may not expend more than \$250,000 in any fiscal year to procure such services.

(2) Expert study

In the case of a study requested under section 6474² of this title, the Commission may, subject to the availability of appropriations, contract with experts and shall provide the funds for such a study. The Commission shall not be required to provide the funds for that part of the study conducted by the Comptroller General of the United States.

(d) Gifts

(1) In general

In order to preserve its independence, the Commission may not accept, use, or dispose of gifts or donations of services or property. An individual Commissioner or employee of the Commission may not, in his or her capacity as a Commissioner or employee, knowingly accept, use or dispose of gifts or donations of services or property, unless he or she in good

¹ So in original. The comma probably should follow “member”.

² See References in Text note below.

faith believes such gifts or donations to have a value of less than \$50 and a cumulative value during a calendar year of less than \$100.

(2) Exceptions

This subsection shall not apply to the following:

(A) Gifts provided on the basis of a personal friendship with a Commissioner or employee, unless the Commissioner or employee has reason to believe that the gift was provided because of the Commissioner's position and not because of the personal friendship.

(B) Gifts provided on the basis of a family relationship.

(C) The acceptance of training, invitations to attend or participate in conferences or such other events as are related to the conduct of the duties of the Commission, or food or refreshment associated with such activities.

(D) Items of nominal value or gifts of estimated value of \$10 or less.

(E) De minimis gifts provided by a foreign leader or state, not exceeding a value of \$260. Gifts believed by Commissioners to be in excess of \$260, but which would create offense or embarrassment to the United States Government if refused, shall be accepted and turned over to the United States Government in accordance with the Foreign Gifts and Decorations Act of 1966 and the rules and regulations governing such gifts provided to Members of Congress.

(F) Informational materials such as documents, books, videotapes, periodicals, or other forms of communications.

(G) Goods or services provided by any agency or component of the Government of the United States, including any commission established under the authority of such Government.

(e) Annual financial report

In addition to providing the reports required under section 6432 of this title, the Commission shall provide, each year no later than January 1, to the Committees on Foreign Affairs and Appropriations of the House of Representatives, and to the Committees on Foreign Relations and Appropriations of the Senate, a financial report detailing and identifying its expenditures for the preceding fiscal year.

(f) Commission records

The Commission shall comply with all of the records management requirements set forth in chapter 31 of title 44 (commonly referred to as the "Federal Records Act of 1950").

(g) Official email for commission business

When conducting any Commission business on electronic accounts, Commission Members and staff shall use official Commission electronic accounts.

(Pub. L. 105-292, title II, § 208, as added Pub. L. 106-55, § 1(b)(5), Aug. 17, 1999, 113 Stat. 403; amended Pub. L. 107-228, div. A, title VI, § 681(f), Sept. 30, 2002, 116 Stat. 1409; Pub. L. 112-75, § 5, Dec. 23, 2011, 125 Stat. 1273; Pub. L. 116-94, div. J, title VIII, § 809, Dec. 20, 2019, 133 Stat. 3079.)

REFERENCES IN TEXT

Section 6474 of this title, referred to in subsec. (c)(2), was in the original a reference to section 605 of Pub. L. 105-292, which was renumbered section 606 by Pub. L. 114-281, title V, § 501(1), Dec. 16, 2016, 130 Stat. 1437.

The Foreign Gifts and Decorations Act of 1966, referred to in subsec. (d)(2)(E), is Pub. L. 89-673, Oct. 15, 1966, 80 Stat. 952, as amended, which was classified principally to chapter 37 (§ 2621 et seq.) of this title. The Act was substantially repealed, except for provisions which are classified to section 2625 of this title, and with limited applicability, to section 2621 of this title, and was restated in section 7342 of Title 5, Government Organization and Employees, by Pub. L. 90-83, § 10(b), Sept. 11, 1967, 91 Stat. 224. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2019—Subsecs. (f), (g). Pub. L. 116-94 added subsecs. (f) and (g).

2011—Subsec. (c)(1). Pub. L. 112-75, § 5(1), substituted "\$250,000" for "\$100,000".

Subsec. (e). Pub. L. 112-75, § 5(2), substituted "Foreign Affairs" for "International Relations".

2002—Subsec. (c)(1). Pub. L. 107-228 substituted "The Commission may procure temporary and intermittent services under the authority of section 3109(b) of title 5, except that the Commission may not expend more than \$100,000 in any fiscal year to procure such services." for "The Commission may not procure temporary and intermittent services under section 3109(b) of title 5 or under other contracting authority other than that allowed under this subchapter."

§ 6436. Termination

The Commission shall terminate on September 30, 2022.

(Pub. L. 105-292, title II, § 209, formerly § 206, Oct. 27, 1998, 112 Stat. 2800; renumbered § 209 and amended Pub. L. 106-55, § 1(b)(2), (c), Aug. 17, 1999, 113 Stat. 401, 405; Pub. L. 107-228, div. A, title VI, § 681(g), Sept. 30, 2002, 116 Stat. 1409; Pub. L. 112-75, § 6, Dec. 23, 2011, 125 Stat. 1273; Pub. L. 113-271, § 1(2), Dec. 18, 2014, 128 Stat. 2951; Pub. L. 114-71, § 3, Oct. 16, 2015, 129 Stat. 563; Pub. L. 116-94, div. J, title VIII, § 802, Dec. 20, 2019, 133 Stat. 3076.)

AMENDMENTS

2019—Pub. L. 116-94 substituted "2022" for "2019".

2015—Pub. L. 114-71 substituted "September 30, 2019" for "September 30, 2015".

2014—Pub. L. 113-271 substituted "September 30, 2015" for "September 30, 2014".

2011—Pub. L. 112-75 substituted "September 30, 2014" for "September 30, 2011".

2002—Pub. L. 107-228 substituted "September 30, 2011" for "May 14, 2003".

1999—Pub. L. 106-55, § 1(c), which directed substitution of "on May 14, 2003" for "4 years after the initial appointment of all the Commissioners", was executed by making the substitution for "4 years after the initial appointment of all of the Commissioners", to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-271 effective as if enacted on Dec. 10, 2014, see section 2 of Pub. L. 113-271, set out as a note under section 6435 of this title.

EXTENSION OF TERMINATION DATE

Pub. L. 112-74, div. I, title I, Dec. 23, 2011, 125 Stat. 1173, provided in part: "That section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting 'September 30, 2012' for 'September 30, 2011'".