

amended Pub. L. 116–94, div. J, title VIII, §§804(b), 806(b), (c), Dec. 20, 2019, 133 Stat. 3077, 3078.)

Editorial Notes

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.

AMENDMENTS

2019—Subsec. (e). Pub. L. 116–94, §804(b), inserted at end “If a Member of the Commission is invited to speak at an event in his or her capacity as a Commissioner, the Member shall provide notice of the request to all Commissioners and the Executive Director as soon as the Commissioner becomes aware of such invitation. Speeches and responses to questions at official events shall reflect the views of the Commission. Official speeches and other prepared materials shall be made available to all Commissioners in advance of the event. If a Commissioner is speaking in his or her private capacity, he or she shall include qualifying language that the views they are representing are his or her own views and not the views of the Commission.”

Subsec. (f). Pub. L. 116–94, §806(b), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (g). Pub. L. 116–94, §806(c), added subsec. (g).

§ 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 provide reasonable compensation to the Executive Director 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 may not exceed the rate payable under level II of the Executive Schedule under section 5313 of such title. The rate of pay for other personnel of the Commission may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of such title. All employees of the Commission shall otherwise be treated as employees whose pay is disbursed by the Secretary of the Senate, including for purposes of applying the Standing Rules of the Senate. The Commission shall be treated as an employing office of the Senate.

(c) Professional staff

The Commission and the Executive Director shall hire Commission staff on the basis of pro-

fessional 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, for the Executive Director, and for any other personnel.

(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; Pub. L. 116–94, div. J, title VIII, §805(a), Dec. 20, 2019, 133 Stat. 3077.)

Editorial Notes

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

2019—Subsec. (b). Pub. L. 116–94, §805(a)(1), substituted “provide reasonable compensation to the Executive Director” for “fix the compensation of the Executive Director and other personnel” and “may not exceed the rate payable under level II of the Executive Schedule under section 5313” for “and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316” and inserted at end “The rate of pay for other personnel of the Commission may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of such title. All employees of the Commission shall otherwise be treated as employees whose pay is disbursed by the

Secretary of the Senate, including for purposes of applying the Standing Rules of the Senate. The Commission shall be treated as an employing office of the Senate.”

Subsec. (f). Pub. L. 116–94, §805(a)(2), substituted “the Commission, for the Executive Director” for “the commission, for the executive director”.

Subsec. (g). Pub. L. 116–94, §805(a)(3), struck out subsec. (g) which related to application of antidiscrimination laws.

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

Statutory Notes and Related Subsidiaries

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 [former] section 204(g) of the International Religious Freedom Act of 1998 [former 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.)

Editorial Notes

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 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 205 of Pub. L. 105–292 was renumbered section 207 and is classified to section 6435 of this title.

§ 6433a. Strategic plan

(a) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Committee on Foreign Affairs of the House of Representatives;
- (C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(2) Commission

The term “Commission” means the United States Commission on International Religious Freedom established under section 6431 of this title.

(3) Commissioner

The term “Commissioner” means a member of the Commission.

(4) Vice Chair

The term “Vice Chair” means the Vice Chair of the Commission who was appointed to such position by an elected official from the political party that is different from the political party of the elected official who appointed the Chair of the Commission.

(b) Strategic policy and organizational review planning process

Not later than 60 days after October 16, 2015, and not less frequently than biennially thereafter, the Chair and Vice Chair of the Commission, in coordination with the Commissioners, the Ambassador-at-Large for International Religious Freedom, Commission staff, and others jointly selected by the Chair and Vice Chair, shall carry out a strategic policy and organizational review planning process that includes—

(1) a review of the duties set forth in section 6432 of this title and the powers set forth in section 6432a of this title;

(2) the preparation of a written description of prioritized actions that the Commission is required to complete to fulfill the strategic plan required under subsection (d);

(3) a review of the scope, content, and timing of the Commission’s annual report and any required changes; and

(4) a review of the personnel policies set forth in section 6432b of this title and any required changes to such policies.

(c) Unanimous agreement

(1) In general

To the greatest extent possible, the Chair, Vice Chair, and all of the Commissioners shall ensure that this section is implemented in a manner that results in unanimous agreement among the Commissioners with regard to—

(A) the strategic policy and organizational review planning process required under subsection (b); and

(B) the strategic plan required under subsection (d).

(2) Alternative approval process

If unanimous agreement under paragraph (1) is not possible, items for inclusion in the strategic plan may, at the joint discretion of the Chair and Vice Chair, be approved by an affirmative vote of—

(A) a majority of Commissioners appointed by an elected official from the political party of the President; and

(B) a majority of Commissioners appointed by an elected official from the political party that is not the party of the President.

(d) Submission of strategic plan

Not later than 180 days after December 20, 2019, and every 2 years thereafter, the Chair and