

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.”

Statutory Notes and Related Subsidiaries

SENSE OF CONGRESS

Pub. L. 114-71, §2, Oct. 16, 2015, 129 Stat. 563, provided that: “It is the sense of the Congress that the United States Commission on International Religious Freedom—

“(1) was created by Congress to independently assess and to accurately and unflinchingly describe threats to religious freedom around the world; and

“(2) in carrying out its prescribed duties, should use its authorized powers to ensure that efforts by the United States to advance religious freedom abroad are timely, appropriate to the circumstances, prudent, and effective.”

§ 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 evidence 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. 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 pre-

pared 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.

(f) Travel

(1) In general

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.

(2) Prohibition against payment of official travel by non-Federal sources

Members of the Commission and Commission staff may not accept payment from a non-Federal source for expenses related to official travel on behalf of the Commission.

(g) Annual disclosures

Not later than March 1 of each year, each Member of the Commission shall submit a report to the appropriate congressional committees (as defined in section 6433a(a) of this title) with respect to the most recently concluded 12-month period, that discloses any travel by the Member outside of the United States that was paid for or reimbursed by a person or entity other than the Member, a relative of the Member, or the Federal Government, including—

(1) who paid for or reimbursed the travel;

(2) a good faith estimate of the cost of the travel, if the travel was funded by a person or entity that does not employ the Member; and

(3) brief details of the travel and events related to such travel.

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

chapter. 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,