Public Law 106–55
106th Congress

An Act

To amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

Aug. 17, 1999
[S. 1546]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATIVE AUTHORITIES OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) ESTABLISHMENT AND COMPOSITION.—Section 201 of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended— 22 USC 6431.

(1) in subsection (c)—

(A) by striking "The" and inserting "(1) IN GENERAL.—The";

(2) by inserting after the first sentence the following new sentences: "The term of each member of the Commission appointed to the first two-year term of the Commission shall be considered to have begun on May 15, 1999, and shall end on May 14, 2001, regardless of the date of appointment to the Commission. The term of each member of the Commission appointed to the second two-year term of the Commission shall begin on May 15, 2001, and shall end on May 14, 2003, regardless of the date of appointment to the Commission. In the case in which a vacancy in the membership of the Commission is filled during a two-year term of the Commission, such membership on the Commission shall terminate at the end of that two-year term of the Commission."; and

(3) by amending subsection (h) to read as follows:

"(h) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out the provisions of this title.".

(b) POWERS OF THE COMMISSION.—The International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended—

(1) by striking section 202(f); 22 USC 6432.

(2) by redesignating sections 203, 204, 205, and 206 as sections 205, 206, 207, and 209, respectively; 22 USC 6433–6436.

(3) by inserting after section 202 the following:

"SEC. 203. POWERS OF THE COMMISSION. 22 USC 6432a.

"(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out its duties under this title, hold hearings,

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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 Act.

"(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 title.

"(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 title. 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.

22 USC 6432b.

"SEC. 204. 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, United States Code, 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 title. 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.";

(4) in section 207(a) (as redesignated by this Act), by striking all that follows "3,000,000" and inserting "to carry out the provisions of this title."; and 22 USC 6435.

(5) by inserting after section 207 (as redesignated) the following:

"SEC. 208. STANDARDS OF CONDUCT AND DISCLOSURE. 22 USC 6435a.

"(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 title.

"(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, 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 title. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or privilege. The Commission may not procure temporary and intermittent services under section 3109(b) of title 5, United States Code, or under other contracting authority other than that allowed under this title.

"(2) EXPERT STUDY.—In the case of a study requested under section 605 of this Act, 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 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 202, the Commission shall provide, each year no later than January 1, to the Committees on International Relations 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.". Deadline.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) (as redesignated) is amended by striking "4 years after the initial appointment of all the Commissioners" and inserting "on May 14, 2003".

SEC. 2. TECHNICAL CORRECTIONS.

(a) PRESIDENTIAL ACTIONS.—Section 402(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(c)) is amended—

(1) in paragraph (1), in the text above subparagraph (A), by striking "and (4)" and inserting "(4), and (5)"; and

(2) in paragraph (4)—

(A) by inserting "UNDER THIS ACT" after "EXCEPTION FOR ONGOING PRESIDENTIAL ACTION";

(B) by inserting "and" at the end of subparagraph (B);

(C) by striking at the end of subparagraph (C) "; and" and inserting a period; and

(D) in subparagraph (D), by striking "(D) at" and inserting "(5) EXCEPTION FOR ONGOING, MULTIPLE, BROAD-BASED SANCTIONS IN RESPONSE TO HUMAN RIGHTS VIOLATIONS.—At".

(b) CLERICAL CORRECTION.—Section 201(b)(1)(B)(iii) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(b)(1)(B)(iii)) is amended by striking "three" and inserting "Three".

Approved August 17, 1999.

LEGISLATIVE HISTORY—S. 1546:

CONGRESSIONAL RECORD, Vol. 145 (1999):
Aug. 5, considered and passed Senate and House.