

ant to section 994, the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the members present.

(e) Except as otherwise provided by law, the Commission shall maintain and make available for public inspection a record of the final vote of each member on any action taken by it.

(f) The Commission may—

(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).

(Added Pub. L. 98–473, title II, §217(a), Oct. 12, 1984, 98 Stat. 2024; amended Pub. L. 100–690, title VII, §§7104, 7105, 7106(b), Nov. 18, 1988, 102 Stat. 4418; Pub. L. 101–650, title III, §325(b)(5), Dec. 1, 1990, 104 Stat. 5121; Pub. L. 103–322, title XXVIII, §280005(c)(1), Sept. 13, 1994, 108 Stat. 2097; Pub. L. 110–177, title V, §501(a), Jan. 7, 2008, 121 Stat. 2541.)

AMENDMENT OF SECTION

For termination of amendment by section 501(b) of Pub. L. 110–177, see Termination Date of 2008 Amendment note below.

AMENDMENTS

2008—Subsec. (f). Pub. L. 110–177, §501, temporarily added subsec. (f). See Termination Date of 2008 Amendment note below.

1994—Subsec. (a)(3). Pub. L. 103–322 substituted “Chair” for “Chairman”.

1990—Subsec. (a)(22). Pub. L. 101–650 struck out “and” after semicolon at end.

1988—Subsec. (a)(2). Pub. L. 100–690, §7105, substituted “Level 6 of the Senior Executive Service Schedule (5 U.S.C. 5382)” for “grade 18 of the General Schedule pay rates (5 U.S.C. 5332)”.

Subsec. (a)(23). Pub. L. 100–690, §7104, added par. (23).

Subsec. (a)(24). Pub. L. 100–690, §7106(b), added par. (24).

TERMINATION DATE OF 2008 AMENDMENT

Pub. L. 110–177, title V, §501(b), Jan. 7, 2008, 121 Stat. 2542, provided that: “The amendment made by subsection (a) [amending this section] shall cease to have force and effect on September 30, 2010.”

§ 996. Director and staff

(a) The Staff Director shall supervise the activities of persons employed by the Commission and perform other duties assigned to the Staff Director by the Commission.

(b) The Staff Director shall, subject to the approval of the Commission, appoint such officers

and employees as are necessary in the execution of the functions of the Commission. The officers and employees of the Commission shall be exempt from the provisions of part III of title 5, except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).

(Added Pub. L. 98–473, title II, §217(a), Oct. 12, 1984, 98 Stat. 2026; amended Pub. L. 100–690, title VII, §7106(c), Nov. 18, 1988, 102 Stat. 4418; Pub. L. 101–650, title III, §325(b)(6), Dec. 1, 1990, 104 Stat. 5121; Pub. L. 103–322, title XXVIII, §280005(c)(5), Sept. 13, 1994, 108 Stat. 2097; Pub. L. 106–518, title III, §302(a), Nov. 13, 2000, 114 Stat. 2416.)

AMENDMENTS

2000—Subsec. (b). Pub. L. 106–518 substituted “except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave)” for “United States Code, except the following chapters: 45 (Incentive Awards), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance)”.

1994—Subsec. (a). Pub. L. 103–322 substituted “the Staff Director” for “him” after “assigned to”.

1990—Subsec. (b). Pub. L. 101–650 substituted “and 89 (Health Insurance)” for “89 (Health Insurance), and 91 (Conflicts of Interest)”.

1988—Subsec. (b). Pub. L. 100–690 inserted reference to chapter 45 (Incentive Awards).

SAVINGS PROVISION

Pub. L. 106–518, title III, §302(b), Nov. 13, 2000, 114 Stat. 2417, provided that: “Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act [Nov. 13, 2000] shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.”

§ 997. Annual report

The Commission shall report annually to the Judicial Conference of the United States, the Congress, and the President of the United States on the activities of the Commission.

(Added Pub. L. 98–473, title II, §217(a), Oct. 12, 1984, 98 Stat. 2026.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to requirement to report annually to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 13 of House Document No. 103–7.

§ 998. Definitions

As used in this chapter—

(a) “Commission” means the United States Sentencing Commission;

(b) “Commissioner” means a member of the United States Sentencing Commission;