

to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any subchapter of this chapter. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this chapter and for such further measures and dispositions as may be necessary to effectuate the purposes of any subchapter of this chapter.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, §1614, Oct. 21, 1998, 112 Stat. 2681-799.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this subdivision”, meaning subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-765, known as the Foreign Affairs Agencies Consolidation Act of 1998. For complete classification of this subdivision to the Code, see Short Title note set out under section 6501 of this title and Tables.

§ 6615. Savings provisions

(a) Continuing legal force and effect

All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any subchapter of this chapter; and

(2) that are in effect as of the effective date of such subchapter, or were final before the effective date of such subchapter and are to become effective on or after the effective date of such subchapter,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Pending proceedings

(1) In general

The provisions of any subchapter of this chapter shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any subchapter of this chapter before any Federal agency, commission, or component thereof, functions of which are transferred by any subchapter of this chapter. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) Orders, appeals, payments

Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) Statutory construction

Nothing in this chapter shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(4) Regulations

The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) No effect on judicial or administrative proceedings

Except as provided in subsection (e) of this section and section 6543(d) of this title—

(1) the provisions of this chapter shall not affect suits commenced prior to the effective dates of the respective subchapters of this chapter; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this chapter had not been enacted.

(d) Nonabatement of proceedings

No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any subchapter of this chapter, shall abate by reason of the enactment of this chapter. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any subchapter of this chapter, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this chapter.

(e) Continuation of proceeding with substitution of parties

If, before the effective date of any subchapter of this chapter, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this chapter any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) Reviewability of orders and actions under transferred functions

Orders and actions of the Secretary in the exercise of functions transferred under any subchapter of this chapter shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any subchapter of this chapter shall apply to the exercise of such function by the Secretary.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, §1615, Oct. 21, 1998, 112 Stat. 2681-800.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this subdivision”, meaning subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-765, known as the Foreign Affairs Agencies Consolidation Act of 1998. For complete classification of this subdivision to the Code, see Short Title note set out under section 6501 of this title and Tables.

The effective dates of the respective subchapters of this chapter, referred to in subsecs. (a)(2), (b)(1), (c)(1), and (e), was in the original, references to the effective dates of the respective titles of this subdivision, meaning the effective dates of titles XI to XVI of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 765. Titles XI and XVI of subdiv. A of div. G of Pub. L. 105-277 are effective Oct. 21, 1998. For the effective dates of titles XII, XIII, XIV, and XV of subdiv. A of div. G of Pub. L. 105-277, see sections 1201, 1301, 1401, and 1501, respectively, of div. G of Pub. L. 105-277, set out as notes under sections 6511, 6531, 6561, and 6581, respectively, of this title.

§ 6616. Authority of Secretary of State to facilitate transition

Notwithstanding any provision of this chapter, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this chapter, may transfer the whole or part of such functions prior to the effective dates established in this chapter, including the transfer of personnel and funds associated with such functions.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, § 1616, Oct. 21, 1998, 112 Stat. 2681-801.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this subdivision”, meaning subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-765, known as the Foreign Affairs Agencies Consolidation Act of 1998. For complete classification of this subdivision to the Code, see Short Title note set out under section 6501 of this title and Tables.

§ 6617. Final report

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this chapter.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, § 1617, Oct. 21, 1998, 112 Stat. 2681-801.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this subdivision”, meaning subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-765, known as the Foreign Affairs Agencies Consolidation Act of 1998. For complete classification of this subdivision to the Code, see Short Title note set out under section 6501 of this title and Tables.

CHAPTER 75—CHEMICAL WEAPONS CONVENTION IMPLEMENTATION

Sec.

6701. Definitions.

SUBCHAPTER I—GENERAL PROVISIONS

6711. Designation of United States National Authority.

Sec.

- (a) Designation.
- (b) Purposes.
- (c) Director.
- (d) Powers.
- (e) Implementation.

6712. No abridgement of constitutional rights.

6713. Civil liability of United States.

- (a) Claims for taking of property.
- (b) Tort liability.
- (c) Waiver of sovereign immunity of United States.
- (d) Authority for cause of action.
- (e) Recoupment.
- (f) Sanctions for unauthorized disclosure of United States confidential business information.
- (g) “United States confidential business information” defined.

SUBCHAPTER II—INSPECTIONS

6721. Definitions.

- (a) In general.
- (b) “Judge of the United States” defined.

6722. Facility agreements.

- (a) Authorization of inspections.
- (b) Types of facility agreements.
- (c) Notification requirements.
- (d) Content of facility agreements.

6723. Authority to conduct inspections.

- (a) Prohibition.
- (b) Authority.
- (c) Exception.

6724. Procedures for inspections.

- (a) Types of inspections.
- (b) Notice.
- (c) Credentials.
- (d) Timeframe for inspections.
- (e) Scope.
- (f) Sampling and safety.
- (g) Coordination.

6725. Warrants.

- (a) In general.
- (b) Routine inspections.

6726. Prohibited acts relating to inspections.

6727. National security exception.

6728. Annual report on inspections.

- (a) In general.
- (b) Content of reports.
- (c) “Appropriate congressional committees” defined.

6729. United States assistance in inspections at private facilities.

- (a) Assistance in preparation for inspections.
- (b) Reimbursement requirement.
- (c) Owners covered by United States National Authority reimbursements.

SUBCHAPTER III—REPORTS

6741. Reports required by United States National Authority.

- (a) Regulations on recordkeeping.
- (b) Coordination.

6742. Prohibition relating to low concentrations of Schedules 2 and 3 chemicals.

- (a) Prohibition.
- (b) Standard for measurement of concentration.

6743. Prohibition relating to unscheduled discrete organic chemicals and coincidental byproducts in waste streams.

6744. Confidentiality of information.

- (a) Freedom of Information Act exemption for certain Convention information.
- (b) Exceptions.
- (c) Information disclosed in national interest.
- (d) Criminal penalty for wrongful disclosure.