

**(2) Duties of Comptroller General**

Not later than September 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a report containing the results of the study conducted under subsection (a)(2) of this section. If the Commission requests designated experts to participate with the Comptroller General in the preparation and submission of the report, the Comptroller General shall grant the request.

**(c) Access to proceedings**

**(1) In general**

Except as provided in paragraph (2), to facilitate the studies and reports, the Attorney General shall permit the Comptroller General of the United States and, in the case of a Commission request under subsection (a) of this section, the experts designated under subsection (a) of this section to have unrestricted access to all stages of all proceedings conducted under section 1225(b) of title 8.

**(2) Exceptions**

Paragraph (1) shall not apply in cases in which the alien objects to such access, or the Attorney General determines that the security of a particular proceeding would be threatened by such access, so long as any restrictions on the access of experts designated by the Commission under subsection (a) of this section do not contravene international law.

(Pub. L. 105–292, title VI, §605, Oct. 27, 1998, 112 Stat. 2814.)

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

**§ 6481. Business codes of conduct**

**(a) Congressional finding**

Congress recognizes the increasing importance of transnational corporations as global actors, and their potential for providing positive leadership in their host countries in the area of human rights.

**(b) Sense of Congress**

It is the sense of the Congress that transnational corporations operating overseas, particularly those corporations operating in countries the governments of which have engaged in or tolerated violations of religious freedom, as identified in the Annual Report, should adopt codes of conduct—

- (1) upholding the right to freedom of religion of their employees; and
- (2) ensuring that a worker’s religious views and peaceful practices of belief in no way affect, or be allowed to affect, the status or terms of his or her employment.

(Pub. L. 105–292, title VII, §701, Oct. 27, 1998, 112 Stat. 2815.)

**CHAPTER 74—FOREIGN AFFAIRS AGENCIES CONSOLIDATION**

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## SUBCHAPTER I—GENERAL PROVISIONS

**§ 6501. Purposes**

The purposes of this chapter are—

- (1) to strengthen—
  - (A) the coordination of United States foreign policy; and
  - (B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;
- (2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—
  - (A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the special missions and skills of these agencies;
  - (B) transferring certain functions of the Agency for International Development to the Department of State; and
  - (C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;
- (3) to ensure that programs critical to the promotion of United States national interests be maintained;
- (4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;
- (5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and
- (6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

(Pub. L. 105-277, div. G, subdiv. A, title XI, §1102, Oct. 21, 1998, 112 Stat. 2681-765.)

## 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 below and Tables.

## SHORT TITLE

Pub. L. 105-277, div. G, §1001, Oct. 21, 1998, 112 Stat. 2681-761, provided that: “This division [see Tables for classification] may be cited as the ‘Foreign Affairs Reform and Restructuring Act of 1998’.”

Pub. L. 105-277, div. G, subdiv. A, title XI, §1101, Oct. 21, 1998, 112 Stat. 2681-765, provided that: “This subdivision [see Tables for classification] may be cited as the ‘Foreign Affairs Agencies Consolidation Act of 1998’.”

**§ 6502. Definitions**

In this chapter:

**(1) ACDA**

The term “ACDA” means the United States Arms Control and Disarmament Agency.

**(2) AID**

The term “AID” means the United States Agency for International Development.

**(3) Agency; Federal agency**

The term “agency” or “Federal agency” means an Executive agency as defined in section 105 of title 5.

**(4) Appropriate congressional committees**

The term “appropriate congressional committees” means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

**(5) Covered agency**

The term “covered agency” means any of the following agencies: ACDA, USIA, IDCA, and AID.

**(6) Department**

The term “Department” means the Department of State.

**(7) Function**

The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

**(8) IDCA**

The term “IDCA” means the United States International Development Cooperation Agency.

**(9) Office**

The term “office” includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

**(10) Secretary**

The term “Secretary” means the Secretary of State.

**(11) USIA**

The term “USIA” means the United States Information Agency.

(Pub. L. 105-277, div. G, subdiv. A, title XI, § 1103, Oct. 21, 1998, 112 Stat. 2681-766.)

## 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.

## CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Af-

fairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 6503. Report on budgetary cost savings resulting from reorganization**

The Secretary of State shall submit a report, together with the congressional presentation document for the budget of the Department of State for each of the fiscal years 2000 and 2001, to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization implemented under this chapter, including cost savings by each of the following categories:

- (1) Reductions in personnel.
- (2) Administrative consolidation, including procurement.
- (3) Program consolidation.
- (4) Consolidation of real properties and leases.

(Pub. L. 105-277, div. G, subdiv. A, title XI, § 1104, Oct. 21, 1998, 112 Stat. 2681-767.)

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.

**SUBCHAPTER II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY**

**PART A—ABOLITION AND TRANSFER OF FUNCTIONS**

**§ 6511. Abolition of United States Arms Control and Disarmament Agency**

The United States Arms Control and Disarmament Agency is abolished.

(Pub. L. 105-277, div. G, subdiv. A, title XII, § 1211, Oct. 21, 1998, 112 Stat. 2681-767.)

EFFECTIVE DATE

Pub. L. 105-277, div. G, subdiv. A, title XII, § 1201, Oct. 21, 1998, 112 Stat. 2681-767, provided that: “This title [see Tables for classification], and the amendments made by this title, shall take effect on the earlier of—

- “(1) April 1, 1999; or
- “(2) the date of abolition [Apr. 1, 1999] of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 1601 [22 U.S.C. 6601].”

**§ 6512. Transfer of functions to Secretary of State**

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency, and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this subchapter.

(Pub. L. 105-277, div. G, subdiv. A, title XII, § 1212, Oct. 21, 1998, 112 Stat. 2681-767.)

REFERENCES IN TEXT

For the effective date of this subchapter, referred to in text, meaning the effective date of title XII of

subdiv. A of div. G of Pub. L. 105-277, see section 1201 of Pub. L. 105-277, set out as a note under section 6511 of this title.

**PART B—MISCELLANEOUS PROVISIONS**

**§ 6521. References**

Except as otherwise provided in section 1223 or 1225, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, the Director of the Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Secretary of State; or

(2) the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

(Pub. L. 105-277, div. G, subdiv. A, title XII, § 1221, Oct. 21, 1998, 112 Stat. 2681-768.)

REFERENCES IN TEXT

Section 1223, referred to in text, is section 1223 of title XII of subdiv. A of div. G of Pub. L. 105-277, which amended sections 2551, 2552, 2567, 2568, 2571 to 2574, 2576, 2577, 2578, 2579, 2581, 2584, 2593a, 2593b, 2595, 2595a, 2595b-1, and 2595c of this title.

Section 1225, referred to in text, is section 1225 of title XII of subdiv. A of div. G of Pub. L. 105-277, which amended sections 2321d, 2695, 2776, 2778, 2791, 2797, 2797b, 3203, 3222, 3282, 4605, and 4606 of this title, section 194a of Title 2, The Congress, sections 2077, 2139, 2139a, 2141, 2153, 2155, 2156a, 2160, and 2160a of Title 42, The Public Health and Welfare, and section 40118 of Title 49, Transportation.

**SUBCHAPTER III—UNITED STATES INFORMATION AGENCY**

**PART A—ABOLITION AND TRANSFER OF FUNCTIONS**

**§ 6531. Abolition of United States Information Agency**

The United States Information Agency (other than the Broadcasting Board of Governors and the International Broadcasting Bureau) is abolished.

(Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1311, Oct. 21, 1998, 112 Stat. 2681-776.)

EFFECTIVE DATE

Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1301, Oct. 21, 1998, 112 Stat. 2681-776, provided that: “This title [see Tables for classification], and the amendments made by this title, shall take effect on the earlier of—

- “(1) October 1, 1999; or
- “(2) the date of abolition [Oct. 1, 1999] of the United States Information Agency pursuant to the reorganization plan described in section 1601 [22 U.S.C. 6601].”

**§ 6532. Transfer of functions**

**(a) In general**

There are transferred to the Secretary of State all functions of the Director of the United

States Information Agency and all functions of the United States Information Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this subchapter.

**(b) Exception**

Subsection (a) of this section does not apply to the Broadcasting Board of Governors, the International Broadcasting Bureau, or any function performed by the Board or the Bureau.

(Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1312, Oct. 21, 1998, 112 Stat. 2681-776.)

REFERENCES IN TEXT

For the effective date of this subchapter, referred to in subsec. (a), meaning the effective date of title XIII of subdiv. A of div. G of Pub. L. 105-277, see section 1301 of Pub. L. 105-277, set out as a note under section 6531 of this title.

**§ 6533. Abolition of Office of Inspector General of United States Information Agency and transfer of functions**

**(a) Abolition of Office**

The Office of Inspector General of the United States Information Agency is abolished.

**(b) to (d) Omitted**

**(e) Transfer of functions**

There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this subchapter (including all related functions of the Inspector General of the United States Information Agency).

(Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1314, Oct. 21, 1998, 112 Stat. 2681-776.)

REFERENCES IN TEXT

For the effective date of this subchapter, referred to in subsec. (e), meaning the effective date of title XIII of subdiv. A of div. G of Pub. L. 105-277, see section 1301 of Pub. L. 105-277, set out as a note under section 6531 of this title.

CODIFICATION

Section is comprised of section 1314 of Pub. L. 105-277. Subsec. (b) of section 1314 of Pub. L. 105-277 amended section 11 of the Inspector General Act of 1978, set out in the Appendix to Title 5, Government Organization and Employees, and subsecs. (c) and (d) of section 1314 of Pub. L. 105-277 amended section 5315 of Title 5 and section 6207 of this title, respectively.

PART B—INTERNATIONAL BROADCASTING

**§ 6541. Congressional findings and declaration of purpose**

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom “to seek, receive, and impart information and ideas through any media and regardless of frontiers”, in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contrib-

utes to international peace and stability, and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this part and the United States International Broadcasting Act of 1994 [22 U.S.C. 6201 et seq.]; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

(Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1321, Oct. 21, 1998, 112 Stat. 2681-777.)

REFERENCES IN TEXT

This part, referred to in par. (3), was in the original “this chapter”, meaning chapter 3 (§§ 1321-1328) of title XIII of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-777. For complete classification of chapter 3 to the Code, see Tables.

The United States International Broadcasting Act of 1994, referred to in par. (3), is title III of Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 432, as amended, which is classified principally to chapter 71 (§ 6201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

**§ 6542. Transfer of broadcasting related funds, property, and personnel**

**(a) Transfer and allocation of property and appropriations**

**(1) In general**

The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 6543(d) of this title), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices of USIA transferred to the Broadcasting Board of Governors by this part shall be transferred to the Broadcasting Board of Governors for appropriate allocation.

**(2) Additional transfers**

In addition to the transfers made under paragraph (1), there shall be transferred to the Chairman of the Broadcasting Board of Governors the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds, as determined by the Secretary, in concurrence with the Broadcasting Board of Governors, to support the functions transferred by this part.

**(b) Transfer of personnel**

Notwithstanding any other provision of law—

(1) except as provided in subsection (c) of this section, all personnel and positions of USIA employed or maintained to carry out the functions transferred by this part to the Broadcasting Board of Governors shall be transferred to the Broadcasting Board of Governors at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with

the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this part shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

**(c) Transfer and allocation of property, appropriations, and personnel associated with Worldnet**

USIA personnel responsible for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of subchapter VI of this chapter.

**(d) Incidental transfers**

The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

(Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1326, Oct. 21, 1998, 112 Stat. 2681-782.)

REFERENCES IN TEXT

This part, referred to in subssecs. (a) and (b), was in the original "this chapter", meaning chapter 3 (§§ 1321-1328) of title XIII of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-777. For complete classification of chapter 3 to the Code, see Tables.

**§ 6543. 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 exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this subchapter, and

(2) that are in effect at the time this subchapter takes effect, or were final before the effective date of this subchapter and are to become effective on or after the effective date of this 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 Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

**(b) Pending proceedings**

**(1) In general**

The provisions of this part, or amendments made by this part, shall not affect any proceedings, including notices of proposed rule-making, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this subchapter takes effect, with respect to functions exercised by the Board as of the effective date of this subchapter but such proceedings and applications shall be continued.

**(2) Orders, appeals, and 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 part had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

**(3) Statutory construction**

Nothing in this subsection 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 part had not been enacted.

**(c) 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 the Broadcasting Board of Governors, or any commission or component thereof, shall abate by reason of the enactment of this part. No cause of action by or against the Broadcasting Board of Governors, or any commission or component thereof, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this part.

**(d) Continuation of proceedings with substitution of parties**

**(1) Substitution of parties**

If, before the effective date of this subchapter, USIA or the Broadcasting Board of Governors, or any officer thereof in the official capacity of such officer, is a party to a suit which is related to the functions transferred by this part, then effective on such date such suit shall be continued with the Broadcasting Board of Governors or other appropriate official of the Board substituted or added as a party.

**(2) Liability of the Board**

The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this part to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

**(e) Administrative actions relating to promulgation of regulations**

Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this subchapter may be continued by the Board with the same effect as if this part had not been enacted.

**(f) References**

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this subchapter, shall be deemed to refer to the Board.

(Pub. L. 105-277, div. G, subdiv. A, title XIII, §1327, Oct. 21, 1998, 112 Stat. 2681-783.)

## REFERENCES IN TEXT

For the effective date of this subchapter, referred to in subsecs. (a), (b)(1), (d)(1), (e), and (f), meaning the effective date of title XIII of subdiv. A of div. G of Pub. L. 105-277, see section 1301 of Pub. L. 105-277, set out as a note under section 6531 of this title.

This part, referred to in subsecs. (b) to (e), was in the original "this chapter", meaning chapter 3 (§§1321-1328) of title XIII of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-777. For complete classification of chapter 3 to the Code, see Tables.

**§ 6544. Report on privatization of RFE/RL, Incorporated**

Not later than March 1 of each year, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, on any steps taken to further the policy declared in section 6211(a) of this title. The report under this subsection shall include the following:

- (1) Efforts by RFE/RL, Incorporated, to terminate individual language services.
- (2) A detailed description of steps taken with regard to section 6211(a) of this title.
- (3) An analysis of prospects for privatization over the coming year.
- (4) An assessment of the extent to which United States Government funding may be appropriate in the year 2000 and subsequent years for surrogate broadcasting to the countries to which RFE/RL, Incorporated, broadcast during the year. This assessment shall include an analysis of the environment for independent media in those countries, noting the extent of government control of the media, the ability of independent journalists and news organizations to operate, relevant domestic legislation, level of government harassment and efforts to censor, and other indications of whether the people of such countries enjoy freedom of expression.

(Pub. L. 105-277, div. G, subdiv. A, title XIII, §1328, Oct. 21, 1998, 112 Stat. 2681-784.)

## PART C—CONFORMING AMENDMENTS

**§ 6551. References****(a) In general**

Except as otherwise provided in this chapter, any reference in any statute, reorganization

plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

**(b) Continuing references to USIA or Director**

Subsection (a) of this section shall not apply to section 4069a(f), 4069b(g), or 4069c(f) of this title.

(Pub. L. 105-277, div. G, subdiv. A, title XIII, §1331, Oct. 21, 1998, 112 Stat. 2681-785.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

Section 4069a(f), 4069b(g), or 4069c(f) of this title, referred to in subsec. (b), was in the original "section 146(a), (b), or (c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991" meaning section 146(a), (b), (c) of Pub. L. 101-246, title I, Feb. 16, 1990, 104 Stat. 37, which amended sections 830, 831, and 832, respectively, of the Foreign Service Act of 1980, by adding subsecs. (f), (g), and (h), respectively, to those sections which are classified to sections 4069a(f), 4069b(g), and 4069c(f) of this title.

**§ 6552. Application of certain laws****(a) Application to functions of Department of State**

Section 1461 of this title, section 1461-1 of this title, and section 1461-1a of this title shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this chapter.

**(b) Application to functions transferred to Department of State**

Section 1461 of this title, section 1461-1 of this title, and section 1461-1a of this title shall apply only to public diplomacy programs of the Director of the United States Information Agency as carried out prior to any transfer of functions pursuant to this chapter to the same extent that such programs were covered by these provisions prior to such transfer.

**(c) Limitation on use of funds**

(1) Except as provided in section 1461 of this title and section 1461-1a of this title, funds specifically authorized to be appropriated for such public diplomacy programs, identified as public diplomacy funds in any Congressional Presentation Document described in subsection (e) of this section, or reprogrammed for public diplomacy purposes, shall not be used to influence public opinion in the United States, and no program material prepared using such funds shall be distributed or disseminated in the United States.

(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed (A) to interfere with the inte-

gration of administrative resources between public diplomacy and other functions of the Department of State or to prevent the occasional performance of functions other than public diplomacy by officials or employees of the Department of State who are primarily assigned to public diplomacy, provided there is no substantial resulting diminution in the amount of resources devoted to public diplomacy below the amounts described in paragraph (1), or (B) to supersede reprogramming procedures.

**(d) Reporting requirements**

The report submitted pursuant to section 6601(f) of this title shall include a detailed statement of the manner in which the special mission of public diplomacy carried out by USIA prior to the transfer of functions under this chapter shall be preserved within the Department of State, including the planned duties and responsibilities of any new bureaus that will perform such public diplomacy functions. Such report shall also include the best available estimates of—

(1) the amounts expended by the Department of State for public affairs programs during fiscal year 1998, and on the personnel and support costs for such programs;

(2) the amounts expended by USIA for its public diplomacy programs during fiscal year 1998, and on the personnel and support costs for such programs; and

(3) the amounts, including funds to be transferred from USIA and funds appropriated to the Department, that will be allocated for the programs described in paragraphs (1) and (2), respectively, during the fiscal year in which the transfer of functions from USIA to the Department occurs.

**(e) Congressional Presentation Document**

The Department of State's Congressional Presentation Document for fiscal year 2000 and each fiscal year thereafter shall include—

(1) the aggregated amounts that the Department will spend on such public diplomacy programs and on costs of personnel for such programs, and a detailed description of the goals and purposes for which such funds shall be expended; and

(2) the amount of funds allocated to and the positions authorized for such public diplomacy programs, including bureaus to be created upon the transfer of functions from USIA to the Department.

(Pub. L. 105–277, div. G, subdiv. A, title XIII, §1333, Oct. 21, 1998, 112 Stat. 2681–785; Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title III, §304], Nov. 29, 1999, 113 Stat. 1536, 1501A–434.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), and (d), 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.

AMENDMENTS

1999—Subsec. (c). Pub. L. 106–113 designated existing provisions as par. (1), inserted “, identified as public di-

plomacy funds in any Congressional Presentation Document described in subsection (e) of this section, or reprogrammed for public diplomacy purposes,” after “diplomacy programs”, and added par. (2).

**§ 6553. Sunset of United States Advisory Commission on Public Diplomacy**

The United States Advisory Commission on Public Diplomacy, established under section 1469 of this title and section 8 of Reorganization Plan Numbered 2 of 1977, shall continue to exist and operate under such provisions of law until October 1, 2009.

(Pub. L. 105–277, div. G, subdiv. A, title XIII, §1334, Oct. 21, 1998, 112 Stat. 2681–786; Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title IV, §404(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A–446; Pub. L. 107–77, title IV, §407(a), Nov. 28, 2001, 115 Stat. 790; Pub. L. 109–108, title IV, §410, Nov. 22, 2005, 119 Stat. 2327; Pub. L. 110–21, §1, May 2, 2007, 121 Stat. 87.)

REFERENCES IN TEXT

Section 8 of Reorganization Plan Numbered 2 of 1977, referred to in text, is set out as a note under section 1461 of this title and in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2007—Pub. L. 110–21 substituted “October 1, 2009” for “October 1, 2006”.

2005—Pub. L. 109–108 substituted “October 1, 2006” for “October 1, 2005”.

2001—Pub. L. 107–77 substituted “October 1, 2005” for “October 1, 2001”.

1999—Pub. L. 106–113 amended section catchline and text generally, substituting present provisions for provisions which had abolished the United States Advisory Commission on Public Diplomacy, repealed section 1469 of this title, and amended Reorganization Plan No. 2 of 1977.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–77, title IV, §407(b), Nov. 28, 2001, 115 Stat. 790, provided that: “The amendment made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 [H.R. 3427, as enacted by Pub. L. 106–113, div. B, §1000(a)(7)].”

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title IV, §404(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A–447, provided that: “The amendment made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Foreign Affairs Reform and Restructuring Act of 1998 [Pub. L. 105–277, div. G, see Short Title note set out under section 6501 of this title].”

SUBCHAPTER IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

PART A—ABOLITION AND TRANSFER OF FUNCTIONS

**§ 6561. Abolition of United States International Development Cooperation Agency**

**(a) In general**

Except for the components specified in subsection (b) of this section, the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

**(b) AID and OPIC exempted**

Subsection (a) of this section does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

(Pub. L. 105-277, div. G, subdiv. A, title XIV, §1411, Oct. 21, 1998, 112 Stat. 2681-790.)

## EFFECTIVE DATE

Pub. L. 105-277, div. G, subdiv. A, title XIV, §1401, Oct. 21, 1998, 112 Stat. 2681-790, provided that: "This title [see Tables for classification], and the amendments made by this title, shall take effect on the earlier of—

"(1) April 1, 1999; or

"(2) the date of abolition [Apr. 1, 1999] of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 1601 [22 U.S.C. 6601]."

**§ 6562. Transfer of functions and authorities****(a) Allocation of funds****(1) Allocation to the Secretary of State**

Funds made available under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1-801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of October 1, 1997, shall be allocated to the Secretary of State on and after the effective date of this subchapter without further action by the President.

**(2) Procedures for reallocations or transfers**

The Secretary of State may allocate or transfer as appropriate any funds received under paragraph (1) in the same manner as previously provided for the Director of the International Development Cooperation Agency under section 1-802 of that Executive Order, as in effect on October 1, 1997.

**(b) With respect to Overseas Private Investment Corporation**

There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this subchapter with respect to the Overseas Private Investment Corporation.

**(c) Other activities**

The authorities and functions transferred to the United States International Development Cooperation Agency or the Director of that Agency by section 6 of Reorganization Plan Numbered 2 of 1979 shall, to the extent such authorities and functions have not been repealed, be transferred to those agencies or heads of agencies, as the case may be, in which those authorities and functions were vested by statute as of the day before the effective date of such reorganization plan.

(Pub. L. 105-277, div. G, subdiv. A, title XIV, §1412, Oct. 21, 1998, 112 Stat. 2681-790.)

## REFERENCES IN TEXT

Executive Order No. 12163, referred to in subsec. (a), is Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, which is set out as a note under section 2381 of this title. Section 1-801 of Ex. Ord. No. 12163 was de-

leted in the general amendment of Part 1-8 of Ex. Ord. No. 12163 by Ex. Ord. No. 13118, §8, Mar. 31, 1999, 64 F.R. 16597.

For the effective date of this subchapter, referred to in subsecs. (a)(1) and (b), meaning the effective date of title XIV of subdiv. A of div. G of Pub. L. 105-277, see section 1401 of Pub. L. 105-277, set out as a note under section 6561 of this title.

Reorganization Plan Numbered 2 of 1979, referred to in subsec. (c), is Reorg. Plan No. 2 of 1979, 44 F.R. 41165, 93 Stat. 1378, effective Oct. 1, 1979, pursuant to Ex. Ord. No. 12163, which was set out as a note under section 2381 of this title, prior to repeal by Pub. L. 105-277, div. G, subdiv. A, title XIV, §§1401, 1422(a)(1), Oct. 21, 1998, 112 Stat. 2681-790, 2681-792.

**§ 6563. Status of AID****(a) In general**

Unless abolished pursuant to the reorganization plan submitted under section 6601 of this title, and except as provided in section 6562 of this title, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5.

**(b) Retention of officers**

Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this subchapter.

(Pub. L. 105-277, div. G, subdiv. A, title XIV, §1413, Oct. 21, 1998, 112 Stat. 2681-791.)

## REFERENCES IN TEXT

For the effective date of this subchapter, referred to in subsec. (b), meaning the effective date of title XIV of subdiv. A of div. G of Pub. L. 105-277, see section 1401 of Pub. L. 105-277, set out as a note under section 6561 of this title.

## PART B—MISCELLANEOUS PROVISIONS

**§ 6571. References**

Except as otherwise provided in this chapter, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States International Development Cooperation Agency (IDCA) or to the Director or any other officer or employee of IDCA—

(1) insofar as such reference relates to any function or authority transferred under section 6562(a) of this title, shall be deemed to refer to the Secretary of State;

(2) insofar as such reference relates to any function or authority transferred under section 6562(b) of this title, shall be deemed to refer to the Administrator of the Agency for International Development;

(3) insofar as such reference relates to any function or authority transferred under section 6562(c) of this title, shall be deemed to refer to the head of the agency to which such function or authority is transferred under such section; and

(4) insofar as such reference relates to any function or authority not transferred by this subchapter, shall be deemed to refer to the

President or such agency or agencies as may be specified by Executive order.

(Pub. L. 105-277, div. G, subdiv. A, title XIV, §1421, Oct. 21, 1998, 112 Stat. 2681-791.)

#### 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.

This subchapter, referred to in par. (4), was in the original “this title”, meaning title XIV of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-790. For complete classification of title XIV to the Code, see Tables.

### SUBCHAPTER V—AGENCY FOR INTERNATIONAL DEVELOPMENT

#### PART A—REORGANIZATION AND TRANSFER OF FUNCTIONS

### § 6581. Reorganization of Agency for International Development

#### (a) In general

The Agency for International Development shall be reorganized in accordance with this chapter and the reorganization plan transmitted pursuant to section 6601 of this title.

#### (b) Functions to be transferred

The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of AID:

- (1) The Press office.
- (2) Certain administrative functions.

(Pub. L. 105-277, div. G, subdiv. A, title XV, §1511, Oct. 21, 1998, 112 Stat. 2681-793.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

#### EFFECTIVE DATE

Pub. L. 105-277, div. G, subdiv. A, title XV, §1501, Oct. 21, 1998, 112 Stat. 2681-793, provided that: “This title [enacting this subchapter], and the amendments made by this title, shall take effect on the earlier of—

- “(1) April 1, 1999; or
- “(2) the date of reorganization [Apr. 1, 1999] of the Agency for International Development pursuant to the reorganization plan described in section 1601 [22 U.S.C. 6601].”

#### PART B—AUTHORITIES OF SECRETARY OF STATE

### § 6591. “United States assistance” defined

In this part, the term “United States assistance” means development and other economic assistance, including assistance made available under the following provisions of law:

- (1) Chapter 1 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.] (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2293 et seq.] (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

(Pub. L. 105-277, div. G, subdiv. A, title XV, §1521, Oct. 21, 1998, 112 Stat. 2681-794.)

#### REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in pars. (1) to (4), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapters 1, 10, and 11 of part I of the Act are classified generally to parts I (§2151 et seq.), X (§2293 et seq.), and XI (§2295 et seq.), respectively, of subchapter I of chapter 32 of this title. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For provisions deeming references to part I of subchapter I to include a reference to section 2293 of this title, see section 2293(d)(1) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Support for East European Democracy Act, referred to in par. (5), probably means the Support for East European Democracy (SEED) Act of 1989, Pub. L. 101-179, Nov. 28, 1989, 103 Stat. 1298, as amended, which is classified principally to chapter 63 (§5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

### § 6592. Administrator of AID reporting to Secretary of State

The Administrator of the Agency for International Development, appointed pursuant to section 2384(a) of this title, shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

(Pub. L. 105-277, div. G, subdiv. A, title XV, §1522, Oct. 21, 1998, 112 Stat. 2681-794.)

### § 6593. Assistance programs coordination and oversight

#### (a) Authority of Secretary of State

##### (1) In general

Under the direction of the President, the Secretary of State shall coordinate all United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

##### (2) Export promotion activities

Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

##### (3) International economic activities

Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform pro-

grams shall continue to be primarily the responsibility of the Secretary of the Treasury.

**(4) Authorities and powers of the Secretary of State**

The powers and authorities of the Secretary provided in this part are in addition to the powers and authorities provided to the Secretary under any other Act, including section 101(b) and section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(b), 2382(c)).

**(b) Coordination activities**

Coordination activities of the Secretary of State under subsection (a) of this section shall include—

(1) approving an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], the Arms Export Control Act [22 U.S.C. 2751 et seq.], and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations; and

(4) resolving policy, program, and funding disputes among United States Government agencies.

**(c) Statutory construction**

Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the Federal agency for that purpose.

**(d) Authority to provide personnel of Agency for International Development**

The Administrator of the Agency for International Development is authorized to detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

(Pub. L. 105–277, div. G, subdiv. A, title XV, § 1523, Oct. 21, 1998, 112 Stat. 2681–794.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b)(2), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (b)(2), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

SUBCHAPTER VI—TRANSITION

PART A—REORGANIZATION PLAN

**§ 6601. Reorganization plan and report**

**(a) Submission of plan and report**

Not later than 60 days after October 21, 1998, the President shall transmit to the appropriate congressional committees a reorganization plan and report regarding—

(1) the abolition of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency in accordance with this chapter;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 6581 of this title;

(3) the termination of functions of each covered agency as may be necessary to effectuate the reorganization under this chapter, and the termination of the affairs of each agency abolished under this chapter;

(4) the transfer to the Department of the functions and personnel of each covered agency consistent with the provisions of this chapter; and

(5) the consolidation, reorganization, and streamlining of the Department in connection with the transfer of such functions and personnel in order to carry out such functions.

**(b) Covered agencies**

The agencies covered by this section are the following:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

**(c) Plan elements**

The plan transmitted under subsection (a) of this section shall contain, consistent with this chapter, such elements as the President deems appropriate, including elements that—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(3) specify the funds available to each covered agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(4) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(5) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each covered agency in connection with the transfer of the functions of such agency to the Department.

**(d) Reorganization plan of Agency for International Development**

In addition to applicable provisions of subsection (c) of this section, the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the

transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions set forth in section 6581 of this title; and

(B) may provide for additional consolidation, reorganization, and streamlining of AID, including—

(i) the termination of functions and reductions in personnel of AID;

(ii) the transfer of functions of AID, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

**(e) Modification of plan**

The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan transmitted under subsection (a) of this section until that part of the plan becomes effective in accordance with subsection (g) of this section.

**(f) Report**

The report accompanying the reorganization plan for the Department and the covered agencies submitted pursuant to this section shall describe the implementation of the plan and shall include—

(1) a detailed description of—

(A) the actions necessary or planned to complete the reorganization,

(B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(C) any preliminary actions which have been taken in the implementation process;

(2) the number of personnel and positions of each covered agency (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred to the Department, separated from service with such agency, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(3) the number of personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred within the Department, separated from service with the Department, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(4) a projected schedule for completion of the implementation process; and

(5) recommendations, if any, for legislation necessary to carry out changes made by this chapter relating to personnel and to incidental transfers.

**(g) Effective date**

**(1) In general**

The reorganization plan described in this section, including any modifications or revi-

sions of the plan under subsection (e) of this section, shall become effective on the earlier of the date for the respective covered agency specified in paragraph (2) or the date announced by the President under paragraph (3).

**(2) Statutory effective dates**

The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) April 1, 1999, with respect to functions of the Agency for International Development described in section 6581 of this title.

(B) April 1, 1999, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(C) October 1, 1999, with respect to the abolition of the United States Information Agency.

**(3) Effective date by Presidential determination**

An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 90 calendar days after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a) of this section.

**(4) Statutory construction**

Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of a covered agency on a single date.

**(5) Supersedes existing law**

Paragraph (1) shall apply notwithstanding section 905(b) of title 5.

**(h) Publication**

The reorganization plan described in this section shall be printed in the Federal Register after the date upon which it first becomes effective.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, § 1601, Oct. 21, 1998, 112 Stat. 2681-795.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1), (3), (4), (c), and (f)(5), 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.

DELEGATION OF THE FUNCTIONS VESTED IN THE PRESIDENT BY SECTIONS 1601(e) AND 1601(g) OF THE FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998, AS ENACTED IN PUBLIC LAW 105-277

Memorandum of President of the United States, Mar. 31, 1999, 64 F.R. 17079, provided:

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, I hereby delegate to you the functions vested in the President by sections 1601(e) and 1601(g) of the Foreign Affairs Reform and Restructuring Act of 1998, as enacted in Public Law 105-277 [22 U.S.C. 6601(e), (g)].

The functions delegated by this memorandum may be redelegated as appropriate.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

PART B—REORGANIZATION AUTHORITY

**§ 6611. Reorganization authority**

**(a) In general**

The Secretary is authorized, subject to the requirements of this chapter, to allocate or reallocate any function transferred to the Department under any subchapter of this chapter, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this chapter, but this subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office, or officer of the Department.

**(b) Requirements and limitations on reorganization plan**

The reorganization plan transmitted under section 6601 of this title may not have the effect of—

- (1) creating a new executive department;
- (2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;
- (3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;
- (4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or
- (5) increasing the term of an office beyond that provided by law for the office.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, § 1611, Oct. 21, 1998, 112 Stat. 2681-798.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

**§ 6612. Transfer and allocation of appropriations**

**(a) In general**

Except as otherwise provided in this chapter, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 6615(e) of this title), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any subchapter of this chapter shall be transferred to the Secretary for appropriate allocation.

**(b) Limitation on use of transferred funds**

Except as provided in subsection (c) of this section, unexpended and unobligated funds

transferred pursuant to any subchapter of this chapter shall be used only for the purposes for which the funds were originally authorized and appropriated.

**(c) Funds to facilitate transition**

**(1) Congressional notification**

Funds transferred pursuant to subsection (a) of this section may be available for the purposes of reorganization subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 2706 of this title.

**(2) Transfer authority**

Funds in any account appropriated to the Department of State may be transferred to another such account for the purposes of reorganization, subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 2706 of this title. The authority in this paragraph is in addition to any other transfer authority available to the Secretary of State and shall expire September 30, 2000.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, § 1612, Oct. 21, 1998, 112 Stat. 2681-798.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), 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.

**§ 6613. Transfer, appointment, and assignment of personnel**

**(a) Transfer of personnel from ACDA and USIA**

Except as otherwise provided in subchapter III of this chapter—

- (1) not later than the date of abolition of ACDA, all personnel and positions of ACDA, and
- (2) not later than the date of abolition of USIA, all personnel and positions of USIA,

shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

**(b) Transfer of personnel from AID**

Except as otherwise provided in subchapter III of this chapter, not later than the date of transfer of any function of AID to the Department of State under this chapter, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

**(c) Assignment authority**

The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b) of this section, is

authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. In carrying out the reorganization under this Act, the Secretary shall ensure that the advances made in increasing the number and status of women and minorities within the foreign affairs agencies of the Federal Government, in terms of representation within the agencies as well as relative rank, are not undermined by discrimination within the newly reorganized Department of State. The Secretary shall consult with the relevant exclusive representatives (as defined in section 4102 of this title and in section 7103 of title 5) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

**(d) Superseding other provisions of law**

Subsections (a) through (c) of this section shall be exercised notwithstanding any other provision of law.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, §1613, Oct. 21, 1998, 112 Stat. 2681-799; Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §341], Nov. 29, 1999, 113 Stat. 1536, 1501A-444.)

REFERENCES IN TEXT

Subchapter III of this chapter, referred to in subsecs. (a) and (b), was in the original “title XIII”, meaning title XIII of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-776. For complete classification of title XIII of div. G of this Act to the Code, see Tables.

This chapter, referred to in subsec. (b), 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.

This Act, referred to in subsec. (c), probably means division G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-761, as amended, known as the Foreign Affairs Reform and Restructuring Act of 1998. For complete classification of division G to the Code, see Short Title note set out under section 6501 of this title and Tables.

Section 4102 of this title, referred to in subsec. (c), was in the original “section 1002 of the Foreign Service Act”, and was translated as meaning section 1002 of the Foreign Service Act of 1980 to reflect the probable intent of Congress.

AMENDMENTS

1999—Subsec. (c). Pub. L. 106-113 inserted after first sentence “In carrying out the reorganization under this Act, the Secretary shall ensure that the advances made in increasing the number and status of women and minorities within the foreign affairs agencies of the Federal Government, in terms of representation within the agencies as well as relative rank, are not undermined by discrimination within the newly reorganized Department of State.”.

**§ 6614. Incidental transfers**

The Director of the Office of Management and Budget, when requested by the Secretary, is au-

thorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available 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**

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**§ 6701. Definitions**

In this chapter:

**(1) Chemical weapon**

The term “chemical weapon” means the following, together or separately:

(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this chapter as long as the type and quantity is consistent with such a purpose.

(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device.

(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

**(2) Chemical Weapons Convention; Convention**

The terms “Chemical Weapons Convention” and “Convention” mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

**(3) Key component of a binary or multicomponent chemical system**

The term “key component of a binary or multicomponent chemical system” means the

precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

**(4) National of the United States**

The term “national of the United States” has the same meaning given such term in section 1101(a)(22) of title 8.

**(5) Organization**

The term “Organization” means the Organization for the Prohibition of Chemical Weapons.

**(6) Person**

The term “person”, except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

**(7) Precursor**

**(A) In general**

The term “precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

**(B) List of precursors**

Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

**(8) Purposes not prohibited by this chapter**

The term “purposes not prohibited by this chapter” means the following:

**(A) Peaceful purposes**

Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

**(B) Protective purposes**

Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

**(C) Unrelated military purposes**

Any military purpose of the United States that is not connected with the use of a chemical weapon and that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

**(D) Law enforcement purposes**

Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

**(9) Technical Secretariat**

The term “Technical Secretariat” means the Technical Secretariat of the Organization