§ 2378d. Limitation on assistance to security forces

(a) In general

No assistance shall be furnished under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights.

(b) Exception

The prohibition in subsection (a) shall not apply if the Secretary determines and reports to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.

(c) Duty to inform

In the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces unit to justice.


REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “‘this Act’”, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

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.

REFERENCE IN TEXT

This chapter, referred to in subsec. (a), (c), and (d), was in the original “‘this Act’”, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961.

CODIFICATION

Another section 620J of Pub. L. 87–195 is classified to section 2378a of this title.

PART II—ADMINISTRATIVE PROVISIONS

§ 2381. Exercise of functions

(a) Delegation by President; rules and regulations; utilization of goods and services from private enterprise, and facilities and resources of Federal agencies when not competitive with private enterprise

The President may exercise any functions conferred upon him by this chapter through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions, and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to delegate any of such functions to any of his subordinates. In providing technical assistance under this chapter, upon cause for belief that such person or an affiliate thereof probably has undertaken conduct which constitutes a cause for debarment; and, after an opportunity has been afforded to such person for a hearing, he may be debarred for an additional period, not to exceed three years. Among the causes for debarment shall be (1) offering or accepting a bribe or other illegal payment or credit in connection with any transaction financed with funds made available under this chapter; or (2) committing a fraud in the procurement or performance of any contract financed with funds made available under this chapter; or (3) acting in any other manner which shows a lack of integrity or honesty in connection with any transaction financed with funds made available under this chapter. Reinstatement of eligibility in each particular case shall be subject to such conditions as the President shall direct. Each person whose eligibility is denied or suspended under this subsection shall, upon request, be entitled to a review of his eligibility not less often than once every two years.

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TITLe 22—FOREIGN RELATIONS AND INTERCOURSE

§ 2381

AGENCY FOR INTERNATIONAL DEVELOPMENT BUDGET SUBMISSION

Pub. L. 106–429, § 101(a) [title V, § 576], Nov. 6, 2000, 114 Stat. 1900, 1900A–54, provided that: “The Agency for International Development shall submit to the Committees on Appropriations a proposed budget justification format no later than November 15, 2000, or 30 days after the enactment of this Act [Nov. 6, 2000], whichever occurs later. The format shall include how the Agency’s budget justification will address: (1) estimated levels of obligations for the current fiscal year and actual levels for the 2 previous fiscal years; (2) the President’s request for new budget authority and estimated carryover obligation authority for the budget year; (3) the disaggregation of budget data and staff levels by program and activity for each bureau, field mission, and central office; and (4) the need for a user-friendly, transparent budget narrative.”

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 581], Nov. 29, 1999, 113 Stat. 1535, 1501A–116, provided that: “Beginning with the fiscal year 2001, the Agency for International Development shall submit to the Committees on Appropriations a proposed budget format no later than October 31, 1999, or 30 days after the enactment of this Act [Nov. 29, 1999], whichever occurs later. The proposed format shall include how the Agency’s budget submission will address: (1) estimated levels of obligations for the current fiscal year and actual levels for the two previous fiscal years; (2) the President’s request for new budget authority and estimated carryover obligation authority for the budget year; (3) the disaggregation of budget data by program and activity for each bureau, field mission, and central office; and (4) staff levels identified by program.”

Pub. L. 102–301, title V, § 5902, Oct. 6, 1992, 106 Stat. 1698, provided that: “The President shall include with each budget for a fiscal year submitted to the Congress pursuant to the Federal Budget and Impoundment Control Act of 1974, as amended, a detailed budget justification for each bureau, field mission, and central office; and (4) staff levels identified by program.”

Reorganization Plan No. 2 of 1979


EXECUTIVE ORDER NO. 10973

Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, as amended, which related to the administration of foreign assistance and related functions, was revoked by Ex. Ord. No. 12163, § 1–903(a)(1), Sept. 29, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out below.

Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, as amended, was superseded insofar as any provision therein was in conflict with any provision of Ex. Ord. No. 11579, Jan. 19, 1971, 36 F.R. 5269, set out as a note under section 2191 of this title.

Ex. Ord. No. 12163, ADMINISTRATION OF FOREIGN ASSISTANCE AND RELATED FUNCTIONS

§ 2381

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

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By virtue of the authority vested in me by the Foreign Assistance Act of 1961 [this chapter], Reorganization Plan No. 2 of 1979 [set out above], the International Development Cooperation Act of 1979 [see United States Code, and as President of the United States, it is hereby ordered as follows:

1–1. DEPARTMENT OF STATE

1–100. Delegation of Functions. (a) Exclusive of the functions otherwise delegated, or reserved to the President, by this order, Executive Order 12884 [22 U.S.C. § 1501 note], Executive Order 11579 [22 U.S.C. 2151 note], and Executive Order 12757 [former 7 U.S.C. 1738 note], and subject to the provisions of such orders, there are hereby delegated to the Secretary of State (referred to in this Part as the “Secretary”) all functions conferred upon the President by:

(1) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) (“Act”):
   (i) except that with respect to section 505(a) of the Act [22 U.S.C. 2314(a)], such functions only insofar as those functions relate to other provisions which may be required by the President or otherwise performed by the President or any other officer or agency of the Executive branch functions delegated, or reserved to the President, by this order, Executive Order 12884 [22 U.S.C. 5812 note], Executive Order 11579 [22 U.S.C. 2151 note], and Executive Order 12757 [former 7 U.S.C. 1738 note], and subject to the provisions of such orders, there are hereby delegated to the Secretary of State (referred to in this Part as the “Secretary”) all functions conferred upon the President by:
   (i) except that with respect to section 505(b) of the Act, such functions only insofar as those functions pertain to countries that agree to the conditions set forth therein;
   (ii) except that with respect to section 505(b) of the Act, such functions only insofar as those functions pertain to countries that agree to the conditions set forth therein;
   (ii) except that with respect to section 505(b) of the Act, such functions only insofar as those functions pertain to countries that agree to the conditions set forth therein;
   (ii) except that with respect to section 505(b) of the Act, such functions only insofar as those functions pertain to countries that agree to the conditions set forth therein;
   (ii) except that with respect to section 505(b) of the Act, such functions only insofar as those functions pertain to countries that agree to the conditions set forth therein; (2) section 1205(b) of the International Security and Development Cooperation Act of 1965 (“ISDCA of 1965”) [Pub. L. 90–663, 82 Stat. 946];
   (3) section 8(d) of the Act of January 12, 1971, 22 U.S.C. 2321(d);
   (5) section 402(b)(2) of title 10, United States Code, which shall be exercised in consultation with the Secretary of Defense;
   (6) the third proviso under the heading “Development Assistance” in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (as contained in public Law 105–277) [112 Stat. 2681–133];
   (7) section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461) [22 U.S.C. 2154v note];
   (9) section 620(j), 620(q), and 620(s) of the Act [22 U.S.C. 2199(f), 2570(e), (g), (j), (q), (s)] delegated to the Secretary shall be exercised in consultation with the Administrator of the United States Agency for International Development; (d) the Secretary shall perform all public information functions abroad with respect to the foreign assistance, aid, and development programs of the United States Government, to the extent such functions are not specifically assigned by statute to be performed by a different officer.

1–2. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT


(a) The United States Agency for International Development is an independent establishment within the Executive branch. Any reference in the Act to the agency primarily responsible for administering part I of the Act [22 U.S.C. 2151 et seq.], or to the Administrator of such agency, shall be deemed to be a reference to the United States Agency for International Development or to the Administrator of that agency, as appropriate.

(b) The United States Agency for International Development shall be headed by an Administrator appointed pursuant to section 621(a) of the Act [22 U.S.C. 2384(a)].

(c) The officers provided for in section 624(a) of the Act shall serve in the United States Agency for International Development.

(d) The President may redelegate to any other officer or agency of the Executive branch functions delegated to the Secretary by this order to the extent such delegation is not otherwise prohibited by law.
1-3. Department of Defense

1-301. Delegation of Functions. Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the President by Part II [22 U.S.C. 2301 et seq.] (except chapters 4, 6 and 8 thereof) of the Act [22 U.S.C. 2314 et seq., 2348a et seq., not otherwise delegated or reserved to the President].

(b) To the extent that they relate to other functions under the Act (this chapter) administered by the Department of Defense, the functions conferred upon the President by sections 622(a), 625(a), 625(d)(1), 625(h), 627, 628, 630(3), 631(a), 634(B), 635(b) (except with 2396(i)], 2387, 2388, 2390(3), 2391(a), 2394–1a, 2395(b), (d), (g), and 2396(j)).

(c) Those functions under section 634A of the Act [22 U.S.C. 2394–2] (except reserved to the President), to the extent they relate to notifications to the Congress concerning changes in programs under chapters 2 and 5 of part II of the Act [22 U.S.C. 2311 et seq., 2347 et seq.] and under the Arms Export Control Act, as amended [22 U.S.C. 2751 et seq.], subject to prior consultation with the Secretary of State.

(d) The functions under sections 627, 628, and 630(3) of the Act [22 U.S.C. 2387, 2388, and 2390(3)] delegated to the Secretary of Defense shall be exercised in consultation with the Secretary of State.

(e) The functions under section 655 of the Act [22 U.S.C. 2415] insofar as they relate to defense articles, defense services, and international military education and training furnished by grant or sale by the Secretary of Defense, except to the extent otherwise delegated.


(h) The functions conferred upon the President under section 3 of the International Narcotics Control Act of 1989 [Public Law 101–231] [Dec. 13, 1989, 103 Stat. 1955], which shall be exercised in consultation with the Secretary of State.

1–302. Reports and Information. In carrying out the functions under section 514 of the Act [22 U.S.C. 2321i] delegated to him by section 301 of this order, the Secretary of Defense shall consult with the Secretary of State.

1–4. Institute for Scientific and Technological Cooperation

[Revoked by Ex. Ord. No. 13118, § 4, Mar. 31, 1999, 64 F.R. 16596]

1–5. Other Agencies

1–501. Department of the Treasury. (a) There are delegated to the Secretary of the Treasury the functions conferred upon the President by:

(1) section 303 [22 U.S.C. 2322], insofar as it relates to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Fund, and the International Monetary Fund;

(2) the second sentence of section 612(a) of the Act [22 U.S.C. 2362(a)];

(3) section 502 of the Mutual Security Act of 1954 [22 U.S.C. 1754]; and

(4) section 655(c) of the Act [former 22 U.S.C. 2414(c)].

(b) The Secretary of the Treasury shall continue to administer any open special foreign country accounts established pursuant to former section 514 of the Act as enacted by section 201(f) of Public Law 92–226 (86 Stat. 25) and repealed by Section 12(b) of Public Law 93–189 (87 Stat. 722) [22 U.S.C. 2321i].

(c) The functions under section 305 of the Act [22 U.S.C. 2225] delegated to the Secretary of the Treasury shall be exercised in consultation with the Secretary of State.

1–502. Department of Commerce. There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 604(b)(1) of the Act [22 U.S.C. 2353(b)(1)] as consists of drawing the attention of private enterprise to opportunities for investment and development in less developed friendly countries and areas.

1–503. Office of Personal Management. There is hereby delegated to the Director of the Office of Personnel Management the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act [22 U.S.C. 2365(b)].


1–505. Trade and Development Agency. There is delegated to the Director of the Trade and Development Agency the functions conferred upon the President by section 651(d) of the Act [22 U.S.C. 2421(d)].


1–6. Additional Delegations and Limitations of Authority; Consultation

1–601. General Delegation of Functions. There are hereby delegated to the heads of agencies having responsibilities for carrying out the provisions of the Act (this chapter) all functions conferred upon the President by:

(a) section 651 [22 U.S.C. 2414] (except as reserved to the President); and

(b) those provisions of acts appropriating funds under the authority of the Act (this chapter) that relate to the Act, or other acts authorizing such funds, insofar as they relate to the functions delegated by this order.

1–602. Personnel. (a) In carrying out the functions conferred upon the President by the provisions of section 625(d) of the Act [22 U.S.C. 2385(d)], and by this order delegated to the Secretary of State, the Secretary shall authorize such of the agencies that administer programs under the Act (this chapter) as he may deem appropriate to perform any of the functions under section 625(d) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 (former 22 U.S.C. 1787(c)) or section 625(d) of the Act [22 U.S.C. 2385(d)] for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agencies in which such benefits may be exercised, be entitled to the benefits provided by section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3960) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1–603. Special Missions and Staffs Abroad. The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances authorized for a chief of mission as defined in section 102(a)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3950) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1–604. International Agreements. The negotiation, conclusion, and termination of international agreements pursuant to the Act (this chapter) shall be subject to the approval of the Secretary of State.

1–605. Intergovernmental Consultation. Each officer to whom functions are delegated by this order, shall, in carrying out such functions, consult with the heads of other de-
1–7. RESERVED FUNCTIONS

1–701. Reservation of Functions to the President. There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 123(a), 236(a), 493, 504(b), 613(a), 614(a), 620(a), 620(b), 620(c), 620(d), 623(a), 623(c), 633(b), 640B, and 663(b) of the Act (22 U.S.C. 2151t(e), 2230(c), 2232(b), 2233(a), 2349aa–9), with respect to the appointment of officers pursuant to sections 239(b) and 624(c) of the Act (22 U.S.C. 2193(b), 2384(c)).

(b) The functions conferred upon the President by the Act (this chapter) and section 408(b) of the Mutual Security Act of 1954 (22 U.S.C. 2193) with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to sections 222(b) and 624(c) of the Act (22 U.S.C. 2193(b), 2384(c)).

(c) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 122(e), 298(a), 493, 504(b), 613(a), 620(a), 620(b), 620(c), 620(d), 620(x), 620A, 620C(c), 621(a), 622(b), 622(c), 633(b), 640B, and 663(b) of the Act (22 U.S.C. 2151t(e), 2230(c), 2232(b), 2233(a), 2349aa–9), with respect to the appointment of officers pursuant to sections 239(b) and 624(c) of the Act (22 U.S.C. 2193(b), 2384(c)).

(d) The following-described functions conferred upon the President:

(i) Those under section 503(a) (22 U.S.C. 2311(a)) that relate to findings: Provided, that the Secretary of State, in the implementation of the functions delegated to him under section 505(a)(1), (a)(4), and (e) of the Act (22 U.S.C. 2314(a), (a)(4), and (e)), is authorized to find, in the case of a proposed transfer of a defense article or related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under section 503(a) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

(ii) Those under section 505(b) (22 U.S.C. 2314(b)) in respect of countries that do not agree to the conditions set forth therein.

(iii) That under section 614(b) (22 U.S.C. 2364(b)) with respect to the publication in the Federal Register of any findings or determination reserved to the President: Provided, that any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(a) (22 U.S.C. 2414(a)) is also authorized to reach the conclusion specified in performance of the function delegated to him.

(iv) That under section 523(d) of the Mutual Security Act of 1954 (22 U.S.C. 2178(d)).


(i) Those functions conferred by section 202(d)(4)(C)(i) and (ii) of the HIV/AIDS Act, as amended (22 U.S.C. 7602(d)(4)(C)(i), (d)(4)(C)).

(j) Those functions conferred by section 2393(a), 2423(b).

(k) Those under section 604(a) of the Act (22 U.S.C. 2169(d), 2223, 2275(b), 2291j(h), 2314(d)(2)(A), 2312(b), 2314(d)(2)(A), 2314(d)(2)(A), 2363(a), 2364(a), 2370(a), (d), (x), 2371, 2373(c), 2381(a), 2382(b), (c), 2383(a), (b), 2390(c), and 2429(b).

(l) Those under section 1(f)(2)(B)(ii)(VII) [now IX] of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2414(c)] with respect to the publication in the Federal Register of any findings or determination reserved to the President: Provided, that any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(b) (22 U.S.C. 2414(b)) is also authorized to reach the conclusion specified in performance of the function delegated to him.

(m) Those under sections (a), (b), and (c) of this section, respectively.

(n) Those under sections (a), (b), and (c) of this section, respectively.

(o) Those under sections (a), (b), and (c) of this section, respectively.

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(yy) Those under sections (a), (b), and (c) of this section, respectively.

(zz) Those under sections (a), (b), and (c) of this section, respectively.

(1) Those under sections (a), (b), and (c) of this section, respectively.

(2) Those under sections (a), (b), and (c) of this section, respectively.

(3) Those under sections (a), (b), and (c) of this section, respectively.

(4) That under section 654(c) (22 U.S.C. 2414(c)) with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(b) The functions conferred upon the President by the Act (this chapter) and section 408(b) of the Mutual Security Act of 1954 (22 U.S.C. 2193) with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to sections 2384(a) and 624(c) of the Act (22 U.S.C. 2193(b), 2384(c)).

(c) References in this order to provisions of any Act, and references in any other Executive order or in any memorandum delegation to provisions of any Act relating to the subject of this order shall be deemed to include references to any provision of law that is the same or substantially the same as such provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be
deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

1–903. Prior Executive Orders. (a) The following are revoked:


(2) section 2(a) of Executive Order No. 11579 [22 U.S.C. 2191 note], of January 19, 1971; and


(b) The following are amended:

(1) section 3(a) of Executive Order No. 11846 of March 27, 1975, as amended [19 U.S.C. 2111 note], by adding the following new paragraph (12) after paragraph (11):

"(12) The Director of the United States International Development Cooperation Agency";


(3) section 2(a) of Executive Order No. 11988 of January 18, 1977 [22 U.S.C. 2751 note], by striking out "the Administrator of the Agency for International Development" and inserting in lieu thereof "the Director of the United States International Development Cooperation Agency";

(4) section 3 of Executive Order 10900 of January 5, 1961 [7 U.S.C. 1891 note], by adding thereto the following new subsection:

"(d) The Secretary of State may delegate to the Director of the United States International Development Cooperation Agency, or to any other officer or agency of the Executive branch, functions delegated to such Secretary by this order:";

(5) section 4 of Executive Order 11223 of May 12, 1965 [22 U.S.C. 2393 note], by inserting immediately following "the Secretary of State" the words "or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)"; and

(6) the President’s memorandum of October 18, 1961, entitled "Determination Under Section 604(a) of the Foreign Assistance Act of 1961" (26 FR 10543) is amended by inserting after "the Secretary of State" each time it appears in such memorandum the words "or the Director of the United States International Development Cooperation Agency (with respect to non-military programs administered by such Agency)";

[(c), (d) Revoked by Ex. Ord. No. 13118, § 9, Mar. 31, 1999, 64 F.R. 16598.]

1–904. Saving Provisions. Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1–905. Effective Date. The provisions of this order shall become effective as of October 1, 1979.

1–906. Implementation. In carrying out this order, officers of the United States shall ensure that all actions taken by them are consistent with the President’s constitutional authority to: (a) conduct the foreign affairs of the United States; (b) withhold information the disclosure of which would impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive’s constitutional duties; (c) recommend for congressional consideration such measures as the President may judge necessary and expedient; and (d) supervise the unitary executive branch.


(b) The following are amended:

(1) section 3(a) of Executive Order No. 11846 of March 27, 1975, as amended [19 U.S.C. 2111 note], by adding the following new paragraph (12) after paragraph (11):

"(12) The Director of the United States International Development Cooperation Agency";


(3) section 2(a) of Executive Order No. 11988 of January 18, 1977 [22 U.S.C. 2751 note], by striking out "the Administrator of the Agency for International Development" and inserting in lieu thereof "the Director of the United States International Development Cooperation Agency";

(4) section 3 of Executive Order 10900 of January 5, 1961 [7 U.S.C. 1891 note], by adding thereto the following new subsection:

"(d) The Secretary of State may delegate to the Director of the United States International Development Cooperation Agency, or to any other officer or agency of the Executive branch, functions delegated to such Secretary by this order:";

(5) section 4 of Executive Order 11223 of May 12, 1965 [22 U.S.C. 2393 note], by inserting immediately following "the Secretary of State" the words "or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)"; and

(6) the President’s memorandum of October 18, 1961, entitled "Determination Under Section 604(a) of the Foreign Assistance Act of 1961" (26 FR 10543) is amended by inserting after "the Secretary of State" each time it appears in such memorandum the words "or the Director of the United States International Development Cooperation Agency (with respect to non-military programs administered by such Agency)".

[(c), (d) Revoked by Ex. Ord. No. 13118, § 9, Mar. 31, 1999, 64 F.R. 16598.]

1–904. Saving Provisions. Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1–905. Effective Date. The provisions of this order shall become effective as of October 1, 1979.

1–906. Implementation. In carrying out this order, officers of the United States shall ensure that all actions taken by them are consistent with the President’s constitutional authority to: (a) conduct the foreign affairs of the United States; (b) withhold information the disclosure of which would impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive’s constitutional duties; (c) recommend for congressional consideration such measures as the President may judge necessary and expedient; and (d) supervise the unitary executive branch.

The Congress believes that United States foreign aid funds could be utilized more effectively by the application of advanced management decisionmaking, information and analysis techniques such as systems analysis, automatic data processing, benefit-cost studies, and information retrieval.

(b) Management system; establishment; scope

To meet this need, the President shall establish a management system that includes: the definition of objectives and programs for United States foreign aid assistance; the development of quantitative indicators of progress toward these objectives; the orderly consideration of alternative means for accomplishing such objectives; and the adoption of methods for comparing actual results of programs and projects with those anticipated when they were undertaken. The purpose of the system should provide information to the agency and to Congress that relates agency resources, expenditures, and budget projections to such objectives and results in order to assist in the evaluation of program performance, the review of budgetary requests, and the setting of program priorities.

1–901–906. Effective Date of 1978 Amendment

Amendments

1978—Subsec. (c). Pub. L. 95–424 struck out subsec. (c) relating to annual reports to Congress by the President evaluating the progress made toward implementation of this section.

Effective Date of 1978 Amendment


Delegation of Functions

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56773, as amended, set out as a note under section 2381 of this title.

§ 2382. Coordination with foreign policy

(a) Powers or functions of Secretary of State

Nothing contained in this chapter shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) Coordination among representatives of United States

The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each