§ 1980b. Sanctions for imposition of conditions on U.S. fishing vessel found inconsistent with international law

(a) Certification

If the Secretary of State finds that the government of any nation imposes conditions on the operation or transit of United States fishing vessels which the United States regards as being inconsistent with international law or an international agreement, the Secretary of State shall certify that fact to the President.

(b) Sanctions

Upon receipt of a certification under subsection (a) of this section, the President shall direct the heads of Federal agencies to impose similar conditions on the operation or transit of fishing vessels registered under the laws of the nation which has imposed conditions on United States fishing vessels.

(c) “Fishing vessel” defined

For the purposes of this section, the term “fishing vessel” has the meaning given that term in section 2101(11a) of title 46.

(d) Sanctions commensurate with conditions certified

It is the sense of the Congress that any action taken by any Federal agency under subsection (b) of this section should be commensurate with any conditions certified by the Secretary of State under subsection (a) of this section.


CHAPTER 26—ARMED FORCES PARTICIPATION IN INTERNATIONAL AMATEUR SPORTS COMPETITIONS


Section 1982, act July 1, 1947, ch. 203, §2, as added Mar. 14, 1955, ch. 11, 69 Stat. 11, related to training, attendance, and participation, report to Congress, and to funds and equipment. See section 716 of Title 10.


CHAPTER 27—INTERNATIONAL CULTURAL EXCHANGE AND TRADE FAIR PARTICIPATION


Sections, act Aug. 1, 1956, ch. 611, §§2-12, 70 Stat. 778-780, related to international cultural exchange and trade fair participation. See section 2451 et seq. of this title.

Section 1991 stated purpose of chapter.

Section 1992 prescribed authority of President, and appointment and compensation of Commissioner General and principal representatives.
from time to time to attend a specified session or specified sessions of the General Conference of the Agency a representative of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Conference.

(c) Designation of other persons

The President may also appoint or designate from time to time such other persons as he may deem necessary to represent the United States in the organs of the Agency. The President may designate any officer of the United States Government, whose appointment is subject to confirmation by the Senate, to act, without additional designation, for temporary periods, as the representative of the United States on the Board of Governors or to the General Conference of the Agency in the absence or disability of the representative and deputy representative appointed under subsection (a) of this section or in lieu of such representatives in connection with a specified subject matter.

(d) Compensation; allowances and benefits

All persons appointed or designated in pursuance of authority contained in this section shall receive compensation at rates determined by the President upon the basis of duties to be performed but not in excess of rates authorized by sections 401, 402, and 403 of the Foreign Service Act of 1980 [22 U.S.C. 3961, 3962, and 3963] for chiefs of mission, members of the Senior Foreign Service, and Foreign Service officers occupying positions of equivalent importance, except that no Member of the Senate or House of Representatives or officer of the United States who is designated under subsection (b) or subsection (c) of this section as a delegate or representative of the United States or as an alternate to attend any specified session or specified sessions of the General Conference shall be entitled to receive such compensation. Any person who receives compensation pursuant to the provisions of this subsection may be granted allowances and benefits not to exceed those received under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.] by chiefs of mission, members of the Senior Foreign Service, and Foreign Service officers occupying positions of equivalent importance.


REFERENCES IN TEXT


AMENDMENTS

1999—Subsec. (a). Pub. L. 106–113 inserted at end “The Representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the Agency.”


EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106–113 applicable to individuals appointed on or after Nov. 29, 1999, see section 1000a(a)(7) [div. A, title VII, §708(c)] of Pub. L. 106–113, set out as a note under section 227 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2203 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

SHORT TITLE OF 2002 AMENDMENT


SHORT TITLE

Section 1 of Pub. L. 85–177 provided that: “This Act [enacting this chapter and amending section 2074 of Title 42, The Public Health and Welfare] may be cited as the ‘International Atomic Energy Agency Participation Act of 1977’.”

REPORTING REQUIREMENTS

Pub. L. 107–228, div. B, title XIII, §1344, Sept. 30, 2002, 116 Stat. 1452, required the Secretary of State to submit to Congress, beginning no later than 180 days after Sept. 30, 2002, and for five years thereafter, reports concerning assistance, nuclear materials and technology given by the International Atomic Energy Agency to Iran, Iranians in leadership positions at the Agency, the expected timeframe for the completion of the nuclear power reactors at the Bushehr nuclear power plant, and certain information on all programs and projects of the International Atomic Energy Agency in each country described in section 2227(a) of the title.

OPPOSITION TO CERTAIN PROGRAMS OR PROJECTS; REPORTING REQUIREMENTS


“(b) OPPOSITION TO CERTAIN PROGRAMS OR PROJECTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

“(1) Technical assistance programs or projects of the Agency at the Juragua Nuclear Power Plant near Cienfuegos, Cuba, and at the Pedro Pi Nuclear Research Center.

“(2) Any other program or project of the Agency in Cuba that is, or could become, a threat to the security of the United States.

“(c) REPORTING REQUIREMENTS.—

“(1) REQUEST FOR IAEA REPORTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to request the Director-General of the Agency to submit to the United States all reports prepared with respect to all programs or projects of the Agency that are of concern to the United States, including the programs or projects described in subsection (b).

“(2) ANNUAL REPORTS TO THE CONGRESS.—Not later than 180 days after the date of the enactment of this Act [Oct. 21, 1998], and on an annual basis thereafter, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report containing a description of all
programs or projects of the Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2271(a))."

PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

Entitlement of Agency to privileges, exemptions, and immunities as an international organization, see note set out under section 288 of this title.

TERMINATION OF AUTHORITY UNDER THIS SECTION

Authority under this section to terminate if Senate refuses its advice and consent by a formal vote to an amendment to the Statute of the Agency, see section 2026 of this title.

§ 2022. Purpose of participation; reports to Congress

The participation of the United States in the International Atomic Energy Agency shall be consistent with and in furtherance of the purposes of the Agency set forth in its Statute and the policy concerning the development, use, and control of atomic energy set forth in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.). The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress on the activities of the International Atomic Energy Agency and on the participation of the United States therein. In addition to any other requirements of law, the Department of State and the Atomic Energy Commission shall keep the Committees on Energy and Commerce and on Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources and on Foreign Relations of the Senate, as appropriate, currently informed with respect to the activities of the Agency and the participation of the United States therein.


REPEAL OF REPORTING REQUIREMENT

Pub. L. 89–348, § 1(20), Nov. 8, 1965, 79 Stat. 1311; repealed provisions of this section which directed President to report to Congress not less than once each year on activities of International Atomic Energy Agency and on participation of United States therein.

REFERENCES IN TEXT

Statute, referred to in text, is the "Statute of the International Atomic Energy Agency".


AMENDMENTS

1994—Pub. L. 103–437 substituted "Committees on Energy and Commerce and on Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources and on Foreign Relations of the Senate" for "Joint Committee on Atomic Energy, the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations".

CHANGE OF NAME


TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

TERMINATION OF AUTHORITY UNDER THIS SECTION

Authority under this section to terminate if Senate refuses its advice and consent by a formal vote to an amendment to the Statute of the Agency, see section 2026 of this title.

§ 2023. Actions and votes of representatives

The representatives provided for in section 2021 of this title, when representing the United States in the organs of the Agency, shall, at all times, act in accordance with the instructions of the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Statute of the International Atomic Energy Agency.


TERMINATION OF AUTHORITY UNDER THIS SECTION

Authority under this section to terminate if Senate refuses its advice and consent by a formal vote to an amendment to the Statute of the Agency, see section 2026 of this title.

§ 2024. Authorization of appropriations for payment of expenses

There is authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the International Atomic Energy Agency as apportioned by the Agency in accordance with paragraph (D) of article XIV of the Statute of the Agency, and for all necessary salaries and expenses of the representatives provided for in section 2021 of this title and of their appropriate staffs, including personal services without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5; travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 of title 5, and section 5731 of title 5, as amended; salaries as authorized by the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], or as authorized by the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.], and expenses and allowances of personnel and dependents as authorized by the Foreign Service Act of 1980; services as authorized by section 3109 of title 5; translating and other services, by contract; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of title 44; official functions and courtesies; such sums as may be necessary to de-
fray the expenses of United States participation in the Preparatory Commission for the Agency, established pursuant to annex I of the Statute of the Agency; and such other expenses as may be authorized by the Secretary of State.


REFERENCES IN TEXT

Paragraph (D) of article XIV of the Statute of the Agency, referred to in text, provides “The Board of Governors shall apportion the expenses referred to in subparagraph B–1 above, among members in accordance with a scale to be fixed by the General Conference. In fixing the scale the General Conference shall be guided by the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations”.


CODIFICATION


AMENDMENTS


§ 2025. Effect of employment on retirement, insurance, and other civil service rights and privileges

(a) Federal employees

Notwithstanding any other provision of law, Executive order or regulation, a Federal employee who, with the approval of the Federal agency or the head of the department by which he is employed, leaves his position to enter the employ of the Agency shall not be considered for the purposes of subchapter III of chapter 83 of title 5, and chapter 87 of title 5, as separated from his Federal position during such employment with the Agency but not to extend beyond the first three consecutive years of his entering the employ of the Agency: Provided, (1) That he shall pay to the Director of the Office of Personnel Management within ninety days from the date he is separated without prejudice from the Agency all necessary deductions and agency contributions for coverage under subchapter III of chapter 83 of title 5 for the period of his employment with the Agency, and (2) That all deductions and agency contributions necessary for continued coverage under chapter 87 of title 5, shall be made during the term of his employment with the International Atomic Energy Agency. If such employee, within three years from the date of his employment with the Agency, and within ninety days from the date he is separated without prejudice from the Agency, applies to be restored to his Federal position, he shall within thirty days of such application be restored to such position or to a position of like seniority, status and pay.

(b) Presidential appointees or elected officers

Notwithstanding any other provision of law, Executive order or regulation, any Presidential appointee or elected officer who leaves his position to enter, or who within ninety days after the termination of his employment with the Agency, shall be entitled to the coverage and benefits of subchapter III of chapter 83 of title 5, and chapter 87 of title 5, but not beyond the earlier of either the termination of his employment with the Agency or the expiration of three years from the date he entered employment with the Agency: Provided, (1) That he shall pay to the Director of the Office of Personnel Management within ninety days from the date he is separated without prejudice from the Agency all necessary deductions and agency contributions for coverage under subchapter III of chapter 83 of title 5 for the period of his employment with the Agency, and (2) That all deductions and agency contributions necessary for continued coverage under chapter 87 of title 5, shall be made during the term of his employment with the Agency.

(c) Regulations

The President is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section and to protect the retirement, insurance and other civil service rights and privileges as the President may find appropriate.


REPEALS

Section 7 of Pub. L. 85–793, Aug. 28, 1958, 72 Stat. 962, provided that: “Section 6(a) of the International Atomic Energy Agency Participation Act of 1957 [subsec. (a) of this section], is
repealed except that it shall be considered to remain in effect with respect to any employee subject thereto who is serving as an employee of the International Atomic Energy Agency on the date of enactment of this Act [Aug. 28, 1958] and who does not make the election referred to in section 6, and for the purposes of any rights and benefits vested thereunder prior to such date."


CODIFICATION

In subssecs. (a) and (b), "subchapter III of chapter 83 of title 5" substituted for "the Civil Service Retirement Act, as amended" and "the Civil Service Retirement Act" in each subsection and "chapter 87 of title 5" substituted for "Civil Service Commission" in subsecs. (a) and (b), pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

"Director of the Office of Personnel Management" substituted for "Civil Service Commission" in subssecs. (a) and (b), pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in the United States Civil Service Commission to the Director of the Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

EXECUTIVE ORDER NO. 10774


§ 2026. Termination of authority and participation in Agency

In the event of an amendment to the Statute of the Agency being adopted in accordance with article XVIII–C of the Statute to which the Senate by formal vote shall refuse its advice and consent, upon notification by the Senate to the President of such refusal to advise and consent, all further authority under section 2021, 2022, 2023 and 2024 of this title, as amended, shall terminate: Provided, however, That the Secretary of State, under such regulations as the President shall promulgate, shall retain their authority under this chapter for such time as may be necessary to complete the settlement of matters arising out of the United States participation in the Agency.


REFERENCES IN TEXT

Article XVIII–C of the Statute, referred to in text, provides: "C. Amendments shall come into force for all members when: (i) Approved by the General Conference by a two-thirds majority of those present and voting after consideration of observations submitted by the Board of Governors on each proposed amendment, and (ii) Accepted by two-thirds of all the members in accordance with their respective constitutional processes. Acceptance by a member shall be effected by the deposit of an instrument of acceptance with the depositary Government referred to in paragraph C of Article XXI."

§ 2027. Annual review by Secretary of State of programs and projects of the International Atomic Energy Agency; United States opposition to certain programs and projects of the Agency

(a) Annual review

(1) In general

The Secretary shall undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency (IAEA) in the countries described in section 2227(a) of this title and shall determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals.

(2) Report

Not later than one year after September 30, 2002, and on an annual basis thereafter for five years, the Secretary shall submit to Congress a report containing the results of the review under paragraph (1).

(b) Opposition to certain programs and projects of International Atomic Energy Agency

The Secretary shall direct the United States representative to the International Atomic Energy Agency to oppose programs of the Agency that are determined by the Secretary under the review conducted under subsection (a)(1) of this section to be inconsistent with nuclear nonproliferation and safety goals of the United States.


CODIFICATION

Section was enacted as part of the Iran Nuclear Proliferation Prevention Act of 2002, and also as part of the Freedom Support Act of 2002 and the Foreign Relations Authorization Act, Fiscal Year 2003, and not as part of the International Atomic Energy Agency Participation Act of 1957 which comprises this chapter.

DEFINITIONS

For definition of “Secretary” as used in this section, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title.

Sections. Pub. L. 86–108, ch. VI, §§601–603, July 24, 1959, 73 Stat. 256, 257, which directed the Secretary of State to submit to Congress before Jan. 3, 1960, a plan and program for the establishment in Hawaii of an educational institution, for grants, fellowships, and other payments to outstanding scholars and to qualified students from the nations of the East and West. See sections 2054 to 2057 of this title.

§ 2054. Statement of purpose

The purpose of this subchapter is to promote better relations and understanding between the United States and the nations of Asia and the Pacific (hereinafter referred to as "the East") through cooperative study, training, and research, by establishing in Hawaii a Center for Cultural and Technical Interchange Between East and West where scholars and students in various fields from the nations of the East and West may study, give and receive training, exchange ideas and views, and conduct other activities primarily in support of the objectives of the United States Information and Educational Exchange Act of 1948, as amended [22 U.S.C. 1431 et seq.], title III of chapter II of the Mutual Security Act of 1954, and other Acts promoting the security of the United States and cultural, technical, and related activities of the United States.


References in Text


SHORT TITLE

Section 701 of Pub. L. 86–472 provided that: "This chapter [enacting this subchapter] may be cited as the 'Center for Cultural and Technical Interchange Between East and West Act of 1960'."

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency, and the Director thereof, were redesignated the United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

§ 2055. Duties of Secretary of State; establishment and operation of educational institution; grants, fellowships, and scholarships; availability of facilities

In order to carry out the purpose of this subchapter the Secretary of State (hereinafter referred to as the "Secretary") shall provide for—

(1) the establishment and operation in Hawaii of an educational institution to be known as the Center for Cultural and Technical Interchange Between East and West, through arrangements with public, educational, or other nonprofit institutions;

(2) grants, fellowships, and other payments to outstanding scholars and authorities from the nations of the East and West as may be necessary to attract such scholars and authorities to the Center;

(3) grants, scholarships, and other payments to qualified students from the nations of the East and West as may be necessary to enable such students to engage in study or training at the Center; and

(4) making the facilities of the Center available for study or training to other qualified persons.