

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.

(Pub. L. 85-177, § 5, Aug. 28, 1957, 71 Stat. 454; Pub. L. 96-465, title II, § 2206(a)(7)(B), Oct. 17, 1980, 94 Stat. 2161.)

#### 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”.

The Foreign Service Act of 1980, referred to in text, is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

The Atomic Energy Act of 1954, as amended, referred to in text, is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 921, and amended, which is classified generally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

#### CODIFICATION

“Chapter 51 and subchapter III of chapter 53 of title 5”, “subchapter I of chapter 57 of title 5”, “section 5731 of title 5”, and “section 3109 of title 5” substituted in text for “the Classification Act of 1949, as amended”, “the Travel Expense Act of 1949, as amended”, “section 10 of the Act of March 3, 1933, as amended [5 U.S.C. 73b]”, and “section 15 of the Act of August 2, 1946 (5 U.S.C. 55a)”, respectively, on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

“Section 501 of title 44” substituted in text for “section II of the Act of March 1, 1919 (44 U.S.C. 111)” on authority of Pub. L. 90-620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

#### AMENDMENTS

1980—Pub. L. 96-465 substituted references to the Foreign Service Act of 1980 for references to the Foreign Service Act of 1946.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 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.

### § 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 em-

ployee 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 by 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 position enters, the employ of 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 by 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 such other civil service rights and privileges as the President may find appropriate.

(Pub. L. 85-177, § 6, Aug. 28, 1957, 71 Stat. 454; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

#### REPEALS

*Section 7 of Pub. L. 85-795, 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.”*

*Section 7 of Pub. L. 85-795, Aug. 28, 1958, 72 Stat. 962, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 660. See section 8 of Pub. L. 89-554, set out as a note preceding section 101 of Title 5, Government Organization and Employees.*

#### CODIFICATION

In subsecs. (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 “the Federal Employees’ Group Life Insurance Act of 1954, as amended” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

#### TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” 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, 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

Ex. Ord. No. 10774, July 25, 1958, 23 F.R. 5681, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, which provided for protection of civil-service rights of Federal personnel who transfer to the International Atomic Energy Agency, was revoked in part by section 2 of Ex. Ord. No. 10804, Feb. 12, 1959, 24 F.R. 1147, and subsequently revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

#### § 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 have the necessary authority to complete the prompt and orderly settlement of obligations and commitments to the Agency already incurred and pay salaries, allowances, travel expenses, and other expenses required for a prompt and orderly termination of United States participation in the Agency: *And provided further*, That the representative and the deputy representative of the United States to the Agency, and such other officers or employees representing the United States in the Agency, 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.

(Pub. L. 85-177, § 8, Aug. 28, 1957, 71 Stat. 455.)

#### 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.

(Pub. L. 107-228, div. B, title XIII, § 1343, Sept. 30, 2002, 116 Stat. 1452.)

#### CODIFICATION

Section was enacted as part of the Iran Nuclear Proliferation Prevention Act of 2002, and also as part of the Security Assistance 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.