

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of State, see Parts 1, 2, and 13 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

ORDER OF SUCCESSION

For order of succession during any period when both Secretary and Deputy Secretary of State are unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13251, Dec. 28, 2001, 67 F.R. 1599, set out as a note under section 3345 of Title 5, Government Organization and Employees.

COMPLIANCE WITH CONGRESSIONAL BUDGET ACT

Pub. L. 101-246, title XI, §1101, Feb. 16, 1990, 104 Stat. 90, provided that:

“(a) LIMITATION ON SPENDING AUTHORITY.—Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974 [2 U.S.C. 651]) which is provided under this Act [see Short Title of 1990 Amendment note above] shall be effective for any fiscal year only to the extent or in such amounts as are provided in advance in appropriation Acts.

“(b) LIMITATION ON CONTRACT AUTHORITY.—Any authority provided by this Act to enter into contracts shall be effective only—

“(1) to the extent that the budget authority for the obligation to make outlays, which is created by the contract, has been provided in advance by an appropriation Act; or

“(2) to the extent or in such amounts as are provided in advance in appropriation Acts.”

CHALLENGES TO APPOINTMENT AND CONTINUANCE IN OFFICE OF SECRETARY OF STATE FIRST APPOINTED AFTER MAY 3, 1980; CONSTITUTIONAL PROVISIONS GOVERNING COMPENSATION AND EMOLUMENTS

Pub. L. 96-241, §2, May 3, 1980, 94 Stat. 343, provided that:

“(a) Any person aggrieved by an action of the Secretary of State may bring a civil action in an appropriate United States district court to contest the constitutionality of the appointment and continuance in office of the Secretary of State on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States district courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

“(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. Any review of the action of a court convened pursuant to such section shall be by petition of certiorari to the Supreme Court.

“(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

“(d) This section applies only with respect to the Secretary of State who is first appointed to that office after the enactment of this Act [May 3, 1980].”

DEFINITIONS

Pub. L. 107-228, §3, Sept. 30, 2002, 116 Stat. 1355, provided that: “In this Act [see Tables for classification]:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives.

“(2) DEPARTMENT.—The term ‘Department’ means the Department of State.

“(3) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of State.”

Pub. L. 106-113, div. B, §1000(a)(7) [§3], Nov. 29, 1999, 113 Stat. 1536, 1501A-409, provided that: “In this Act [see Short Title of 1999 Amendment note set out above]:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in section 902(1) [113 Stat. 1501A-475], the term ‘appropriate congressional committees’ means the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of State.”

§ 2651a. Organization of Department of State

(a) Secretary of State

(1) The Department of State shall be administered, in accordance with this Act and other provisions of law, under the supervision and direction of the Secretary of State (hereinafter referred to as the “Secretary”).

(2) The Secretary, the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources shall be appointed by the President, by and with the advice and consent of the Senate.

(3)(A) Notwithstanding any other provision of law and except as provided in this section, the Secretary shall have and exercise any authority vested by law in any office or official of the Department of State. The Secretary shall administer, coordinate, and direct the Foreign Service of the United States and the personnel of the Department of State, except where authority is inherent in or vested in the President.

(B)(i) The Secretary shall not have the authority of the Inspector General or the Chief Financial Officer.

(ii) The Secretary shall not have any authority given expressly to diplomatic or consular officers.

(4) The Secretary is authorized to promulgate such rules and regulations as may be necessary to carry out the functions of the Secretary of State and the Department of State. Unless otherwise specified in law, the Secretary may delegate authority to perform any of the functions of the Secretary or the Department to officers and employees under the direction and supervision of the Secretary. The Secretary may delegate the authority to redelegate any such functions.

(b) Under Secretaries

(1) In general

There shall be in the Department of State not more than 6 Under Secretaries of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5.

(2) Under Secretary for Arms Control and International Security

There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the

Under Secretary may attend and participate in meetings of the National Security Council in his role as Senior Advisor to the President and the Secretary of State on Arms Control and Nonproliferation Matters.

(3) Under Secretary for Public Diplomacy

There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting. The Under Secretary for Public Diplomacy shall—

(A) prepare an annual strategic plan for public diplomacy in collaboration with overseas posts and in consultation with the regional and functional bureaus of the Department;

(B) ensure the design and implementation of appropriate program evaluation methodologies;

(C) provide guidance to Department personnel in the United States and overseas who conduct or implement public diplomacy policies, programs, and activities;

(D) assist the United States Agency for International Development and the Broadcasting Board of Governors to present the policies of the United States clearly and effectively; and

(E) submit statements of United States policy and editorial material to the Broadcasting Board of Governors for broadcast consideration.

(4) Nomination of Under Secretaries

Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.

(c) Assistant Secretaries

(1) In general

There shall be in the Department of State not more than 24 Assistant Secretaries of State, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5.

(2) Assistant Secretary of State for Democracy, Human Rights, and Labor

(A) There shall be in the Department of State an Assistant Secretary of State for Democracy, Human Rights, and Labor who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to prisoners of war and members of the United States Armed Forces missing in action) in the conduct of foreign policy and such other related duties as the Secretary may from time to

time designate. The Secretary of State shall carry out the Secretary's responsibility under section 2304 of this title through the Assistant Secretary.

(B) The Assistant Secretary of State for Democracy, Human Rights, and Labor shall maintain continuous observation and review all matters pertaining to human rights and humanitarian affairs (including matters relating to prisoners of war and members of the United States Armed Forces missing in action) in the conduct of foreign policy including the following:

(i) Gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each country to which requirements of sections 2151n and 2304 of this title are relevant.

(ii) Preparing the statements and reports to Congress required under section 2304 of this title.

(iii) Making recommendations to the Secretary of State and the Administrator of the Agency for International Development regarding compliance with sections 2151n and 2304 of this title, and as part of the Assistant Secretary's overall policy responsibility for the creation of United States Government human rights policy, advising the Administrator of the Agency for International Development on the policy framework under which section 2151n(e) projects are developed and consulting with the Administrator on the selection and implementation of such projects.

(iv) Performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.

(3) Nomination of Assistant Secretaries

Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.

(d) Other senior officials

In addition to officials of the Department of State who are otherwise authorized to be appointed by the President, by and with the advice and consent of the Senate, and to be compensated at level IV of the Executive Schedule of¹ section 5315 of title 5 four other such appointments are authorized.

(e) Coordinator for Counterterrorism

(1) In general

There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the "Coordinator") who shall be appointed by the President, by and with the advice and consent of the Senate.

¹ So in original. Probably should be "under".

(2) Duties**(A) In general**

The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

(B) Duties described

The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

(3) Rank and status of Ambassador

The Coordinator shall have the rank and status of Ambassador at Large.

(f) HIV/AIDS Response Coordinator**(1) In general**

There shall be established within the Department of State in the immediate office of the Secretary of State a Coordinator of United States Government Activities to Combat HIV/AIDS Globally, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

(2) Authorities and duties; definitions**(A) Authorities**

The Coordinator, acting through such nongovernmental organizations (including faith-based and community-based organizations), partner country finance, health, and other relevant ministries, and relevant executive branch agencies as may be necessary and appropriate to effect the purposes of this section, is authorized—

(i) to operate internationally to carry out prevention, care, treatment, support, capacity development, and other activities for combatting HIV/AIDS;

(ii) to transfer and allocate funds to relevant executive branch agencies; and

(iii) to provide grants to, and enter into contracts with, nongovernmental organizations (including faith-based and community-based organizations), partner country finance, health, and other relevant ministries, to carry out the purposes of section.

(B) Duties**(i) In general**

The Coordinator shall have primary responsibility for the oversight and coordination of all resources and international activities of the United States Government to combat the HIV/AIDS pandemic, including all programs, projects, and activities of the United States Government relating to the HIV/AIDS pandemic under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 [22 U.S.C. 7601 et seq.] or any amendment made by that Act.

(ii) Specific duties

The duties of the Coordinator shall specifically include the following:

(I) Ensuring program and policy coordination among the relevant executive branch agencies and nongovernmental organizations, including auditing, monitoring, and evaluation of all such programs.

(II) Ensuring that each relevant executive branch agency undertakes programs primarily in those areas where the agency has the greatest expertise, technical capabilities, and potential for success.

(III) Avoiding duplication of effort.

(IV) Establishing an interagency working group on HIV/AIDS headed by the Global AIDS Coordinator and comprised of representatives from the United States Agency for International Development and the Department of Health and Human Services, for the purposes of coordination of activities relating to HIV/AIDS, including—

(aa) meeting regularly to review progress in partner countries toward HIV/AIDS prevention, treatment, and care objectives;

(bb) participating in the process of identifying countries to consider for increased assistance based on the epidemiology of HIV/AIDS in those countries, including clear evidence of a public health threat, as well as government commitment to address the HIV/AIDS problem, relative need, and coordination and joint planning with other significant actors;

(cc) assisting the Coordinator in the evaluation, execution, and oversight of country operational plans;

(dd) reviewing policies that may be obstacles to reaching targets set forth for HIV/AIDS prevention, treatment, and care; and

(ee) consulting with representatives from additional relevant agencies, including the National Institutes of Health, the Health Resources and Services Administration, the Department of Labor, the Department of Agriculture, the Millennium Challenge Corporation, the Peace Corps, and the Department of Defense.

(V) Coordinating overall United States HIV/AIDS policy and programs, including ensuring the coordination of relevant executive branch agency activities in the field, with efforts led by partner countries, and with the assistance provided by other relevant bilateral and multilateral aid agencies and other donor institutions to promote harmonization with other programs aimed at preventing and treating HIV/AIDS and other health challenges, improving primary health, addressing food security, promoting education and development, and strengthening health care systems.

(VI) Resolving policy, program, and funding disputes among the relevant executive branch agencies.

(VII) Holding annual consultations with nongovernmental organizations in partner countries that provide services to improve health, and advocating on behalf of the individuals with HIV/AIDS and those at particular risk of contracting HIV/AIDS, including organizations with members who are living with HIV/AIDS.

(VIII) Ensuring, through interagency and international coordination, that HIV/AIDS programs of the United States are coordinated with, and complementary to, the delivery of related global health, food security, development, and education.

(IX) Directly approving all activities of the United States (including funding) relating to combatting HIV/AIDS in each of Botswana, Cote d'Ivoire, Ethiopia, Guyana, Haiti, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Tanzania, Uganda, Vietnam, Zambia, and other countries designated by the President, which other designated countries may include those countries in which the United States is implementing HIV/AIDS programs as of May 27, 2003, and other countries in which the United States is implementing HIV/AIDS programs as part of its foreign assistance program. In designating additional countries under this subparagraph, the President shall give priority to those countries in which there is a high prevalence of HIV or risk of significantly increasing incidence of HIV within the general population and inadequate financial means within the country.

(X) Working with partner countries in which the HIV/AIDS epidemic is prevalent among injection drug users to establish, as a national priority, national HIV/AIDS prevention programs.

(XI) Working with partner countries in which the HIV/AIDS epidemic is prevalent among individuals involved in commercial sex acts to establish, as a national priority, national prevention programs, including education, voluntary testing, and counseling, and referral systems that link HIV/AIDS programs with programs to eradicate trafficking in persons and support alternatives to prostitution.

(XII) Establishing due diligence criteria for all recipients of funds appropriated for HIV/AIDS assistance pursuant to the authorization of appropriations under section 7671 of this title and all activities subject to the coordination and appropriate monitoring, evaluation, and audits carried out by the Coordinator necessary to assess the measurable outcomes of such activities.

(XIII) Publicizing updated drug pricing data to inform the purchasing decisions of pharmaceutical procurement partners.

(C) Definitions

In this paragraph:

(i) AIDS

The term “AIDS” means acquired immune deficiency syndrome.

(ii) HIV

The term “HIV” means the human immunodeficiency virus, the pathogen that causes AIDS.

(iii) HIV/AIDS

The term “HIV/AIDS” means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(iv) Relevant executive branch agencies

The term “relevant executive branch agencies” means the Department of State, the United States Agency for International Development, the Department of Health and Human Services (including the Public Health Service), and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or this Act.

(g) Qualifications of certain officers of the Department of State

(1) Officer having primary responsibility for personnel management

The officer of the Department of State with primary responsibility for assisting the Secretary with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.

(2) Officer having primary responsibility for diplomatic security

The officer of the Department of State with primary responsibility for assisting the Secretary with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security.

(3) Officer having primary responsibility for international narcotics and law enforcement

The officer of the Department of State with primary responsibility for assisting the Secretary with respect to international narcotics and law enforcement, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) law enforcement or international narcotics policy.

(Aug. 1, 1956, ch. 841, title I, § 1, 70 Stat. 890; renumbered title I and amended Pub. L. 97-241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282; Pub. L. 103-236, title I, § 161(a), Apr. 30, 1994, 108 Stat. 402; Pub. L. 103-415, § 1(f)(1), Oct. 25, 1994, 108 Stat. 4299; Pub. L. 105-277, div. G, subdiv. A, title XII, § 1213, title XIII, § 1313, subdiv. B, title XXIII, §§ 2301(a), 2303-2305(a)(1), (b)(1), (c), 2306, Oct. 21, 1998, 112 Stat. 2681-767, 2681-776, 2681-824,

2681–825, 2681–826; Pub. L. 106–553, §1(a)(2) [title IV, §404(a)], Dec. 21, 2000, 114 Stat. 2762, 2762A–96; Pub. L. 107–228, div. A, title III, §303, Sept. 30, 2002, 116 Stat. 1377; Pub. L. 108–25, title I, §102(a), May 27, 2003, 117 Stat. 721; Pub. L. 108–458, title VII, §7109(b)(1), Dec. 17, 2004, 118 Stat. 3793; Pub. L. 110–293, title I, §102, July 30, 2008, 122 Stat. 2933.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1) and (f)(2)(C)(iv), is act Aug. 1, 1956, ch. 841, 70 Stat. 890, known as the State Department Basic Authorities Act of 1956, which enacted this section, sections 2669, 2670, 2671, 2672, 2673 to 2679a, 2680, 2680a, 2684, 2687 to 2690, 2692, 2695, 2696 to 2715, and 2715b to 2734 of this title, and chapters 53 (§4301 et seq.), 53A (§4341 et seq.), and 53B (§4351 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2651 of this title and Tables.

The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, referred to in subsec. (f)(2)(B)(i), is Pub. L. 108–25, May 27, 2003, 117 Stat. 711, which enacted chapter 83 and sections 262p–8 and 2151b–2 to 2151b–4 of this title, amended this section, sections 2151b and 2222 of this title, and section 2421 of Title 42, The Public Health and Welfare, and enacted provisions set out as a note under section 7601 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7601 of this title and Tables.

CODIFICATION

Section was formerly classified to section 2662 of this title.

Section was also formerly classified to section 170f of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

2008—Subsec. (f)(2)(A). Pub. L. 110–293, §102(1), which directed insertion of “, partner country finance, health, and other relevant ministries,” after “community based organizations)” wherever appearing, was executed by making the insertion after “community-based organizations)” in introductory provisions and in cl. (iii), to reflect the probable intent of Congress.

Subsec. (f)(2)(B)(ii)(IV), (V). Pub. L. 110–293, §102(2)(A), (B), added subcls. (IV) and (V) and struck out former subcls. (IV) and (V) which read as follows:

“(IV) Ensuring coordination of relevant executive branch agency activities in the field.

“(V) Pursuing coordination with other countries and international organizations.”

Subsec. (f)(2)(B)(ii)(VII), (VIII). Pub. L. 110–293, §102(2)(D), added subcls. (VII) and (VIII). Former subcls. (VII) and (VIII) redesignated (IX) and (XII), respectively.

Subsec. (f)(2)(B)(ii)(IX). Pub. L. 110–293, §102(2)(E), inserted “Vietnam,” after “Uganda,” and “, and other countries in which the United States is implementing HIV/AIDS programs as part of its foreign assistance program” after “May 27, 2003” and inserted at end “In designating additional countries under this subparagraph, the President shall give priority to those countries in which there is a high prevalence of HIV or risk of significantly increasing incidence of HIV within the general population and inadequate financial means within the country.”

Pub. L. 110–293, §102(2)(C), redesignated subcl. (VII) as (IX).

Subsec. (f)(2)(B)(ii)(X), (XI). Pub. L. 110–293, §102(2)(F), added subcls. (X) and (XI).

Subsec. (f)(2)(B)(ii)(XII). Pub. L. 110–293, §102(2)(G), substituted “funds appropriated for HIV/AIDS assistance pursuant to the authorization of appropriations under section 7671 of this title” for “funds section”.

Pub. L. 110–293, §102(2)(C), redesignated subcl. (VIII) as (XII).

Subsec. (f)(2)(B)(ii)(XIII). Pub. L. 110–293, §102(2)(H), added subcl. (XIII).

2004—Subsec. (b)(3). Pub. L. 108–458 inserted “The Under Secretary for Public Diplomacy shall—” at end and added subpars. (A) to (E).

2003—Subsecs. (f), (g). Pub. L. 108–25 added subsec. (f) and redesignated former subsec. (f) as (g).

2002—Subsecs. (f), (g). Pub. L. 107–228 added subsec. (f) and struck out former subsecs. (f) and (g), which related to the qualifications of officers having primary responsibility for personnel management and for diplomatic security.

2000—Subsec. (a)(2). Pub. L. 106–553 substituted “, the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources” for “and the Deputy Secretary of State”.

1998—Subsec. (b). Pub. L. 105–277, §1213, designated existing provisions as par. (1), inserted par. heading, and added par. (2).

Subsec. (b)(1). Pub. L. 105–277, §2305(a)(1), substituted “6 Under Secretaries” for “5 Under Secretaries”.

Subsec. (b)(3). Pub. L. 105–277, §1313, added par. (3).

Subsec. (b)(4). Pub. L. 105–277, §2306(a), added par. (4).

Subsec. (c)(1). Pub. L. 105–277, §2305(b)(1), substituted “24” for “20”.

Subsec. (c)(3). Pub. L. 105–277, §2306(b), added par. (3).

Subsec. (d). Pub. L. 105–277, §2305(c), redesignated subsec. (e) as (d) and struck out heading and text of former subsec. (d). Text read as follows: “There shall be in the Department of State not more than 66 Deputy Assistant Secretaries of State.”

Subsec. (e). Pub. L. 105–277, §2305(c)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 105–277, §2305(c)(2), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Pub. L. 105–277, §2301(a), added subsec. (f).

Subsec. (g). Pub. L. 105–277, §2305(c)(2), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

Pub. L. 105–277, §2303, added subsec. (g).

Subsec. (h). Pub. L. 105–277, §2305(c)(2), redesignated subsec. (h) as (g).

Pub. L. 105–277, §2304, added subsec. (h).

1994—Pub. L. 103–236 amended section generally. Prior to amendment, section read as follows: “The Secretary of State is authorized to establish, maintain, and operate passport and despatch agencies.”

Subsec. (a)(2). Pub. L. 103–415 inserted “and the Deputy Secretary of State” after “Secretary”.

1982—Pub. L. 97–241 substituted “The Secretary” for “That the Secretary”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1213 of Pub. L. 105–277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of this title.

Amendment by section 1313 of Pub. L. 105–277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105–277, set out as an Effective Date note under section 6531 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 161(b) of Pub. L. 103–236, as amended by Pub. L. 103–415, §1(f)(2), Oct. 25, 1994, 108 Stat. 4300, provided that: “The amendments made by this section and section 162 [amending this section, sections 2151n, 2304, 2314, 2349aa–2, 2384, 2652b, 2655a, 2669, 2670, 2707, 2755, 4302 to 4305, 4308, 4801, 4802, 4806, 4821 to 4823, and 4852 of this title, sections 5314 and 5315 of Title 5, Government Organization and Employees, sections 1101, 1104, 1105, and 1521 to 1523 of Title 8, Aliens and Nationality, repealing sections 811a, 2652, 2652a, 2653 to 2655, 2658, 4803, and 4804 of this title and section 1525 of Title 8, and amending provisions set out as a note under section 113 of Title 10, Armed Forces] shall apply with respect to officials, offices, and bureaus of the Department of State when executive orders, regulations, or departmental direc-

tives implementing such amendments become effective, or 90 days after the date of enactment of this Act [Apr. 30, 1994], whichever comes earlier.”

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–241, effective Oct. 1, 1982, see section 204 of Pub. L. 97–241, set out as an Effective Date note under section 4301 of this title.

COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES PROVIDING BASIC EDUCATION ASSISTANCE IN DEVELOPING COUNTRIES

Pub. L. 112–74, div. I, title VII, §7034(q)(2), Dec. 23, 2011, 125 Stat. 1217, provided that: “The position of Coordinator established pursuant to section 664 of division J of Public Law 110–161 [set out below] shall, within 45 days of enactment of this Act [Dec. 23, 2011] and notwithstanding the requirements of such section, be moved to the United States Agency for International Development (USAID): *Provided*, That the Coordinator shall hereafter be appointed by the USAID Administrator and shall report directly to the Administrator: *Provided further*, That the responsibilities of the Coordinator enumerated in the first sentence of section 664(c) shall remain in full force and effect: *Provided further*, That the limitation in the second sentence of such section shall hereafter no longer apply to the Coordinator.”

Pub. L. 110–161, div. J, title VI, §664(b), (c), Dec. 26, 2007, 121 Stat. 2349, provided that:

“(b) COORDINATOR.—There shall be established within the Department of State in the immediate office of the Director of United States Foreign Assistance, a Coordinator of United States Government activities to provide basic education assistance in developing countries (hereinafter in this section referred to as the ‘Coordinator’).

“(c) RESPONSIBILITIES.—That [sic] the Coordinator shall have primary responsibility for the oversight and coordination of all resources and international activities of the United States Government that provide assistance in developing countries for basic education. The individual serving as the Coordinator may not hold any other position in the Federal Government during the individual’s time of service as Coordinator.”

[Pub. L. 111–117, div. F, title VII, §7064(a)(2), Dec. 16, 2009, 123 Stat. 3383, provided that: “There shall continue to be a Coordinator of United States Government Actions to Provide Basic Education Assistance in developing countries as established in section 664 of division J of Public Law 110–161 [set out above].”]

[Pub. L. 111–8, div. H, title VII, §7064(a)(2), Mar. 11, 2009, 123 Stat. 899, provided that: “There shall continue to be a Coordinator of United States government actions to provide basic education assistance in developing countries as established in section 664 of division J of Public Law 110–161 [set out above].”]

ADVISOR FOR ACTIVITIES RELATING TO INDIGENOUS PEOPLES INTERNATIONALLY

Pub. L. 112–74, div. I, title VII, §7034(q)(1), Dec. 23, 2011, 125 Stat. 1217, provided that: “The position of Advisor established pursuant to section 699B of division J of Public Law 110–161 [set out below] shall, within 45 days of enactment of this Act [Dec. 23, 2011] and notwithstanding the requirements of such section, be moved to the United States Agency for International Development (USAID): *Provided*, That the Advisor shall hereafter be appointed by the USAID Administrator and shall report directly to the Administrator: *Provided further*, That the responsibilities of the Advisor enumerated in section 699B(b) shall remain in full force and effect.”

Pub. L. 110–161, div. J, title VI, §699B, Dec. 26, 2007, 121 Stat. 2369, provided that:

“(a) ADVISOR.—After consultation with the Committees on Appropriations and not later than 90 days after the enactment of this Act [Dec. 26, 2007], there shall be established within the Department of State in the im-

mediate office of the Director of United States Foreign Assistance an Advisor for Activities Relating to Indigenous Peoples Internationally (hereinafter in this section referred to as the ‘Advisor’), who shall be appointed by the Director. The Advisor shall report directly to the Director.

“(b) RESPONSIBILITIES.—The Advisor shall:

“(1) Advise the Director of United States Foreign Assistance and the Administrator of the United States Agency for International Development on matters relating to the rights and needs of indigenous peoples internationally and should represent the United States Government on such matters in meetings with foreign governments and multilateral institutions.

“(2) Provide for the oversight and coordination of all resources, programs, projects, and activities of the United States Government to protect the rights and address the needs of indigenous peoples internationally.

“(3) Develop and coordinate assistance strategies with specific goals, guidelines, benchmarks, and impact assessments (including support for local indigenous peoples’ organizations).

“(c) FUNDS.—Of the funds appropriated by this Act under the heading ‘Diplomatic and Consular Programs’ [121 Stat. 2277], not less than \$250,000 shall be made available for implementing the provisions of this section.

“(d) REPORT.—Not later than one year after the enactment of this Act [Dec. 26, 2007], the Secretary shall submit a report to the Committees on Appropriations describing progress made in implementing this section.”

CONSULTATION

Pub. L. 108–458, title VII, §7109(b)(2), Dec. 17, 2004, 118 Stat. 3793, provided that: “The Under Secretary of State for Public Diplomacy, in carrying out the responsibilities described in section 1(b)(3) of such Act [22 U.S.C. 2651a(b)(3)] (as amended by paragraph (1)), shall consult with public diplomacy officers operating at United States overseas posts and in the regional bureaus of the Department of State.”

OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION

Pub. L. 108–447, div. B, title IV, §408, Dec. 8, 2004, 118 Stat. 2904, provided that: “There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization: *Provided*, That the head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall report directly to the Secretary of State: *Provided further*, That the functions of the Office of the Coordinator for Reconstruction and Stabilization shall include—

“(1) cataloguing and monitoring the non-military resources and capabilities of Executive agencies (as that term is defined in section 105 of title 5, United States Code), State and local governments, and entities in the private and non-profit sectors that are available to address crises in countries or regions that are in, or are in transition from, conflict or civil strife;

“(2) monitoring political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for countries or regions described in paragraph (1);

“(3) assessing crises in countries or regions described in paragraph (1) and determining the appropriate non-military United States, including but not limited to demobilization, policing, human rights monitoring, and public information efforts;

“(4) planning for response efforts under paragraph (3);

“(5) coordinating with relevant Executive agencies the development of interagency contingency plans for such response efforts; and

“(6) coordinating the training of civilian personnel to perform stabilization and reconstruction activities

in response to crises in such countries or regions described in paragraph (1).”

COMPREHENSIVE WORKFORCE PLAN

Pub. L. 107-228, div. A, title III, §301, Sept. 30, 2002, 116 Stat. 1376, required the Secretary of State to submit to the appropriate congressional committees, not later than 180 days after Sept. 30, 2002, a comprehensive workforce plan for the Department of State for the fiscal years 2003 through 2007, considering personnel needs in both the Civil Service and the Foreign Service and expected domestic and overseas personnel allocations.

“RIGHTSIZING” OVERSEAS POSTS

Pub. L. 107-228, div. A, title III, §302, Sept. 30, 2002, 116 Stat. 1376, provided that:

“(a) ‘RIGHTSIZING’ AT THE DEPARTMENT OF STATE.—

“(1) IN GENERAL.—The Secretary shall establish a task force within the Department on the issue of ‘rightsizing’ overseas posts.

“(2) PRELIMINARY REPORT.—Not later than 120 days after the date of the enactment of this Act [Sept. 30, 2002], the Secretary shall submit to the appropriate congressional committees a report that outlines the status, plans, and activities of the task force. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

“(A) The objectives of the task force.

“(B) Measures for achieving the objectives under subparagraph (A).

“(C) Identification of the official of the Department with primary responsibility for the issue of ‘rightsizing’.

“(D) The plans of the Department for the reallocation of staff and resources based on changing needs at overseas posts and in the metropolitan Washington, D.C., area.

“(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report reviewing the activities and progress of the task force established under paragraph (1).

“(b) INTERAGENCY WORKING GROUP.—

“(1) ESTABLISHMENT.—The Secretary shall establish an interagency working group on the issue of ‘rightsizing’ the overseas presence of the United States Government.

“(2) PRELIMINARY REPORT.—Not later than 120 days after the date of the enactment of this Act [Sept. 30, 2002], the Secretary shall submit to the appropriate congressional committees a report which outlines the status, plans, and activities of the interagency working group. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

“(A) The objectives of the working group.

“(B) Measures for achieving the objectives under subparagraph (A).

“(C) Identification of the official of each agency with primary responsibility for the issue of ‘rightsizing’.

“(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report reviewing the activities and progress of the working group established under paragraph (1).”

REPORT CONCERNING MINORITY EMPLOYMENT

Pub. L. 107-228, div. A, title III, §324, Sept. 30, 2002, 116 Stat. 1385, required the Secretary of State, on Apr. 1 of 2003 and 2004, to submit a comprehensive report to Congress, with respect to the preceding calendar year, concerning the employment of members of minority groups at the Department, including the Civil Service and the Foreign Service.

USE OF FUNDS AUTHORIZED FOR MINORITY RECRUITMENT

Pub. L. 107-228, div. A, title III, §325, Sept. 30, 2002, 116 Stat. 1386, provided that:

“(a) CONDUCT OF RECRUITMENT ACTIVITIES.—

“(1) IN GENERAL.—Amounts authorized to be appropriated for minority recruitment under section 111(1)(D) [probably means section 111(a)(1)(D) of Pub. L. 107-228, 116 Stat. 1356] shall be used only for activities directly related to minority recruitment, such as recruitment materials designed to target members of minority groups and the travel expenses of recruitment trips to colleges, universities, and other institutions or locations.

“(2) LIMITATION.—Amounts authorized to be appropriated for minority recruitment under section 111(1)(D) may not be used to pay salaries of employees of the Department.

“(b) RECRUITMENT ACTIVITIES AT ACADEMIC INSTITUTIONS.—The Secretary shall expand the recruitment efforts of the Department to include not less than 25 percent of the part B institutions (as defined under section 322 of the Higher Education Act of 1965 [20 U.S.C. 1061]) in the United States and not less than 25 percent of the Hispanic-serving institutions (as defined in section 502(a)(5) of such Act [20 U.S.C. 1101a(a)(5)]) in the United States.

“(c) EVALUATION OF RECRUITMENT EFFORTS.—The Secretary shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees on the evaluation of efforts to recruit such individuals, including an analysis of the information collected in the database created under this subsection. Such report shall be included in each of the two reports required under section 324 [set out as a note above].”

STATE DEPARTMENT OFFICIAL FOR NORTHEASTERN EUROPE

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §302], Nov. 29, 1999, 113 Stat. 1536, 1501A-434, provided that: “The Secretary of State shall designate a senior-level official of the Department of State with responsibility for promoting regional cooperation in and coordinating United States policy toward Northeastern Europe.”

SCIENCE AND TECHNOLOGY ADVISER TO SECRETARY OF STATE

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §302], Nov. 29, 1999, 113 Stat. 1536, 1501A-434, provided that:

“(a) DESIGNATION.—The Secretary of State shall designate a senior-level official of the Department of State as the Science and Technology Adviser to the Secretary of State (in this section referred to as the ‘Adviser’). The Adviser shall have substantial experience in the area of science and technology. The Adviser shall report to the Secretary of State through the appropriate Under Secretary of State.

“(b) DUTIES.—The Adviser shall—

“(1) advise the Secretary of State, through the appropriate Under Secretary of State, on international science and technology matters affecting the foreign policy of the United States; and

“(2) perform such duties, exercise such powers, and have such rank and status as the Secretary of State shall prescribe.”

TRANSITION; REAPPOINTMENT OF OFFICERS HOLDING OFFICE AS OF APRIL 30, 1994, NOT REQUIRED

Section 161(c) of Pub. L. 103-236 provided that: “Any officer of the Department of State holding office on the date of the enactment of this Act [Apr. 30, 1994] shall not be required to be reappointed to any other office, at the Department of State at the same level performing similar functions, as determined by the President, by reason of the enactment of the amendments made by this section and section 162 [see Effective Date of 1994 Amendment note above for classification].”

[Functions of President under section 161(c) of Pub. L. 103-236, set out above, delegated to Secretary of

State by Memorandum of President of the United States, July 26, 1994, 59 F.R. 40205, set out as a note under section 2370a of this title.]

REFERENCES TO OFFICIALS AND OFFICES OF DEPARTMENT OF STATE WHOSE AUTHORITY IS VESTED IN SECRETARY OF STATE DEEMED REFERENCES TO SECRETARY OF STATE OR DEPARTMENT OF STATE

Section 161(d) of Pub. L. 103-236 provided that: “Except as specifically provided in this Act [see Tables for classification], or the amendments made by this Act, a reference in any other provision of law to an official or office of the Department of State affected by the amendment made by subsection (a) [amending this section] (other than the Inspector General of the Department of State and the Chief Financial Officer of the Department of State) shall be deemed to be a reference to the Secretary of State or the Department of State, as may be appropriate.”

OFFICE OF COORDINATOR FOR COUNTERTERRORISM

Section 161(e) of Pub. L. 103-236, which established for not less than one year after Apr. 30, 1994, an Office of the Coordinator for Counterterrorism in the Department of State having the same responsibilities and functions as such office had as of Jan. 20, 1993, was repealed by Pub. L. 105-277, div. G, subd. B, title XXIII, §2301(b), Oct. 21, 1998, 112 Stat. 2681-824.

DEPUTY ASSISTANT SECRETARY FOR BURDENSARING

Section 161(f) of Pub. L. 103-236, as amended by Pub. L. 103-415, §1(f)(3), Oct. 25, 1994, 108 Stat. 4300, which conditioned availability of 1995 appropriations upon establishment of position within Department of State of Deputy Assistant Secretary for Burdensharing and set forth responsibilities of position, was repealed by Pub. L. 105-277, div. G, subd. B, title XXIII, §2302, Oct. 21, 1998, 112 Stat. 2681-825.

AUTHORIZATION TO REDELEGATE CERTAIN RESPONSIBILITIES VESTED IN THE PRESIDENT AND DELEGATED TO THE SECRETARY OF STATE

Memorandum of President of the United States, Nov. 4, 1997, 62 F.R. 60995, 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, to the extent that you consider doing so appropriate to facilitate the consolidation of the Arms Control and Disarmament Agency and the Department of State, I hereby authorize you to redelegate to any officer of the executive branch any or all authorities vested in the President that are delegated to the Secretary of State by any act, order, determination, delegation of authority, regulation, or Executive order heretofore or hereinafter enacted or issued and that have been or may be redelegated to the Under Secretary of State for Arms Control and International Security Affairs.

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

WILLIAM J. CLINTON.

[For abolition, transfer of functions, and treatment of references to United States Arms Control and Disarmament Agency, see section 6511 et seq. of this title.]

DEFINITIONS

For definitions of “Secretary”, “Department”, and “appropriate congressional committees” as used in sections 301, 302, 324, and 325 of Pub. L. 107-228, set out as notes above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.

§§ 2652, 2652a. Repealed. Pub. L. 103-236, title I, § 162(a), (b), Apr. 30, 1994, 108 Stat. 405

Section 2652, May 26, 1949, ch. 143, §1, 63 Stat. 111; Feb. 7, 1953, ch. 2, 67 Stat. 4; Aug. 5, 1955, ch. 576, §1, 69 Stat.

536; June 30, 1958, Pub. L. 85-477, ch. V, §502(j)(1), 72 Stat. 274; July 18, 1958, Pub. L. 85-524, §1, 72 Stat. 363; July 13, 1972, Pub. L. 92-352, title I, §103(a)(1), 86 Stat. 490; Aug. 17, 1977, Pub. L. 95-105, title I, §109(c), 91 Stat. 847; Oct. 7, 1978, Pub. L. 95-426, title I, §114(a)(1), 92 Stat. 968; Aug. 16, 1985, Pub. L. 99-93, title I, §§115(a), 116(a), 99 Stat. 411; Aug. 27, 1986, Pub. L. 99-399, title I, §104(b), 100 Stat. 856, established positions in Department of State of Deputy Secretary of State, Under Secretary of State for Political Affairs, Under Secretary of State for Economic and Agricultural Affairs, Under Secretary of State for Management, and Assistant Secretaries of State.

Section 2652a, Pub. L. 95-426, title I, §115(a), Oct. 7, 1978, 92 Stat. 969, established position in Department of State of Assistant Secretary of State for International Narcotics Matters.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103-236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103-236, as amended, set out as an Effective Date of 1994 Amendment note under section 2651a of this title.

§2652b. Assistant Secretary of State for South Asian Affairs

(a) Establishment of position

There is established in the Department of State the position of Assistant Secretary of State for South Asian Affairs.

(b) Appointment

The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Repealed. Pub. L. 103-236, title I, § 162(c)(1), Apr. 30, 1994, 108 Stat. 405

(d) Repealed and Omitted

(1) Repealed. Pub. L. 103-236, title I, §162(c)(3), Apr. 30, 1994, 108 Stat. 405.

(2) Omitted.

(e) Implementation

In order to carry out this section, the Secretary of State shall reprogram the position of Deputy Assistant Secretary for South Asian Affairs.

(Pub. L. 102-138, title I, §122, Oct. 28, 1991, 105 Stat. 658; Pub. L. 103-236, title I, §162(c), Apr. 30, 1994, 108 Stat. 405.)

CODIFICATION

Section is comprised of section 122 of Pub. L. 102-138. Subsec. (d)(2) of section 122 of Pub. L. 102-138 enacted provisions set out as a note under section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-236, §162(c)(2), struck out “, which is in addition to the positions provided under section 2652 of this title” after “Asian Affairs”.

Subsec. (c). Pub. L. 103-236, §162(c)(1), struck out subsec. (c) which read as follows: “The Assistant Secretary shall have responsibility within the Department of State with respect to India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives.”

Subsec. (d)(1). Pub. L. 103-236, §162(c)(3), struck out par. (1) which amended section 5315 of Title 5, Government Organization and Employees.