

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

(4) Authorities and powers of the Secretary of State

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

(b) Coordination activities

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

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

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

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

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

(c) Statutory construction

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

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

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

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

REFERENCES IN TEXT

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

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

SUBCHAPTER VI—TRANSITION

PART A—REORGANIZATION PLAN

§ 6601. Reorganization plan and report

(a) Submission of plan and report

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

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

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

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

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

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

(b) Covered agencies

The agencies covered by this section are the following:

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

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) Plan elements

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

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

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

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

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

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

(d) Reorganization plan of Agency for International Development

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

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

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

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

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

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

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

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

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

(e) Modification of plan

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

(f) Report

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

(1) a detailed description of—

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

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

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

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

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

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

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

(g) Effective date

(1) In general

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

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

(2) Statutory effective dates

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

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

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

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

(3) Effective date by Presidential determination

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

(4) Statutory construction

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

(5) Supersedes existing law

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

(h) Publication

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

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

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1), (3), (4), (c), and (f)(5), was in the original "this subdivision", meaning subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-765, known as the Foreign Affairs Agencies Consolidation Act of 1998. For complete classification of this subdivision to the Code, see Short Title note set out under section 6501 of this title and Tables.

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

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

Memorandum for the Secretary of State

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

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

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

WILLIAM J. CLINTON.

PART B—REORGANIZATION AUTHORITY

§ 6611. Reorganization authority

(a) In general

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

(b) Requirements and limitations on reorganization plan

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

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

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

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this subdivision”, meaning subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-765, known as the Foreign Affairs Agencies Consolidation Act of 1998. For complete classification of this subdivision to the Code, see Short Title note set out under section 6501 of this title and Tables.

§ 6612. Transfer and allocation of appropriations

(a) In general

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

(b) Limitation on use of transferred funds

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

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

(c) Funds to facilitate transition

(1) Congressional notification

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

(2) Transfer authority

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

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

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original “this subdivision”, meaning subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-765, known as the Foreign Affairs Agencies Consolidation Act of 1998. For complete classification of this subdivision to the Code, see Short Title note set out under section 6501 of this title and Tables.

§ 6613. Transfer, appointment, and assignment of personnel

(a) Transfer of personnel from ACDA and USIA

Except as otherwise provided in subchapter III of this chapter—

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

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

(b) Transfer of personnel from AID

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

(c) Assignment authority

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