

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 Repealed.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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 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 a note under section 2651a of this title.

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103–236, set out as a note under section 2651a of this title.

§ 2652c. Assistant Secretary of State for Verification and Compliance

(a) Designation of position

The Secretary of State shall designate one of the Assistant Secretaries of State authorized by section 2651a(c)(1) of this title as the Assistant Secretary of State for Verification and Compliance. The Assistant Secretary shall report to the Under Secretary of State for Arms Control and International Security.

(b) Directive governing the Assistant Secretary of State

(1) In general

Not later than 30 days after November 29, 1999, the Secretary of State shall issue a directive governing the position of the Assistant Secretary.

(2) Elements of the directive

The directive issued under paragraph (1) shall set forth, consistent with this section—

- (A) the duties of the Assistant Secretary;
- (B) the relationships between the Assistant Secretary and other officials of the Department of State;
- (C) any delegation of authority from the Secretary of State to the Assistant Secretary; and
- (D) such matters as the Secretary considers appropriate.

(c) Duties**(1) In general**

The Assistant Secretary shall have as his principal responsibility the overall supervision (including oversight of policy and resources) within the Department of State of all matters relating to verification and compliance with international arms control, nonproliferation, and disarmament agreements or commitments.

(2) Participation of the Assistant Secretary**(A) Primary role**

Except as provided in subparagraphs (B) and (C), the Assistant Secretary, or his designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on verification or compliance matters, including interagency intelligence committees concerned with the development or exploitation of measurement or signals intelligence or other national technical means of verification.

(B) Requirement for designation

Subparagraph (A) shall not apply to groups or organizations on which the Secretary of State or the Undersecretary of State for Arms Control and International Security sits, unless such official designates the Assistant Secretary to attend in his stead.

(C) National security limitation**(i) Waiver by President**

The President may waive the provisions of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

(ii) Waiver by others

With respect to an interagency group or organization, or meeting thereof, working with exceptionally sensitive information contained in compartments under the control of the Director of Central Intelligence, the Secretary of Defense, or the Secretary of Energy, such Director or Secretary, as the case may be, may waive the provision of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

(iii) Transmission of waiver to Congress

Any waiver of participation under clause (i) or (ii) shall be transmitted in writing to the appropriate committees of Congress.

(3) Relationship to the intelligence community

The Assistant Secretary shall be the principal policy community representative to the intelligence community on verification and compliance matters.

(4) Reporting responsibilities

The Assistant Secretary shall have responsibility within the Department of State for—

- (A) all reports required pursuant to section 2577 of this title;
- (B) so much of the report required under paragraphs (4) through (6) of section 2593a(a) of this title as relates to verification or compliance matters;
- (C) so much of the reports required under section 8003 of this title as relates to verification or compliance matters; and
- (D) other reports being prepared by the Department of State as of November 29, 1999, relating to arms control, nonproliferation, or disarmament verification or compliance matters.

(Pub. L. 106–113, div. B, § 1000(a)(7) [div. B, title XI, § 1112], Nov. 29, 1999, 113 Stat. 1536, 1501A–486; Pub. L. 109–401, title I, § 108, Dec. 18, 2006, 120 Stat. 2738.)

AMENDMENTS

2006—Subsec. (c)(4)(C), (D). Pub. L. 109–401 added subpar. (C) and redesignated former subpar. (C) as (D).

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of Title 50, War and National Defense.

DEFINITIONS

Pub. L. 106–113, div. B, § 1000(a)(7) [div. B, title XI, § 1102], Nov. 29, 1999, 113 Stat. 1536, 1501A–485, provided that: “In this title [see Short Title of 1999 Amendment note set out under section 2551 of this title]:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means the Committee on International Relations [now Committee on Foreign Affairs] and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the position of Assistant Secretary of State for Verification and Compliance designated under section 1112 [22 U.S.C. 2652c].

“(3) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given the term in section 105 of title 5, United States Code.

“(4) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(5) START TREATY OR TREATY.—The term ‘START Treaty’ or ‘Treaty’ means the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, including all agreed statements, annexes, protocols, and memoranda, signed at Moscow on July 31, 1991.

“(6) START II TREATY.—The term ‘START II Treaty’ means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, and related protocols and memorandum of understanding, signed at Moscow on January 3, 1993.”

§§ 2653 to 2655. Repealed. Pub. L. 103–236, title I, § 162(a), (p), Apr. 30, 1994, 108 Stat. 405, 410

Section 2653, acts May 26, 1949, ch. 143, § 2, 63 Stat. 111; Aug. 5, 1955, ch. 576, § 2, 69 Stat. 536; June 30, 1958, Pub. L. 85–477, ch. V, § 502(j)(2), 72 Stat. 274; July 30, 1959, Pub. L. 86–117, 73 Stat. 265; Aug. 14, 1964, Pub. L. 88–426, title III, § 305(14), 78 Stat. 424; July 13, 1972, Pub. L. 92–352, title I, § 103(a)(2), 86 Stat. 490; Nov. 22, 1983, Pub. L. 98–164, title I, § 125(a), 97 Stat. 1026, related to appointment and rank of Secretary of State and other officers of Department of State.

Section 2654, act May 24, 1924, ch. 182, § 30, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1214; amended Oct. 15, 1949, ch. 695, § 6(d), 63 Stat. 881, related to office and appointment of legal adviser in Department of State.

Section 2655, act May 18, 1937, ch. 220, 50 Stat. 169, related to position and appointment of Counselor of Department of State.

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.

§ 2655a. Bureau of Oceans and International Environmental and Scientific Affairs within Department of State; Assistant Secretary of State as head of Bureau

There is established within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs. There shall be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, appointed by the President, by and with the advice and consent of the Senate, who shall be the head of the Bureau and who shall have responsibility for matters relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs and for such other related duties as the Secretary may from time to time designate.

(Pub. L. 93–126, § 9(a), formerly § 9, Oct. 18, 1973, 87 Stat. 453, renumbered Pub. L. 93–312, § 9, June 8, 1974, 88 Stat. 238; Pub. L. 103–236, title I, § 162(q)(1), Apr. 30, 1994, 108 Stat. 410; Pub. L. 103–415, § 1(f)(4)(B), Oct. 25, 1994, 108 Stat. 4300.)

AMENDMENTS

1994—Pub. L. 103–236, as amended by Pub. L. 103–415, substituted “There shall” for “In addition to the positions provided under section 2652 of this title, there shall” and inserted before period at end “and for such other related duties as the Secretary may from time to time designate”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 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 a note under section 2651a of this title.

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103–236, set out as a note under section 2651a of this title.

§ 2655b. Diplomatic presence overseas

(a) Purpose

The purpose of this section is to—

(1) elevate the stature given United States diplomatic initiatives relating to nonproliferation and political-military issues; and

(2) develop a group of highly specialized, technical experts with country expertise capable of administering the nonproliferation and political-military affairs functions of the Department.

(b) Authority

To carry out the purposes of subsection (a) of this section, the Secretary is authorized to establish the position of Counselor for Nonproliferation and Political Military Affairs in United States diplomatic missions overseas, to be filled by individuals who are career Civil Service officers or Foreign Service officers committed to follow-on assignments in the Nonproliferation Bureau or the Political Military Affairs Bureau of the Department.

(c) Training

After being selected to serve as Counselor, any person so selected shall spend not less than 10 months in language training courses at the Foreign Service Institute,¹ or in technical courses administered by the Department of Defense, the Department of Energy, or other appropriate departments and agencies of the United States, except that such requirement for training may be waived by the Secretary.

(Pub. L. 107–228, div. B, title XVI, § 1604, Sept. 30, 2002, 116 Stat. 1460.)

CHANGE OF NAME

References to Foreign Service Institute considered to refer to George P. Shultz National Foreign Affairs Training Center, see section 1(b) of Pub. L. 107–132, set out as a note under section 4021 of this title.

DEFINITIONS

For definitions of “Department” and “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.

§ 2656. Management of foreign affairs

The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to

¹ See Change of Name note below.