

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—

(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, 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), is authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. In carrying out the reorganization under this Act, the Secretary shall ensure that the advances made in increasing the number and status of women and minorities within the foreign affairs agencies of the Federal Government, in terms of representation within the agencies as well as relative rank, are not undermined by discrimination within the newly reorganized Department of State. The Secretary shall consult with the relevant exclusive representatives (as defined in section 4102 of this title and in section 7103 of title 5) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

(d) Superseding other provisions of law

Subsections (a) through (c) shall be exercised notwithstanding any other provision of law.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, §1613, Oct. 21, 1998, 112 Stat. 2681-799; Pub. L.

106-113, div. B, §1000(a)(7) [div. A, title III, §341], Nov. 29, 1999, 113 Stat. 1536, 1501A-444.)

REFERENCES IN TEXT

Subchapter III, referred to in subsecs. (a) and (b), was in the original “title XIII”, meaning title XIII of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-776. For complete classification of title XIII of div. G of this Act to the Code, see Tables.

This chapter, referred to in subsec. (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.

This Act, referred to in subsec. (c), probably means division G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-761, as amended, known as the Foreign Affairs Reform and Restructuring Act of 1998. For complete classification of division G to the Code, see Short Title note set out under section 6501 of this title and Tables.

Section 4102 of this title, referred to in subsec. (c), was in the original “section 1002 of the Foreign Service Act”, and was translated as meaning section 1002 of the Foreign Service Act of 1980 to reflect the probable intent of Congress.

AMENDMENTS

1999—Subsec. (c). Pub. L. 106-113 inserted after first sentence “In carrying out the reorganization under this Act, the Secretary shall ensure that the advances made in increasing the number and status of women and minorities within the foreign affairs agencies of the Federal Government, in terms of representation within the agencies as well as relative rank, are not undermined by discrimination within the newly reorganized Department of State.”.

§ 6614. Incidental transfers

The Director of the Office of Management and Budget, when requested by the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any subchapter of this chapter. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this chapter and for such further measures and dispositions as may be necessary to effectuate the purposes of any subchapter of this chapter.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, §1614, Oct. 21, 1998, 112 Stat. 2681-799.)

REFERENCES IN TEXT

This chapter, referred to in text, 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.

§ 6615. Savings provisions

(a) Continuing legal force and effect

All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any subchapter of this chapter; and

(2) that are in effect as of the effective date of such subchapter, or were final before the effective date of such subchapter and are to become effective on or after the effective date of such subchapter,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Pending proceedings

(1) In general

The provisions of any subchapter of this chapter shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any subchapter of this chapter before any Federal agency, commission, or component thereof, functions of which are transferred by any subchapter of this chapter. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) Orders, appeals, payments

Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) Statutory construction

Nothing in this chapter shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(4) Regulations

The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) No effect on judicial or administrative proceedings

Except as provided in subsection (e) and section 6543(d) of this title—

(1) the provisions of this chapter shall not affect suits commenced prior to the effective dates of the respective subchapters of this chapter; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this chapter had not been enacted.

(d) Nonabatement of proceedings

No suit, action, or other proceeding commenced by or against any officer in the official

capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any subchapter of this chapter, shall abate by reason of the enactment of this chapter. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any subchapter of this chapter, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this chapter.

(e) Continuation of proceeding with substitution of parties

If, before the effective date of any subchapter of this chapter, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this chapter any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) Reviewability of orders and actions under transferred functions

Orders and actions of the Secretary in the exercise of functions transferred under any subchapter of this chapter shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any subchapter of this chapter shall apply to the exercise of such function by the Secretary.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, §1615, Oct. 21, 1998, 112 Stat. 2681-800.)

REFERENCES IN TEXT

This chapter, referred to in text, 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.

The effective dates of the respective subchapters of this chapter, referred to in subsecs. (a)(2), (b)(1), (c)(1), and (e), was in the original, references to the effective dates of the respective titles of this subdivision, meaning the effective dates of titles XI to XVI of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 765. Titles XI and XVI of subdiv. A of div. G of Pub. L. 105-277 are effective Oct. 21, 1998. For the effective dates of titles XII, XIII, XIV, and XV of subdiv. A of div. G of Pub. L. 105-277, see sections 1201, 1301, 1401, and 1501, respectively, of div. G of Pub. L. 105-277, set out as notes under sections 6511, 6531, 6561, and 6581, respectively, of this title.

§ 6616. Authority of Secretary of State to facilitate transition

Notwithstanding any provision of this chapter, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this chapter, may transfer the whole or part of such functions