

January 1, 1990, which shall include classified and unclassified materials such as instructions and guidance, position papers, reporting cables and memoranda of conversation, working papers, draft texts of the agreement, diplomatic notes, notes verbal, and other internal and external correspondence.

**(b) Negotiating and implementation records**

In particular, the Secretary of State shall establish and maintain a negotiating and implementation record for each such agreement, which shall be comprehensive and detailed, and shall document all communications between the parties with respect to such agreement. Such records shall be maintained both in hard copy and magnetic media.

(Pub. L. 87-297, title III, §307, formerly §38, as added Pub. L. 103-236, title VII, §713(a), Apr. 30, 1994, 108 Stat. 496; renumbered §307 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(12), (21), Oct. 21, 1998, 112 Stat. 2681-770, 2681-772.)

PRIOR PROVISIONS

A prior section 2578, Pub. L. 87-297, title III, §38, as added Pub. L. 100-213, §3(b), Dec. 24, 1987, 101 Stat. 1445; amended Pub. L. 103-199, title IV, §401(a), Dec. 17, 1993, 107 Stat. 2324, related to reports on activities of Standing Consultative Commission, prior to repeal by Pub. L. 103-236, title VII, §704(2), Apr. 30, 1994, 108 Stat. 492.

AMENDMENTS

1998—Subsecs. (a), (b). Pub. L. 105-277, §1223(12)(A), substituted “Secretary of State” for “Director”.

Subsec. (c). Pub. L. 105-277, §1223(12)(B), struck out heading and text of subsec. (c). Text read as follows: “In order to implement effectively this section, the Director shall ensure that Agency personnel participate throughout the negotiation and implementation phases of all arms control, nonproliferation, and disarmament agreements.”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by 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.

**§ 2579. Omitted**

CODIFICATION

Section, Pub. L. 87-297, title III, §308, formerly §39, as added Pub. L. 100-213, §4, Dec. 24, 1987, 101 Stat. 1445; amended Pub. L. 103-236, title VII, §719(f), Apr. 30, 1994, 108 Stat. 502; renumbered §308 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(21), Oct. 21, 1998, 112 Stat. 2681-772, which required the Director of the United States Arms Control and Disarmament Agency (whose functions were transferred to the Secretary of State under section 6512 of this title) to provide an annual report to Congress on studies relating to arms control, nonproliferation, and disarmament issues, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 155 of House Document No. 103-7.

SUBCHAPTER IV—ADDITIONAL GENERAL PROVISIONS

**§ 2581. General authority of Secretary of State**

In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this chapter is authorized to—

**(a) Utilization of other Federal agencies; transfers of supplies, equipment, and surplus property**

utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the agency concerned, to perform such functions on behalf of the Department of State as may appear desirable. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Secretary of State, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41;

**(b) Employment of personnel**

appoint and fix the compensation of employees possessing specialized technical expertise without regard to the provisions of title 5 governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, if the Secretary of State ensures that—

(1) any employee who is appointed under this subsection is not paid at a rate—

(A) in excess of the rate payable for positions of equivalent difficulty or responsibility, or

(B) exceeding the maximum rate payable for grade 15 of the General Schedule; and

(2) the number of employees appointed under this subsection shall not exceed 10 percent of the Department of State’s full-time-equivalent positions allocated to carry out the purpose of this chapter.<sup>1</sup>

**(c) Detail of other agency personnel without prejudice to status or advancement**

enter into agreements with other Government agencies, including the military departments through the Secretary of Defense, under which officers or employees of such agencies may be detailed to the Department of State for the performance of service pursuant to this chapter without prejudice to the status or advancement of such officers or employees within their own agencies;

**(d) Experts and consultants; stenographic reporting services; compensation and travel expenses; limitation on period of employment; renewal of employment contracts**

procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 3109 of title 5 and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5703 of such title: *Provided*, That no such individual shall be employed for more than 130 days in any fiscal year unless the President certifies that employment of such individual in excess of such num-

<sup>1</sup> So in original. The period probably should be a semicolon.

ber of days is necessary in the national interest: *And provided further*, That such contracts may be renewed annually;

**(e) Employment of outstanding personnel**

employ individuals of outstanding ability without compensation in accordance with the provisions of section 4560(b) of title 50 and regulations issued thereunder;

**(f) Establishment of scientific and policy advisory board; compensation and expenses**

establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;

**(g) Oaths and sworn statements**

administer oaths and take sworn statements in the course of an investigation made pursuant to the Secretary of State's responsibilities under this chapter;

**(h) Delegation of functions**

delegate, as appropriate, to the Under Secretary for Arms Control and International Security or other officers of the Department of State, any authority conferred upon the Secretary of State by the provisions of this chapter; and

**(i) Rules and regulations**

make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Secretary of State by the provisions of this chapter.

(Pub. L. 87-297, title IV, § 401, formerly § 41, Sept. 26, 1961, 75 Stat. 635; Pub. L. 93-332, § 1(a), July 8, 1974, 88 Stat. 289; Pub. L. 95-108, § 5, Aug. 17, 1977, 91 Stat. 872; Pub. L. 102-228, title IV, § 401(b), Dec. 12, 1991, 105 Stat. 1698; Pub. L. 103-236, title VII, § 715, Apr. 30, 1994, 108 Stat. 498; renumbered § 401 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(13), (21), Oct. 21, 1998, 112 Stat. 2681-770, 2681-772.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5.

CODIFICATION

In subsec. (a), "chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" substituted for "the Federal Property and Administrative Services Act of 1949, as amended" on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1998—Pub. L. 105-277, § 1223(13)(A), substituted "In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this chapter" for "In the performance of his functions, the Director" in introductory provisions.

Subsec. (a). Pub. L. 105-277, § 1223(13)(B), (C), substituted "Department of State" for "Agency" and "Secretary of State" for "Director", and struck out "It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director." after "may appear desirable."

Subsec. (b). Pub. L. 105-277, § 1223(13)(B), (D)(i), in introductory provisions, substituted "Secretary of State" for "Director" and struck out "appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5 governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities," before "appoint and fix".

Subsec. (b)(1). Pub. L. 105-277, § 1223(13)(D)(ii), substituted "subsection" for "exception" in introductory provisions.

Subsec. (b)(2). Pub. L. 105-277, § 1223(13)(B), (D)(iii), substituted "subsection" for "exception", "Department of State's" for "Agency's", and "positions allocated to carry out the purpose of this chapter" for "ceiling".

Subsec. (c). Pub. L. 105-277, § 1223(13)(B), substituted "Department of State" for "Agency".

Subsec. (f). Pub. L. 105-277, § 1223(13)(G), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "establish advisory boards to advise with and make recommendations to the Director on United States arms control and disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;".

Subsec. (g). Pub. L. 105-277, § 1223(13)(B), (E), (F), redesignated subsec. (h) as (g), substituted "Secretary of State's" for "Director's", and struck out former subsec. (g) which read as follows: "permit, under such terms and conditions as he may prescribe, any officer or employee of the Agency, in connection with the attendance by such officer or employee at meetings or in performing advisory services concerned with the functions or activities of the Agency, to accept payment, in cash or in kind, from any private agency or organization, or from any individual affiliated with such agency or organization, for travel and subsistence expenses, such payment to be retained by such officer or employee to cover the cost thereof or to be deposited to the credit of the appropriation from which the cost thereof is paid;".

Subsec. (h). Pub. L. 105-277, § 1223(13)(B), (F), (H), redesignated subsec. (i) as (h) and substituted "Under Secretary for Arms Control and International Security" for "Deputy Director", "Department of State" for "Agency", and "Secretary of State" for "Director". Former subsec. (h) redesignated (g).

Subsec. (i). Pub. L. 105-277, § 1223(13)(B), (F), redesignated subsec. (j) as (i) and substituted "Secretary of State" for "Director". Former subsec. (i) redesignated (h).

Subsec. (j). Pub. L. 105-277, § 1223(13)(F), redesignated subsec. (j) as (i).

1994—Subsec. (b). Pub. L. 103-236 substituted "except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities, appoint and fix the compensation of employees possessing specialized technical expertise without regard to the provisions of title 5 governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title

relating to classification and General Schedule pay rates, if the Director ensures that—” for “except that during the 2-year period beginning on August 17, 1977, the Director may, to the extent he deems necessary to the discharge of his responsibilities, appoint and fix the compensation of officers and employees for the Agency without regard to such provisions, subject to the following requirements:”, added pars. (1) and (2), and struck out former pars. (1) to (3) which read as follows:

“(1) an officer or employee whose compensation is fixed under the foregoing exception may not be paid a salary at a rate in excess of the rate payable under such chapter 51 and such subchapter III for positions of equivalent difficulty or responsibility except for (A) those officers and employees whose compensation is fixed by law, and (B) scientific and technical personnel who may be compensated at a rate not to exceed the rate in effect for grade GS-18 of the General Schedule;

“(2) the Director shall make adequate provision for administrative review of any determination to suspend or dismiss any officer or employee appointed under the foregoing exception; and

“(3) an officer or employee of the Agency serving under a career or career conditional appointment on August 17, 1977, may not be involuntarily deprived, while employed by the Agency, of any rights normally granted such officer or employee in the competitive service;”.

1991—Subsecs. (h) to (j). Pub. L. 102-228 added subsec. (h) and redesignated former subsecs. (h) and (i) as (i) and (j), respectively.

1977—Subsec. (b). Pub. L. 95-108, §5(a), incorporated existing provisions into introductory paragraph, and as so incorporated, revised terminology to reflect current classification of civil service laws, etc., and inserted provisions authorizing the Director to appoint and fix compensation of officers and employees of the agency, without regard to the provisions of title 5, during a two-year period beginning Aug. 17, 1977, and added pars. (1) to (3).

Subsecs. (g) to (i). Pub. L. 95-108, §5(b), added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

1974—Subsec. (d). Pub. L. 93-332 substituted “as authorized by section 3109 of title 5” for “as authorized by section 55a of title 5, at rates not to exceed \$100 per diem for individuals”, “section 5703 of such title” for “section 73b-2 of title 5” and “130 days” for “one hundred days”.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by 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.

#### DELEGATION OF AUTHORITY TO MAKE CERTIFICATIONS UNDER SECTION 41(d) OF THE ARMS CONTROL AND DISARMAMENT ACT

Memorandum of the President of the United States, Aug. 18, 1990, 55 F.R. 37693, provided:

Memorandum for the Director of the United States Arms Control and Disarmament Agency

By virtue of the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, you are hereby delegated the authority set forth in section 41(d) of the Arms Control and Disarmament Act (22 U.S.C. 2581(d)) to certify that the employment of persons referred to in that section in excess of the number of days set forth in that section is necessary in the national interest.

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

GEORGE BUSH.

[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.]

#### §§ 2582, 2583. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XII, § 1222, Oct. 21, 1998, 112 Stat. 2681-768

Section 2582, Pub. L. 87-297, title IV, § 42, Sept. 26, 1961, 75 Stat. 636; Pub. L. 96-465, title II, § 2204(a), Oct. 17, 1980, 94 Stat. 2159, related to appointment or employment of Foreign Service personnel.

Section 2583, Pub. L. 87-297, title IV, § 43, Sept. 26, 1961, 75 Stat. 636, related to exemption from provisions of law relating to contracts or expenditures of Government funds.

#### EFFECTIVE DATE OF REPEAL

Repeal 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.

#### § 2584. Dual compensation exemption

Members of advisory boards and consultants may serve as such without regard to any Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532<sup>1</sup> of title 5. This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.

(Pub. L. 87-297, title IV, § 402, formerly § 44, Sept. 26, 1961, 75 Stat. 636; Pub. L. 88-448, title IV, § 401(d), Aug. 19, 1964, 78 Stat. 490; renumbered § 402 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(14), (21), Oct. 21, 1998, 112 Stat. 2681-771, 2681-772.)

#### CODIFICATION

“Section 5532 of title 5” substituted in text for “section 201 of the Dual Compensation Act” [5 U.S.C. 3102], on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees. Section 5532 of title 5 was repealed by Pub. L. 106-65, div. A, title VI, § 651(a)(1), Oct. 5, 1999, 113 Stat. 664.

#### AMENDMENTS

1998—Pub. L. 105-277, in section catchline, struck out “Conflict of interest and” before “dual compensation”, in first sentence, substituted “Members of advisory boards and consultants may serve as such without regard to any” for “The members of the General Advisory Committee created by section 2566 of this title, and the members of the advisory boards, the consultants, and the individuals of outstanding ability employed without compensation, all of which are provided in section 2581 of this title, may serve as such without regard to the provisions of section 281, 283, 284, or 1914 of title 18, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a nonprofit educational institution in respect of any particular matter in which the Agency is directly interested. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of sections 3323(b) and 8344 of title 5, or any other”, and inserted at end “This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.”

<sup>1</sup> See Codification note below.