

- (1) the Overseas Private Investment Corporation is terminated; and
 (2) Omitted.

(Pub. L. 115-254, div. F, title VI, §1464, Oct. 5, 2018, 132 Stat. 3513.)

Editorial Notes

CODIFICATION

Section is comprised of section 1464 of Pub. L. 115-254. Par. (2) of section 1464 of Pub. L. 115-254 repealed title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.), other than subsections (g), (l), (m), and (n) of section 237 thereof (22 U.S.C. 2197(g), (l), (m), (n)).

§ 9685. Transitional authorities

(a) Provision of assistance by officials

Until the transfer of an agency to the Corporation under section 9683 of this title, any official having authority over, or functions relating to, the agency on the day before October 5, 2018, shall provide to the Corporation such assistance, including the use of personnel and assets, as the Corporation may request in preparing for the transfer and integration of the agency into the Corporation.

(b) Services and personnel

During the transition period, upon the request of the Corporation, the head of any executive agency may, on a reimbursable or non-reimbursable basis, provide services or detail personnel to assist with the transition.

(c) Acting officials

(1) In general

During the transition period, pending the advice and consent of the Senate to the appointment of an officer required by this chapter to be appointed by and with such advice and consent, the President may designate any officer whose appointment was required to be made by and with such advice and consent and who was such an officer before the end of the transition period (and who continues in office) or immediately before such designation, to act in such office until the same is filled as provided in this chapter. While so acting, such officers shall receive compensation at the higher of—

- (A) the rates provided by this chapter for the respective offices in which they act; or
 (B) the rates provided for the offices held at the time of designation.

(2) Rule of construction

Nothing in this chapter shall be construed to require the advice and consent of the Senate to the appointment by the President to a position in the Corporation of any officer whose agency is transferred to the Corporation pursuant to this subchapter and whose duties following such transfer are germane to those performed before such transfer.

(d) Transfer of personnel, assets, obligations, and functions

Upon the transfer of an agency to the Corporation under section 9683 of this title—

- (1) the personnel, assets, and obligations held by or available in connection with the agency shall be transferred to the Corporation

for appropriate allocation, subject to the approval of the Director of the Office of Management and Budget and in accordance with section 1531(a)(2) of title 31; and

- (2) the Corporation shall have all functions—
 (A) relating to the agency that any other official could by law exercise in relation to the agency immediately before such transfer; and

(B) vested in the Corporation by this chapter or other law.

(Pub. L. 115-254, div. F, title VI, §1465, Oct. 5, 2018, 132 Stat. 3513.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c) and (d)(2)(B), was in the original “this division”, meaning division F of Pub. L. 115-254, Oct. 5, 2018, 132 Stat. 3485, which is classified principally to this chapter. For complete classification of division F to the Code, see Short Title note set out under section 9601 of this title and Tables.

This subchapter, referred to in subsec. (c)(2), was in the original “this title”, meaning title VI (§§1461-1470) of div. F of Pub. L. 115-254, Oct. 5, 2018, 132 Stat. 3510, which is classified principally to this subchapter and which repealed title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.), other than subsections (g), (l), (m), and (n) of section 237 thereof (22 U.S.C. 2197(g), (l), (m), (n)), among other amendments. For complete classification of title VI to the Code, see Tables.

§ 9686. Savings provisions

(a) Completed administrative actions

(1) In general

Completed administrative actions of an agency shall not be affected by the enactment of this Act or the transfer of such agency to the Corporation under section 9683 of this title, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(2) Completed administrative action defined

In this subsection, the term “completed administrative action” includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, policies, licenses, registrations, and privileges.

(b) Pending proceedings

(1) In general

Pending proceedings in an agency, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of the agency to the Corporation, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred.

(2) Orders

Orders issued in proceedings described in paragraph (1), and appeals therefrom, and pay-

ments made pursuant to such orders, shall issue in the same manner and on the same terms as if this chapter had not been enacted or the agency had not been transferred, and any such orders shall continue in effect until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(c) Pending civil actions

Pending civil actions shall continue notwithstanding the enactment of this Act or the transfer of an agency to the Corporation, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment or transfer had not occurred.

(d) References

References relating to an agency that is transferred to the Corporation under section 9683 of this title in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede such transfer or October 5, 2018, shall be deemed to refer, as appropriate, to the Corporation, to its officers, employees, or agents, or to its corresponding organizational units or functions. Statutory reporting requirements that applied in relation to such an agency immediately before the effective date of this chapter shall continue to apply following such transfer if they refer to the agency by name.

(e) Employment provisions

(1) Regulations

The Corporation may, in regulations prescribed jointly with the Director of the Office of Personnel Management, adopt the rules, procedures, terms, and conditions, established by statute, rule, or regulation before October 5, 2018, relating to employment in any agency transferred to the Corporation under section 9683 of this title.

(2) Effect of transfer on conditions of employment

Except as otherwise provided in this chapter, or under authority granted by this chapter, the transfer pursuant to this subchapter of personnel shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(f) Statutory reporting requirements

Any statutory reporting requirement that applied to an agency transferred to the Corporation under this subchapter immediately before October 5, 2018, shall continue to apply following that transfer if the statutory requirement refers to the agency by name.

(Pub. L. 115-254, div. F, title VI, §1466, Oct. 5, 2018, 132 Stat. 3514.)

Editorial Notes

REFERENCES IN TEXT

The enactment of this Act, referred to in subsecs. (a)(1), (b)(1), and (c), means the enactment of Pub. L. 115-254, Oct. 5, 2018, 132 Stat. 3186, known as the FAA Reauthorization Act of 2018. For complete classification of this Act to the Code, see Short Title note set

out under section 40101 of Title 49, Transportation, and Tables.

This chapter, referred to in subsecs. (b)(2), (d), and (e)(2), was in the original “this division”, meaning division F of Pub. L. 115-254, Oct. 5, 2018, 132 Stat. 3485, which is classified principally to this chapter. For complete classification of division F to the Code, see Short Title note set out under section 9601 of this title and Tables.

The effective date of this chapter, referred to in subsec. (d), probably means the date of enactment of Pub. L. 115-254, which enacted this chapter and which was approved Oct. 5, 2018.

This subchapter, referred to in subsecs. (e)(2) and (f), was in the original “this title”, meaning title VI (§§1461-1470) of div. F of Pub. L. 115-254, Oct. 5, 2018, 132 Stat. 3510, which is classified principally to this subchapter and which repealed title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.), other than subsections (g), (l), (m), and (n) of section 237 thereof (22 U.S.C. 2197(g), (l), (m), (n)), among other amendments. For complete classification of title VI to the Code, see Tables.

§ 9687. Other terminations

Except as otherwise provided in this chapter, whenever all the functions vested by law in any agency have been transferred pursuant to this subchapter, each position and office the incumbent of which was authorized to receive compensation at the rates prescribed for an office or position at level II, III, IV, or V of the Executive Schedule under subchapter II of chapter 53 of title 5 shall terminate.

(Pub. L. 115-254, div. F, title VI, §1467, Oct. 5, 2018, 132 Stat. 3515.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this division”, meaning division F of Pub. L. 115-254, Oct. 5, 2018, 132 Stat. 3485, which is classified principally to this chapter. For complete classification of division F to the Code, see Short Title note set out under section 9601 of this title and Tables.

This subchapter, referred to in text, was in the original “this title”, meaning title VI (§§1461-1470) of div. F of Pub. L. 115-254, Oct. 5, 2018, 132 Stat. 3510, which is classified principally to this subchapter and which repealed title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.), other than subsections (g), (l), (m), and (n) of section 237 thereof (22 U.S.C. 2197(g), (l), (m), (n)), among other amendments. For complete classification of title VI to the Code, see Tables.

Levels II, III, IV, and V of the Executive Schedule, referred to in text, are set out in sections 5313, 5314, 5315, and 5316, respectively, of Title 5, Government Organization and Employees.

§ 9688. Incidental transfers

The Director of the Office of Management and Budget, in consultation with the Corporation, is authorized and directed to make such additional incidental dispositions of personnel, assets, and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this subchapter, as the Director may determine necessary to accomplish the purposes of this chapter.

(Pub. L. 115-254, div. F, title VI, §1468, Oct. 5, 2018, 132 Stat. 3515.)