

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.)

Editorial Notes

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 prior to the effective dates established in this chapter, including the transfer of personnel and funds associated with such functions.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, §1616, Oct. 21, 1998, 112 Stat. 2681-801.)

Editorial Notes

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.

§ 6617. Final report

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this chapter.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, §1617, Oct. 21, 1998, 112 Stat. 2681-801.)

Editorial Notes

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.

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§ 6701. Definitions

In this chapter:

(1) Chemical weapon

The term “chemical weapon” means the following, together or separately:

(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this chapter as long as the type and quantity is consistent with such a purpose.

(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device.

(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

(2) Chemical Weapons Convention; Convention

The terms “Chemical Weapons Convention” and “Convention” mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) Key component of a binary or multicomponent chemical system

The term “key component of a binary or multicomponent chemical system” means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

(4) National of the United States

The term “national of the United States” has the same meaning given such term in section 1101(a)(22) of title 8.

(5) Organization

The term “Organization” means the Organization for the Prohibition of Chemical Weapons.

(6) Person

The term “person”, except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(7) Precursor**(A) In general**

The term “precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

(B) List of precursors

Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(8) Purposes not prohibited by this chapter

The term “purposes not prohibited by this chapter” means the following:

(A) Peaceful purposes

Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

(B) Protective purposes

Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

(C) Unrelated military purposes

Any military purpose of the United States that is not connected with the use of a chemical weapon and that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(D) Law enforcement purposes

Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

(9) Technical Secretariat

The term “Technical Secretariat” means the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons established by the Chemical Weapons Convention.

(10) Schedule 1 chemical agent

The term “Schedule 1 chemical agent” means any of the following, together or separately:

(A) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl
(Me, Et, n-Pr or i-Pr)-
phosphonofluoridates
(e.g. Sarin: O-Isopropyl
methylphosphonofluoridate Soman: O-
Pinacolyl methylphosphonofluoridate).