

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-629 effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

EX. ORD. NO. 10338. COORDINATION PROCEDURES

Ex. Ord. No. 10338, Apr. 4, 1952, 17 F.R. 3009, provided:
SECTION 1. *Functions of the Chief of the United States Diplomatic Mission.* (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President and acting on his behalf, shall coordinate the activities of the United States representatives (including the chiefs of economic missions, military assistance advisory groups, and other representatives of agencies of the United States Government) in such country engaged in carrying out programs under the Mutual Security Act of 1951 (hereinafter referred to as the Act) [section 1509 et seq. of this title], and he shall assume responsibility for assuring the unified development and execution of the said programs in such country. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and country concerned:

- (1) Exercising general direction and leadership of the entire effort.
- (2) Assuring that recommendations and prospective plans and actions of the United States representatives are effectively coordinated and are consistent with and in furtherance of the established policy of the United States.
- (3) Assuring that the interpretations and application of instructions received by the United States representatives from higher authority are in accordance with the established policy of the United States.
- (4) Guiding the United States representatives in working out measures to prevent duplication in their efforts and to promote the most effective and efficient use of all United States officers and employees having mutual security responsibilities.
- (5) Keeping the United States representatives fully informed as to current and prospective United States policies.
- (6) Prescribing procedures governing the coordination of the activities of the United States representatives, and assuring that these representatives shall have access to all available information essential to the accomplishment of their prescribed duties.
- (7) Preparing and submitting such reports on the operation and status of the programs under the Act as may be directed by the Director for Mutual Security.

(b) Each Chief of United States Diplomatic Mission shall perform his functions under this order in accordance with instructions from higher authority and subject to established policies and programs of the United States.

(c) No Chief of United States Diplomatic Mission shall delegate any function conferred upon him by the provisions of this order which directly involves the exercise of direction, coordination, or authority.

SEC. 2. *Referral of unresolved matters.* The Chief of the United States Diplomatic Mission in each country shall initiate steps to reconcile any divergent views arising in the country concerned with respect to programs under the Act. If agreement cannot be reached the Chief of the United States Diplomatic Mission shall recommend a course of action, and such course of action shall be followed unless a United States representative requests that the issue be referred to higher authority for decision. If such a request is made, the par-

ties concerned shall promptly refer the issue to higher authority for resolution prior to taking action at the country level. The Director for Mutual Security shall assure expeditious decisions on matters so submitted.

SEC. 3. *Effect of order on United States representatives.* (a) All United States representatives in each country shall be subject to the responsibilities imposed upon the Chief of the United States Diplomatic Mission in such country by section 507 of the Mutual Security Act of 1951 [section 1658 of this title] and by this order.

(b) Subject to compliance with the provisions of this order and with the prescribed procedures of their respective agencies, all United States representatives affected by this order (1) shall have direct communication with their respective agencies and with such other parties and in such manner as may be authorized by their respective agencies, (2) shall keep the respective Chiefs of United States Diplomatic Missions and each other fully and currently informed on all matters, including prospective plans, recommendations, and actions, relating to programs under the Act, and (3) shall furnish to the respective Chiefs of United States Diplomatic Missions, upon their request, documents and information concerning the said programs.

SEC. 4. *Further coordination procedures.* The Director for Mutual Security shall be responsible for assuring the carrying out of the provisions of this order. He is authorized to prescribe, after consultation with the interested Government agencies, any additional procedures he may find necessary to carry out the provisions of this order.

SEC. 5. *Prior orders.* (a) To the extent that provisions of any prior order are inconsistent with the provisions of this order, the latter shall control, and any such prior provisions are amended accordingly. All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

(b) Nothing in this order shall affect Executive Orders Nos. 10062, 10063, and 10144 of June 6, 1949, June 13, 1949, and July 21, 1950, respectively.

(c) Executive Orders Nos. 9857, 9862, 9864, 9914, 9944, 9960, 10208, and 10259 of May 22, 1947, May 31, 1947, December 26, 1947, April 9, 1948, May 19, 1948, January 25, 1951, and June 27, 1951, respectively, are hereby revoked.

EXECUTIVE ORDER NO. 10893

Ex. Ord. No. 10893, Nov. 8, 1960, 25 F.R. 10731, as amended, which related to the administration of mutual security and related functions, was revoked by Ex. Ord. No. 12163, §1-903(a)(3), Sept. 29, 1979, 44 F.R. 56679, eff. Oct. 1, 1979, set out as a note under section 2381 of this title. Ex. Ord. No. 10893 was also revoked, except section 201 thereof, by section 1-501(h) of Ex. Ord. No. 12220, June 27, 1980, 45 F.R. 44247, formerly set out as a note under section 1691 of Title 7, Agriculture.

EXECUTIVE ORDER NO. 12066

Ex. Ord. No. 12066, June 29, 1978, 43 F.R. 28965, which related to the inspection of foreign assistance programs, was revoked by section 10(k) of Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968, set out as a note under section 3901 of this title.

§ 2383. Responsibilities of the Secretary of Defense; priorities in procurement, delivery, and allocation of military equipment

(a) In the case of assistance under subchapter II of this chapter, the Secretary of Defense shall have primary responsibility for—

- (1) the determination of military end-item requirements;
- (2) the procurement of military equipment in a manner which permits its integration with service programs;

(3) the supervision of end-item use by the recipient countries;

(4) the supervision of the training of foreign military and related civilian personnel;

(5) the movement and delivery of military end-items; and

(6) within the Department of Defense, the performance of any other functions with respect to the furnishing of military assistance, education and training.

(b) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall be determined by the Secretary of Defense.

(Pub. L. 87-195, pt. III, § 623, Sept. 4, 1961, 75 Stat. 446; Pub. L. 94-329, title I, § 106(b)(3), June 30, 1976, 90 Stat. 733.)

Editorial Notes

AMENDMENTS

1976—Subsec. (a)(4). Pub. L. 94-329, § 106(b)(3)(A), inserted “and related civilian” after “military”.

Subsec. (a)(6). Pub. L. 94-329, § 106(b)(3)(B), inserted “education and training” after “assistance”.

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REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

References to subchapter II of this chapter are deemed to exclude parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II, and references to subchapter I of this chapter are deemed to include such parts. See section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title.

§ 2384. Statutory officers

(a) Appointment

The President may appoint, by and with the advice and consent of the Senate, twelve officers in the agency primarily responsible for administering subchapter I of this chapter, and in the selection of one of such persons due consideration shall be given to persons qualified as professional engineers.

(b) Rate of compensation; title of officers; order of succession

Within the limitations established by subsection (a) of this section, the President may fix the rate of compensation, and may designate the title of, any officer appointed pursuant to the authority contained in that subsection. The President may also fix the order of succession among the officers provided for in subsection (a) of this section in the event of the absence, death, resignation, or disability of one or more of said officers.

(c) Appointment of certain statutory officers to comparable positions

Any person who was appointed by and with the advice and consent of the Senate, to any statutory position authorized by any provision of law repealed by section 642(a) and who is serving in one of such positions at the time of transfer of functions pursuant to subsections (c) and (d) of section 2381 of this title, may be appointed by the President to a comparable position author-

ized by subsection (a) of this section on the date of the establishment of the agency primarily responsible for administering subchapter I of this chapter, without further action by the Senate.

(d) Repealed. Pub. L. 95-88, title I, § 124(a)(1), Aug. 3, 1977, 91 Stat. 541

(e) Coordinator for security assistance

In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs.

(Pub. L. 87-195, pt. III, § 624, Sept. 4, 1961, 75 Stat. 447; Pub. L. 87-565, pt. III, § 302(b), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88-205, pt. III, § 302(b), Dec. 16, 1963, 77 Stat. 388; Pub. L. 88-426, title III, § 305(33), (42), Aug. 14, 1964, 78 Stat. 426, 428; Pub. L. 89-171, pt. III, § 302(b), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89-583, pt. III, § 302(b), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90-137, pt. III, § 302(a), Nov. 14, 1967, 81 Stat. 460; Pub. L. 91-175, pt. III, § 304, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92-226, pt. III, § 302, Feb. 7, 1972, 86 Stat. 28; Pub. L. 94-329, title III, § 301(b), June 30, 1976, 90 Stat. 750; Pub. L. 95-88, title I, § 124(a)(1), Aug. 3, 1977, 91 Stat. 541; Pub. L. 95-105, title I, § 109(a)(1), Aug. 17, 1977, 91 Stat. 846; Pub. L. 95-424, title V, § 504, Oct. 6, 1978, 92 Stat. 959; Pub. L. 96-533, title VII, § 706, Dec. 16, 1980, 94 Stat. 3158; Pub. L. 97-113, title VII, § 705(b)(1), Dec. 29, 1981, 95 Stat. 1545; Pub. L. 98-164, title X, § 1002(b), Nov. 22, 1983, 97 Stat. 1052; Pub. L. 103-236, title I, § 162(e)(4), Apr. 30, 1994, 108 Stat. 405.)

Editorial Notes

REFERENCES IN TEXT

Section 642(a), referred to in subsec. (c), means section 642(a) of Pub. L. 87-195, which is set out as a note under section 2151 of this title.

AMENDMENTS

1994—Subsec. (f). Pub. L. 103-236 struck out subsec. (f) which provided for an Assistant Secretary of State for Human Rights and Humanitarian Affairs and prescribed the Assistant Secretary's duties.

1983—Subsec. (f)(2)(C). Pub. L. 98-164 inserted provisions relating to providing advice to the Administrator of the Agency for International Development on policy framework.

1981—Subsec. (g). Pub. L. 97-113 struck out subsec. (g) which related to the Inspector General and the duties, responsibilities, and compensation of such official. See sections 2, 8A, and 11 of the Inspector General Act of 1978, Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, set out in the Appendix to Title 5, Government Organization and Employees.

1980—Subsec. (g). Pub. L. 96-533 substituted in pars. (1) to (5) “Inspector General” for “Auditor General” wherever appearing; in par. (3), imposed upon the Inspector General requirement of supervising, directing, and controlling security activities, including audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency; in par. (4) required submission of an annual report to the Director; and added pars. (6) to (9).

1978—Subsec. (g). Pub. L. 95-424 added subsec. (g).

1977—Subsec. (d). Pub. L. 95-88 struck out subsec. (d) which provided for an Inspector General, Foreign Assistance.

Subsec. (f)(1). Pub. L. 95-105, § 109(a)(1)(A), substituted references to the Assistant Secretary of State for