

(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”.

Statutory Notes and Related Subsidiaries

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by and with the advice and consent of the Senate, to any statutory position authorized by any provision of law repealed by section 642(a) and who is serving in one of such positions at the time of transfer of functions pursuant to subsections (c) and (d) of section 2381 of this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

Human Rights and Humanitarian Affairs for references to the Coordinator for Human Rights and Humanitarian Affairs.

Subsec. (f)(2). Pub. L. 95-105, § 109(a)(1)(B), substituted "Assistant Secretary of State" for "Coordinator".

1976—Subsec. (f). Pub. L. 94-329 added subsec. (f).

1972—Subsec. (e). Pub. L. 92-226 added subsec. (e).

1969—Subsec. (d)(2)(A). Pub. L. 91-175, § 304(1), inserted provision including the Overseas Private Investment Corporation in Inspector General's reviews and audits, and inserted provision authorizing the conduct of such reviews and audits for programs under section 290f of this title.

Subsec. (d)(5), (7). Pub. L. 91-175, § 304(2), (3), included section 290f of this title within provisions of this section.

1967—Subsec. (d)(2)(B). Pub. L. 90-137 struck out "of assistance" after "programs" in two places.

1966—Subsec. (d)(8). Pub. L. 89-583 added par. (8).

1965—Subsec. (b). Pub. L. 89-171, § 302(b)(1), struck out "paragraph (3) of" before "subsection (a) of this section" the second time it appears and substituted "of one or more of said officers" for "of the officers provided for in paragraphs (1) and (2) of that subsection".

Subsec. (d)(2)(A), (5), (7). Pub. L. 89-171, § 302(b)(2), substituted "the Latin American Development Act, as amended" for "Public Law 86-735".

1964—Subsec. (a). Pub. L. 88-426, § 305(42), repealed provisions which related to the appointment of an Under Secretary, Deputy Under Secretary and ten Assistant Secretaries and prescribed their rates of compensation.

Subsec. (d)(1). Pub. L. 88-426, § 305(33), repealed provisions which prescribed the compensation of the Inspector General, Deputy Inspector General and Assistant Inspector Generals. See section 5315 of Title 5, Government Organization and Employees.

1963—Subsec. (a)(2), (3). Pub. L. 88-205, § 302(b)(1), (2), reduced the number of Deputy Under Secretaries from two to one in par. (2), and increased the number of Assistant Secretaries from 9 to 10 in par. (3).

Subsec. (b). Pub. L. 88-205, § 302(b)(3), made conforming changes in language to reflect that only one Deputy Under Secretary may now be appointed.

Subsec. (d)(1). Pub. L. 88-205, § 302(b)(4), inserted "who shall be appointed by the President by and with the advice and consent of the Senate," and increased the salary of the Deputy Inspector General, Foreign Assistance, from \$19,500 to \$20,000.

1962—Subsecs. (d), (e). Pub. L. 87-565 redesignated subsec. (e) as (d), inserted ", and programs being conducted by United States Government Agencies under sections 1942 to 1945 of this title," in par. 2(A), and ", and sections 1942 to 1945 of this title," in pars. (5) and (7), and repealed former subsec. (d) which related to the temporary continuation of certain statutory positions.

Statutory Notes and Related Subsidiaries

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II

References to subchapter I of this chapter are deemed to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude 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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103-236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103-236, as amended, set out as a note under section 2651a of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95-88, title I, § 124(c), Aug. 3, 1977, 91 Stat. 542, provided that: "The amendments made by this section [amending this section and section 5315 of Title 5, Government Organization and Employees, and enacting provisions set out as a note under this section] shall take effect on July 1, 1978."

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see Pub. L. 88-426, title V, § 501, Aug. 14, 1964, 78 Stat. 435.

ASSISTANT ADMINISTRATOR FOR MANAGEMENT

Pub. L. 112-166, § 2(v)(1), Aug. 10, 2012, 126 Stat. 1288, provided that: "Notwithstanding section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), the appointment by the President of the Assistant Administrator for Management at the United States Agency for International Development shall not be subject to the advice and consent of the Senate."

ASSUMPTION OF DUTIES BY COORDINATOR FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

Pub. L. 95-105, title I, § 109(a)(6), Aug. 17, 1977, 91 Stat. 846, provided that: "The individual holding the position of Coordinator for Human Rights and Humanitarian Affairs on the date of enactment of this section [Aug. 17, 1977] shall assume the duties of the Assistant Secretary of State for Human Rights and Humanitarian Affairs and shall not be required to be reappointed by reason of the enactment of this section."

REPORT TO SPEAKER OF THE HOUSE AND CONGRESSIONAL COMMITTEES ON OFFICE OF ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

Pub. L. 95-105, title I, § 109(a)(7), Aug. 17, 1977, 91 Stat. 847, which required the Secretary of State, not later than Jan. 31, 1978, to transmit to the Speaker of the House of Representatives and the chairmen of the Senate Committee on Foreign Relations and the Senate Committee on the Judiciary a comprehensive report on the Office of the Assistant Secretary for Human Rights and Humanitarian Affairs, including its current mandate and operations, the mandate and operations of its predecessor offices, and proposals for the reorganization of the Department of State that would strengthen human rights and humanitarian considerations in the conduct of United States foreign policy and promote the ability of the United States to participate effectively in international humanitarian efforts, was repealed by Pub. L. 97-241, title V, § 505(a)(3), Aug. 24, 1982, 96 Stat. 299, and Pub. L. 98-164, title X, § 1011(a)(5), Nov. 22, 1983, 97 Stat. 1061.

ASSIGNMENT OF DUTIES AND RESPONSIBILITIES TO INSPECTOR GENERAL, FOREIGN SERVICE

Pub. L. 95-88, title I, § 124(a)(2), Aug. 3, 1977, 91 Stat. 542, which provided that the President (A) may assign to the Inspector General, Foreign Service, any of the duties and responsibilities vested by such section 624(d) [subsec. (d) of this section] in the Inspector General, Foreign Assistance, and (B) may authorize the Inspector General, Foreign Service, to exercise such of the authorities granted by such section 624(d) [subsec. (d) of this section] to the Inspector General, Foreign Assistance, as the President determines are necessary to carry out any duties or responsibilities so assigned, was repealed by Pub. L. 96-465, title II, § 2205(11), Oct. 17, 1980, 94 Stat. 2160. See section 3929 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

For appointments under subsec. (a) to United States Agency for International Development, see section 1-200(b) and (c) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2385. Employment of personnel**(a) Authorization**

Any agency or officer of the United States Government carrying out functions under this chapter is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this chapter.

(b) Appointments excepted from civil-service laws; supergrade positions; reinstatement

Of the personnel employed in the United States to carry out subchapter I of this chapter or coordinate subchapter I and subchapter II of this chapter, not to exceed one hundred and ten may be appointed, compensated, or removed without regard to the provisions of any law, of whom not to exceed fifty-one may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5, but not in excess of the highest rate of grade 18 of such general schedule: *Provided*, That, under such regulations as the President shall prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5.

(c) Additional supergrade positions

Of the personnel employed in the United States to carry out subchapter II of this chapter, or any Act superseding subchapter II of this chapter in whole or in part, not to exceed eight may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5, but not in excess of the highest rate of grade 18 of such general schedule. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5.

(d) Employment or assignment of officers and employees to perform functions outside United States

For the purpose of performing functions under this chapter outside the United States, the President may employ or assign individuals, or may authorize the employment or assignment of officers or employees by agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system,

who shall receive compensation at any of the rates provided for under section 402 or section 403 of the Foreign Service Act of 1980 [22 U.S.C. 3962, 3963], or under chapter 53 of title 5, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.]. Individuals so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of that Act [22 U.S.C. 3950] for individuals appointed to the Foreign Service.

(e) Repealed. Pub. L. 96-465, title II, § 2205(8), Oct. 17, 1980, 94 Stat. 2160

(f) Funds for personnel services

Funds provided for in agreements with foreign countries for the furnishing of services under this chapter with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agencies primarily responsible for administering subchapter I or II of this chapter) as well as personnel not employed by the United States Government.

(g) Repealed. Pub. L. 96-465, title II, § 2205(8), Oct. 17, 1980, 94 Stat. 2160

(h) Acceptance of compensation or other benefits from foreign countries; arrangements for reimbursement

Notwithstanding any other provision of law, officers and employees of the United States Government performing functions under this chapter shall not accept from any foreign country any compensation or other benefits. Arrangements may be made by the President with such countries for reimbursement to the United States Government or other sharing of the cost of performing such functions.

(i) Assignment based on competency

To the maximum extent practicable officers and employees performing functions under this chapter abroad shall be assigned to countries and positions for which they have special competence, such as appropriate language and practical experience.

(j) Reemployment of annuitants under the Civil Service Retirement System and the Federal Employees' Retirement System

(1)(A) To facilitate the assignment of persons to Iraq, Pakistan, and Afghanistan or to posts vacated by members of the Service assigned to Iraq, Pakistan, and Afghanistan, the Administrator of the United States Agency for International Development may waive the application of the provisions of section 8344 or 8468 of title 5 on a case-by-case basis for employment of an annuitant in a position in the United States Agency for International Development for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

(B) The authority of the Administrator under subparagraph (A) shall terminate on October 1, 2010.¹ An annuitant reemployed pursuant to such

¹ See Extension of Authority note below.