

**(b) Requirements and limitations on reorganization plan**

The reorganization plan transmitted under section 6601 of this title may not have the effect of—

- (1) creating a new executive department;
- (2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;
- (3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;
- (4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or
- (5) increasing the term of an office beyond that provided by law for the office.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, § 1611, Oct. 21, 1998, 112 Stat. 2681-798.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

**§ 6612. Transfer and allocation of appropriations****(a) In general**

Except as otherwise provided in this chapter, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 6615(e) of this title), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any subchapter of this chapter shall be transferred to the Secretary for appropriate allocation.

**(b) Limitation on use of transferred funds**

Except as provided in subsection (c), unexpended and unobligated funds transferred pursuant to any subchapter of this chapter shall be used only for the purposes for which the funds were originally authorized and appropriated.

**(c) Funds to facilitate transition****(1) Congressional notification**

Funds transferred pursuant to subsection (a) may be available for the purposes of reorganization subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 2706 of this title.

**(2) Transfer authority**

Funds in any account appropriated to the Department of State may be transferred to another such account for the purposes of reorganization, subject to notification of the appropriate congressional committees in accord-

ance with the procedures applicable to a reprogramming of funds under section 2706 of this title. The authority in this paragraph is in addition to any other transfer authority available to the Secretary of State and shall expire September 30, 2000.

(Pub. L. 105-277, div. G, subdiv. A, title XVI, § 1612, Oct. 21, 1998, 112 Stat. 2681-798.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), 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.

**§ 6613. Transfer, appointment, and assignment of personnel****(a) Transfer of personnel from ACDA and USIA**

Except as otherwise provided in subchapter III—

(1) not later than the date of abolition of ACDA, all personnel and positions of ACDA, and

(2) not later than the date of abolition of USIA, all personnel and positions of USIA,

shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

**(b) Transfer of personnel from AID**

Except as otherwise provided in subchapter III, not later than the date of transfer of any function of AID to the Department of State under this chapter, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

**(c) Assignment authority**

The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b), is authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. In carrying out the reorganization under this Act, the Secretary shall ensure that the advances made in increasing the number and status of women and minorities within the foreign affairs agencies of the Federal Government, in terms of representation within the agencies as well as relative rank, are not undermined by discrimination within the newly reorganized Department of State. The Secretary shall consult with the relevant exclusive representatives (as defined in section 4102 of this title and in section 7103 of title 5) with regard to the exercise of this