

Executive Order

Monday
April 5, 1999

Part VIII

The President

**Executive Order 13118—Implementation of
the Foreign Affairs Reform and
Restructuring Act of 1998**

Presidential Documents

Title 3—**Executive Order 13118 of March 31, 1999****The President****Implementation of the Foreign Affairs Reform and Restructuring Act of 1998**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Part 1–1 of Executive Order 12163, as amended, is amended to read as follows:

“1–1. DEPARTMENT OF STATE

“1–100. Delegation of Functions. (a) Exclusive of the functions otherwise delegated, or reserved to the President, by this order, Executive Order 12884, Executive Order 11579, and Executive Order 12757, and subject to the provisions of such orders, there are hereby delegated to the Secretary of State (referred to in this Part as the “Secretary”) all functions conferred upon the President by:

“(1) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 *et seq.*) (“Act”);

- (i) except that with respect to section 505(a) of the Act, such functions only insofar as those functions relate to other provisions which may be required by the President or only insofar as they relate to consent;
- (ii) except that with respect to section 505(b) of the Act, such functions only insofar as those functions pertain to countries that agree to the conditions set forth therein;

“(2) section 1205(b) of the International Security and Development Cooperation Act of 1985 (“ISDCA of 1985”);

“(3) section 8(d) of the Act of January 12, 1971 (22 U.S.C. 2321b(d));

“(4) section 607 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2394a);

“(5) section 402(b)(2) of title 10, United States Code, which shall be exercised in consultation with the Secretary of Defense;

“(6) the third proviso under the heading “Development Assistance” contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105–277);

“(7) section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461);

“(8) sections 508, 517, 518, 528(a), 535, 539, 544, 561, 563, 572, 574, 575, 585, 594 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105–277);

“(9) section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105–277), which shall be exercised in consultation with the Secretary of the Treasury;

“(10) section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105-277);

“(11) section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118), and the provisions of law referenced therein;

“(12) section 821(b) of the Western Hemisphere Drug Elimination Act (as contained in Public Law 105-277).

“(b) The functions under section 653 of the Act delegated to the Secretary shall be exercised in consultation with the Secretary of Defense, insofar as they relate to functions under the Act administered by the Department of Defense, and the Director of the Office of Management and Budget.

“(c) The functions under sections 239(f), 620(e), 620(g), 620(j), 620(q), and 620(s) of the Act delegated to the Secretary shall be exercised in consultation with the Administrator of the United States Agency for International Development.

“(d) The Secretary shall perform all public information functions abroad with respect to the foreign assistance, aid, and development programs of the United States Government, to the extent such functions are not specifically assigned by statute to be performed by a different officer.

“(e) The Secretary may redelegate to any other officer or agency of the Executive branch functions delegated to the Secretary by this order to the extent such delegation is not otherwise prohibited by law.”.

Sec. 2. Part 1-2 of Executive Order 12163, as amended, is amended to read as follows:

“1-2. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

“1-200. United States Agency for International Development.

“(a) The United States Agency for International Development is an independent establishment within the Executive branch. Any reference in the Act to the agency primarily responsible for administering part I of the Act, or to the Administrator of such agency, shall be deemed to be a reference to the United States Agency for International Development or to the Administrator of that agency, as appropriate.

“(b) The United States Agency for International Development shall be headed by an Administrator appointed pursuant to section 624(a) of the Act.

“(c) The officers provided for in section 624(a) of the Act shall serve in the United States Agency for International Development.

“(d) The Office of Small Business provided for in section 602(b) of the Act shall be in the United States Agency for International Development.

“(e) To the extent practicable, the Administrator of the United States Agency for International Development will exercise functions relating to Foreign Service personnel in a manner that will assure maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system. To this end, the Administrator shall consult regularly with the Secretary of State.”.

Sec. 3. Part 1-3 of Executive Order 12163, as amended, is amended in section 301(c) by striking “part II of the Act (except chapters 4, 6, and 8 thereof)” and inserting in lieu thereof “chapters 2 and 5 of part II of the Act”.

Sec. 4. Part 1-4 of Executive Order 12163, as amended, is revoked.

Sec. 5. Part 1-5 of Executive Order 12163, as amended, is amended as follows:

(1) in section 1-501(c), by striking “Director, as provided in Executive Order 11269 of February 14, 1966, as amended” and inserting in lieu thereof “Secretary of State”;

(2) section 1-504 is revoked;

(3) section 1-505 is amended to read as follows:

“1-505. Trade and Development Agency. There is delegated to the Director of the Trade and Development Agency the functions conferred upon the President by section 661(d) of the Act.”;

(4) section 1-506 is revoked.

Sec. 6. Part 1-6 of Executive Order 12163, as amended, is amended as follows:

(1) in section 1-602, by striking “Director of IDCA, the Director” and inserting in lieu thereof “Secretary of State, the Secretary”; and

(2) in section 1-604, by striking “, title IV of the IDC Act of 1979 or section 402 of the Mutual Security Act of 1954”.

Sec. 7. Part 1-7 of Executive Order 12163, as amended, is amended as follows:

(1) in section 1-701(a)—

(A) by striking “662(a),”; and

(B) by inserting “493,” after “298(a),”;

(2) by striking section 1-701(b), and redesignating subsections “(c)” and “(d)” as subsections “(b)” and “(c)”, respectively;

(3) in section 1-701(c) (as redesignated by this section)—

(A) by inserting “209(d),” before “303”;

(B) by striking “481” and inserting in lieu thereof “490”; and

(C) by striking “, 669(b)(1), 670(a), 670(b)(2), and 670(b)(3)”;

(4) in section 1-701(g), by striking “131,”;

(5) in section 1-702—

(A) by striking “Director” and inserting in lieu thereof “Secretary”;

and

(B) by striking “IDCA” and inserting in lieu thereof “the Department of State”;

(6) by adding a new section 1-703 to read as follows:

“1-703. Office of Management and Budget. In this order the Director of the Office of Management and Budget shall retain all authorities related to the implementation of his budgetary and policy coordination functions, including the authority to:

- (a) request and receive information from any agency that is subject to this delegation;
- (b) carry out all responsibilities associated with implementing the Government Performance and Results Act, the Government Management Reform Act, and other comparable government-wide statutes dealing with management; and
- (c) carry out all statutory budget and policy coordination responsibilities assigned to the Director of the Office of Management and Budget by statute or Executive order.

Sec. 8. Part 1-8 of Executive Order 12163, as amended, is amended to read as follows:

“1-8 FUNDS

“1-800. Allocation of Funds. Funds described below that are appropriated or otherwise made available to the President shall be deemed to be allocated without any further action of the President, as follows:

“(a) Except as provided in subsections (b) and (c), there are allocated to the Secretary all funds made available for carrying out the Act, including any funds appropriated under the heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs”.

“(b) There are allocated to the Secretary of Defense all funds made available for carrying out chapters 2 and 5 of Part II of the Act.

“(c) There are allocated to the Secretary of the Treasury all funds made available for carrying out section 129 of the Act.

“(d) The Secretary of State, the Secretary of Defense, and the Secretary of the Treasury may allocate or transfer as appropriate any funds received under subsections (a), (b), and (c) of this section, respectively, to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

Sec. 9. Part 1–9 of Executive Order 12163, as amended, is amended as follows: (1) in section 1–902(c), by striking “hereafter-enacted”; and (2) by revoking sections 1–903(c) and 1–903(d).

Sec. 10. The following Executive orders are revoked or amended:

(1) Executive Order 12884 of December 1, 1993, is amended—

(a) in section 3, by striking the section heading and all that follows through “by:”, and inserting in lieu thereof “Secretary of State-Additional Functions. There are delegated to the Secretary of State the functions conferred upon the President by:”; and

(b) in section 6(a), by striking “3, 4, and 5” and inserting in lieu thereof “4 and 5”.

(2) Executive Order 12703 of February 20, 1990, is amended by amending section 2 to read as follows:

“Sec. 2. Department of State. The functions conferred upon the President by section 201 of the Act relating to Enterprise Funds for Poland and Hungary are hereby delegated to the Secretary of State.”.

(3) Executive Order 12599 of June 23, 1987, is revoked.

(4) Executive Order 12293 of February 23, 1981, is amended—

(A) in section 2, by striking “Director of the United States International Development Cooperation Agency” and inserting in lieu thereof “Administrator of the United States Agency for International Development”; and

(B) in section 9, by striking “United States International Development Cooperation Agency” and inserting in lieu thereof “United States Agency for International Development” in both places this phrase appears.

(5) Executive Order 12301 of March 26, 1981, is amended in subsection (b)(23) by striking “Director of the United States International Development Cooperation Agency” and inserting in lieu thereof “Administrator of the United States Agency for International Development”.

(6) Executive Order 12188 of January 2, 1980, is amended by striking “Director of the United States International Development Cooperation Agency” and inserting in lieu thereof “Administrator of the United States Agency for International Development”.

(7) Executive Order 12260 of December 31, 1980, is amended in the annex thereto, by striking “United States International Development Cooperation Agency” and inserting in lieu thereof “United States Agency for International Development”.

(8) Executive Order 11958 of January 18, 1977, is amended in section 2 by striking “the Director of the United States International Development Cooperation Agency, the Director of the Arms Control and Disarmament Agency,”.

(9) Executive Order 11269 of February 14, 1966, is amended—

(A) in section 1(b), by striking “Director of the International Development Cooperation Agency” and inserting in lieu thereof “Administrator of the United States Agency for International Development”;

(B) in section 4(a), by striking “Director of the International Development Cooperation Agency” and inserting in lieu thereof “Secretary of State”, in both places that it appears; and

(C) in section 7, by striking "Functions of the Director of the International Development Cooperation Agency. As the principal international development advisor to the President, the Director of the International Development Cooperation Agency" and inserting in lieu thereof "Functions of the Secretary of State. The Secretary of State".

(10) Executive Order 11223 of May 12, 1965, is amended by striking "Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)" and inserting in lieu thereof "Administrator of the United States Agency for International Development (with respect to functions vested in or delegated to the Administrator)".

(11) The Memorandum for the Secretary of State of March 23, 1999, entitled "Delegation of Authority Under Section 577 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105-277)", is amended by deleting the second sentence therein.

Sec. 11. The provisions of this order shall become effective as of April 1, 1999, except that the authority contained in section 1-100(d), and the amendment made by section 5(2) of this order, shall become effective as of October 1, 1999.



THE WHITE HOUSE,
March 31, 1999.