

SEC. 2. The Director of the United States Information Agency, in carrying out this Order, shall consult with the Secretary of State with respect to the determination of national interest, and may consult with the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art, and with such other officers and agencies of the Government as may be appropriate, with respect to the determination of cultural significance.

SEC. 3. The Director of the United States Information Agency is authorized to delegate within the Agency the functions conferred upon him by this Order.

SEC. 4. Executive Order No. 11312 of October 14, 1966 is revoked.

SEC. 5. Any order, regulation, determination or other action which was in effect pursuant to the provisions of Executive Order No. 11312 shall remain in effect until changed pursuant to the authority provided in this Order.

SEC. 6. This Order shall be effective on April 1, 1978. [For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

§ 2460. Bureau of Educational and Cultural Affairs

(a) Establishment; responsibilities

In order to carry out the purposes of this chapter, there is established in the United States Information Agency, or in such appropriate agency of the United States as the President shall determine, a Bureau of Educational and Cultural Affairs (hereinafter in this section referred to as the "Bureau"). The Bureau shall be responsible for managing, coordinating, and overseeing programs established pursuant to this chapter, including but not limited to—

(1) the J. William Fulbright Educational Exchange Program which, by promoting the exchange of scholars, researchers, students, trainees, teachers, instructors, and professors, between the United States and foreign countries, accomplishes the purposes of section 2452(a)(1) of this title;

(2) the Hubert H. Humphrey Fellowship Program which finances (A) study at American universities and institutions of higher learning, including study in degree granting programs, and (B) participation in fellowships, internships, or other programs in American governmental and nongovernmental institutions for public managers and other individuals from developing countries;

(3) the International Visitors Program which provides grants for short-term visits to the United States for foreign nationals who are, or have the potential to be, leaders in their respective fields in their own countries;

(4) the American Cultural Centers and Libraries which make available at selected foreign locations, books, films, sound recordings, and other materials about the United States, its people and culture, and about other topics;

(5) the American Overseas Schools Program which provides financial assistance to the operations of American-sponsored schools overseas;

(6) the American Studies Program which fosters and supports the study of the United States, and its people and culture, in foreign countries;

(7) a program of working with private, not-for-profit groups through contracts, grants, or cooperative agreements, as authorized by section 2452 of this title, so as to provide financial assistance to nongovernmental organizations engaged in implementing and enhancing exchange-of-persons programs;

(8) the Samantha Smith Memorial Exchange Program which advances understanding between the United States and the independent states of the former Soviet Union and between the United States and Eastern European countries through the exchange of persons under the age of 21 years and of students at an institution of higher education (as defined in section 1001 of title 20) who have not received their initial baccalaureate degree or through other programs designed to promote contact between the young peoples of the United States, the independent states of the former Soviet Union, and Eastern European countries; and

(9) the Arts America program which promotes a greater appreciation and understanding of American art abroad by supporting exhibitions and tours by American artists in other countries.

(b) Revocation or diminution of grants

(1) All recipients of Fulbright Academic Exchange and Humphrey Fellowship awards shall have full academic and artistic freedom, including freedom to write, publish, and create. No award granted pursuant to this chapter may be revoked or diminished on account of the political views expressed by the recipient or on account of any scholarly or artistic activity that would be subject to the protections of academic and artistic freedom normally observed in universities in the United States. The Board shall ensure that the academic and artistic freedoms of all persons receiving grants are protected.

(2) The J. William Fulbright Foreign Scholarship Board shall formulate a policy on revocation of Fulbright grants which shall be made known to all grantees. Such policy shall fully protect the right to due process as well as the academic and artistic freedom of all grantees.

(c) Program requirements

The President shall insure that all programs under the authority of the Bureau shall maintain their nonpolitical character and shall be balanced and representative of the diversity of American political, social, and cultural life. The President shall insure that academic and cultural programs under the authority of the Bureau shall maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement.

(d) Administration of programs

(1) The Bureau shall administer no programs except those operating under the authority of this chapter and consistent with its purposes.

(2) Notwithstanding paragraph (1), the Bureau may also exercise the authorities of this chapter to administer programs authorized by, or funded pursuant to, the FREEDOM Support Act, the Support for East European Democracy Act [22 U.S.C. 5401 et seq.], the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], or any other Act

authorizing educational or cultural exchanges or activities, to the extent that such programs are consistent with the purposes of this chapter.

(e) Office of Citizen Exchanges

There is established in the Bureau of Educational and Cultural Affairs an Office of Citizen Exchanges. The Office shall support private not-for-profit organizations engaged in the exchange of persons between the United States and other countries.

(f) Coordination of exchange programs; reports

(1) The President shall ensure that all exchange programs conducted by the United States Government, its departments and agencies, directly or through agreements with other parties, are reported at a time and in a format prescribed by the Director. The President shall ensure that such exchanges are consistent with United States foreign policy and avoid duplication of effort.

(2) Not later than 90 days after April 30, 1994, and annually thereafter, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report pursuant to paragraph (1). Such report shall include information for each exchange program supported by the United States on the objectives of such exchange, the number of exchange participants supported, the types of exchange activities conducted, the total amount of Federal expenditures for such exchanges, and the extent to which such exchanges are duplicative.

(g) Working Group on United States Government-Sponsored International Exchanges and Training

(1) In order to carry out the purposes of subsection (f) of this section and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the Department of State a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the "Working Group").

(2) For purposes of this subsection, the term "Government-sponsored international exchanges and training" means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

(3) The Working Group shall be composed as follows:

(A) The Assistant Secretary of State for Educational and Cultural Affairs, who shall act as Chair.

(B) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

(C) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

(D) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

(E) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

(F) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the Department of State.

(6) The Working Group shall have the following purposes and responsibilities:

(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

(D)(i) Not later than 1 year after October 21, 1998, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

(ii) Not later than 1 year after October 21, 1998, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

(E) Not later than 2 years after October 21, 1998, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

(G) Not later than 6 months after October 21, 1998, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the Department of State. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

(7) All reports prepared by the Working Group shall be submitted to the President, through the Secretary of State, acting through the Under Secretary of State for Public Diplomacy.

(8) The Working Group shall meet at least on a quarterly basis.

(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.

(Pub. L. 87-256, § 112, as added Pub. L. 98-164, title II, § 213, Nov. 22, 1983, 97 Stat. 1034; amended Pub. L. 100-204, title III, §§ 302(a), 303, Dec. 22, 1987, 101 Stat. 1378, 1379; Pub. L. 101-246, title II, §§ 204(a)(2), 222(a), 223, Feb. 16, 1990, 104 Stat. 50, 55, 56; Pub. L. 103-199, title III, § 301(1), Dec. 17, 1993, 107 Stat. 2322; Pub. L. 103-236, title II, § 229(a), Apr. 30, 1994, 108 Stat. 423; Pub. L. 105-244, title I, § 102(a)(7)(B), Oct. 7, 1998, 112 Stat. 1619; Pub. L. 105-277, div. G, subdiv. B, title XXIV, § 2414, Oct. 21, 1998, 112 Stat. 2681-832; Pub. L. 107-228, div. A, title II, §§ 221, 229, Sept. 30, 2002, 116 Stat. 1367, 1371.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b)(1), and (d), was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

The FREEDOM Support Act, referred to in subsec. (d)(2), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, also known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The Support for East European Democracy Act, referred to in subsec. (d)(2), probably means the Support for East European Democracy (SEED) Act of 1989, Pub. L. 101-179, Nov. 28, 1989, 103 Stat. 1298, as amended, which is classified principally to chapter 63 (§ 5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (d)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

2002—Subsec. (d). Pub. L. 107-228, § 221, designated existing provisions as par. (1) and added par. (2).

Subsec. (g)(1). Pub. L. 107-228, § 229(1), substituted "Department of State" for "United States Information Agency".

Subsec. (g)(3)(A). Pub. L. 107-228, § 229(2)(A), substituted "Assistant Secretary of State for Educational and Cultural Affairs" for "Associate Director for Educational and Cultural Affairs of the United States Information Agency".

Subsec. (g)(3)(B) to (G). Pub. L. 107-228, § 229(2)(B), (C), redesignated subpars. (C) to (G) as (B) to (F), respectively, and struck out former subpar. (B) which read as follows: "A senior representative of the Department of State, who shall be designated by the Secretary of State."

Subsec. (g)(5). Pub. L. 107-228, § 229(3), substituted "Department of State" for "United States Information Agency".

Subsec. (g)(6)(G). Pub. L. 107-228, § 229(4), substituted "Department of State" for "United States Information Agency".

Subsec. (g)(7). Pub. L. 107-228, § 229(5), substituted "Secretary of State, acting through the Under Secretary of State for Public Diplomacy" for "Director of the United States Information Agency".

1998—Subsec. (a)(8). Pub. L. 105-244 substituted "section 1001" for "section 1141(a)".

Subsec. (g). Pub. L. 105-277 added subsec. (g).

1994—Subsec. (f). Pub. L. 103-236 added subsec. (f).

1993—Subsec. (a)(8). Pub. L. 103-199 substituted "independent states of the former Soviet Union" for "Soviet Union" in two places.

1990—Subsec. (a)(8). Pub. L. 101-246, § 223, inserted "or through other programs designed to promote contact between the young peoples of the United States, the Soviet Union, and Eastern European countries" after "degree".

Subsecs. (b) to (d). Pub. L. 101-246, § 204(a)(2), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Subsec. (e). Pub. L. 101-246, § 222(a), added subsec. (e).
1987—Subsec. (a)(8), (9). Pub. L. 100-204 added pars. (8) and (9).

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

TRANSFER OF FUNCTIONS

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

Pub. L. 101-246, title II, § 222(b), Feb. 16, 1990, 104 Stat. 56, provided that: "There are hereby transferred to the Office of Citizen Exchanges on the date of enactment of this Act [Feb. 16, 1990] all functions carried out by the Office of Private Sector Programs on the day before such date."

PRIVATE SECTOR PROGRAM; RESTRICTIONS ON FUNDS FOR FOREIGN TRAVEL; WAIVER; REPORTS

Pub. L. 98-164, title II, § 207, Nov. 22, 1983, 97 Stat. 1032, as amended by Pub. L. 103-236, title I, § 139(11), Apr. 30, 1994, 108 Stat. 398, provided that:

"(a) No funds authorized to be appropriated for the Private Sector Program shall be used to pay for foreign travel by any United States citizen who, in the five years preceding the date of the proposed foreign travel, made two or more trips financed in whole or in substantial part by grants from the Private Sector Program. This limitation shall not apply to escort interpreters accompanying delegations, to artists accompanying exhibitions, to persons engaging in theatrical

or musical performances, or to the full-time staff of the grantee organization. In addition, the Director of the Bureau of Educational and Cultural Affairs may waive this limitation in exceptional cases if he determines that foreign travel is essential to the successful completion of the grant program and so certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate at least fifteen days prior to the commencement of the proposed foreign travel.

"[(b) Repealed. Pub. L. 103-236, title I, § 139(11), Apr. 30, 1994, 108 Stat. 398.]"

EX. ORD. NO. 13055. COORDINATION OF UNITED STATES GOVERNMENT INTERNATIONAL EXCHANGES AND TRAINING PROGRAMS

Ex. Ord. No. 13055, July 15, 1997, 62 F.R. 39099, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the coordination of United States Government International Exchanges and Training Programs, it is hereby ordered as follows:

SECTION 1. There is hereby established within the United States Information Agency a senior-level Interagency Working Group on United States Government-Sponsored International Exchanges and Training ("the Working Group"). The purpose of the Working Group is to recommend to the President measures for improving the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training. The Working Group shall establish a clearinghouse to improve data collection and analysis of international exchanges and training.

SEC. 2. The term "Government-sponsored international exchanges and training" shall mean the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

SEC. 3. The Working Group shall consist of the Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair, and a comparable senior representative appointed by the respective Secretary of each of the Departments of State, Defense, Education, and the Attorney General, by the Administrator of the United States Agency for International Development, and by heads of other interested executive departments and agencies. In addition, representatives of the National Security Council and the Director of the Office of Management and Budget shall participate in the Working Group at their discretion. The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

SEC. 4. The Working Group shall have the following responsibilities:

(a) Collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs;

(b) Promote greater understanding of and cooperation on, among concerned United States Government departments and agencies, common issues and challenges faced in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors;

(c) In order to achieve the most efficient and cost-effective use of Federal resources, identify administrative and programmatic duplication and overlap of activities by the various United States Government agencies involved in Government-sponsored international exchange and training programs, and report thereon;

(d) No later than 1 year from the date of this order, develop initially and thereafter assess annually a coordinated strategy for all United States Government-

sponsored international exchange and training programs, and issue a report on such strategy;

(e) No later than 2 years from the date of this order, develop recommendations on performance measures for all United States Government-sponsored international exchange and training programs, and issue a report thereon; and

(f) Develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

SEC. 5. All reports prepared by the Working Group pursuant to section 4 shall be made to the President, through the Director of the United States Information Agency.

SEC. 6. The Working Group shall meet on at least a quarterly basis.

SEC. 7. Any expenses incurred by a member of the Working Group in connection with such member's service on the Working Group shall be borne by the member's respective department or agency.

SEC. 8. If any member of the Working Group disagrees with respect to any matter in any report prepared pursuant to section 4, such member may prepare a statement setting forth the reasons for such disagreement and such statement shall be appended to, and considered a part of, the report.

SEC. 9. Nothing in this Executive order is intended to alter the authorities and responsibilities of the head of any department or agency.

WILLIAM J. CLINTON.

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

DEFINITIONS

In subsec. (a)(8), independent states of the former Soviet Union has the meaning given in section 5801 of this title, see section 3 of Pub. L. 103-199, set out as a note under section 5801 of this title.

§ 2461. Exchanges between United States and independent states of the former Soviet Union

(a) Financing of exchanges with repayments on Lend-Lease debts

The President is authorized to negotiate and implement agreements with the independent states of the former Soviet Union under which repayments made by the independent states on Lend-Lease debts to the United States would be used to finance the exchange of persons between the United States and the independent states for educational, cultural, and artistic purposes. Exchanges authorized pursuant to this section shall be administered subject to the provisions of this chapter. Part of the funds repaid to the United States shall be in convertible currency for the purpose of paying the expenses associated with study and other exchange activities in the United States by citizens of the independent states.

(b) Limitation on availability of funds

Funds made available for the purposes of this section shall be available only to the extent and in the amounts provided for in an appropriation Act.

(Pub. L. 87-256, § 113, as added Pub. L. 101-246, title II, § 224, Feb. 16, 1990, 104 Stat. 56; amended Pub. L. 103-199, title III, § 301(2), Dec. 17, 1993, 107 Stat. 2322.)