

eign country, and may include an association of 2 or more foreign countries, dependent territories, or possessions of countries into a customs union outside the United States.

**(3) Real effective exchange rate**

The term “real effective exchange rate” means a weighted average of bilateral exchange rates, expressed in price-adjusted terms.

**(4) Secretary**

The term “Secretary” means the Secretary of the Treasury.

(Pub. L. 114–125, title VII, §701, Feb. 24, 2016, 130 Stat. 195.)

EX. ORD. NO. 13733. DELEGATION OF CERTAIN AUTHORITIES AND ASSIGNMENT OF CERTAIN FUNCTIONS UNDER THE TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015

Ex. Ord. No. 13733, July 22, 2016, 81 F.R. 49515, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Trade Facilitation and Trade Enforcement Act of 2015 (the “Act”) (Public Law 114–125) and section 301 of title 3, United States Code, I hereby order as follows:

SECTION 1. *Authorities and Functions under the Act.* (a) The functions of the President under section 2313A(b) of the Export Enhancement Act of 1988, as added by section 504 of the Act, are assigned to the Secretary of Commerce. In carrying out its functions, the State and Federal Export Promotion Coordination Working Group established by the Secretary of Commerce under this section shall also coordinate with local and municipal governments representing regionally diverse areas.

(b) The functions of the President under section 909(d) of the Act are assigned to the Secretary of State, in consultation with other relevant Federal agencies.

(c) The functions of the President under section 915(d) of the Act are assigned to the Administrator of the United States Agency for International Development, in consultation with the Secretary of State and the United States Trade Representative (U.S. Trade Representative).

(d) The functions of the President under section 915(e) of the Act are assigned to the U.S. Trade Representative, in consultation with the Secretary of State.

SEC. 2. *Engagement on Currency Exchange Rate and Economic Policies.* (a) Prior to undertaking an enhanced analysis of a country pursuant to section 701(a)(2)(A)(ii) of the Act, the Secretary of the Treasury shall seek the views of the U.S. Trade Representative on changes in trade restrictions in that country.

(b) In exercising the functions under section 701(b)(2)(A) of the Act, the Secretary of the Treasury shall consult with the Secretary of State in making any determination that commencing enhanced bilateral engagement with a country would cause serious harm to the national security of the United States.

(c) If the Secretary of the Treasury determines, pursuant to section 701(c)(1) of the Act, that a country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in section 701(b)(1)(A) of the Act with respect to that country, the Assistant to the President for Economic Policy, in consultation with the Secretary of the Treasury, the U.S. Trade Representative, the Secretary of State, and the Secretary of Commerce, shall make a recommendation to the President regarding which of the actions set forth in sections 701(c)(1)(A) through (D) of the Act the President should take, or whether the President should waive, pursuant to section 701(c)(2) of the Act, the requirement to take remedial action.

SEC. 3. *General Provisions.* (a) In exercising authority delegated by or performing functions assigned in this

order, the Secretaries of State, the Treasury, and Commerce and the U.S. Trade Representative and their delegates:

(i) shall ensure that all actions taken by them are consistent with the President’s constitutional authority to (A) conduct the foreign affairs of the United States, including the commencement, conduct, and termination of negotiations with foreign countries and international organizations; (B) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive’s constitutional duties; (C) recommend for congressional consideration such measures as the President may judge necessary or expedient; and (D) supervise the executive branch; and

(ii) may redelegate authority delegated by this order and may further assign functions assigned by this order to officers of any other department or agency within the executive branch to the extent permitted by law, including section 301 of title 3, United States Code, and such re delegation or further assignment shall be published in the Federal Register.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

**§ 4422. Advisory Committee on International Exchange Rate Policy**

**(a) Establishment**

**(1) In general**

There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the “Committee”).

**(2) Duties**

The Committee shall be responsible for advising the Secretary of the Treasury with respect to the impact of international exchange rates and financial policies on the economy of the United States.

**(b) Membership**

**(1) In general**

The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

(A) Three members shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(B) Three members shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(C) Three members shall be appointed by the President.

**(2) Qualifications**

Members shall be selected under paragraph (1) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

**(3) Terms****(A) In general**

Members shall be appointed for a term of 2 years or until the Committee terminates.

**(B) Reappointment**

A member may be reappointed to the Committee for additional terms.

**(4) Vacancies**

Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

**(c) Duration of Committee****(1) In general**

The Committee shall terminate on the date that is 2 years after February 24, 2016, unless renewed by the President for a subsequent 2-year period.

**(2) Continued renewal**

The President may continue to renew the Committee for successive 2-year periods by taking appropriate action to renew the Committee prior to the date on which the Committee would otherwise terminate.

**(d) Meetings**

The Committee shall hold not fewer than 2 meetings each calendar year.

**(e) Chairperson****(1) In general**

The Committee shall elect from among its members a chairperson for a term of 2 years or until the Committee terminates.

**(2) Reelection; subsequent terms**

A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

**(f) Staff**

The Secretary of the Treasury shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out the activities of the Committee.

**(g) Application of the Federal Advisory Committee Act****(1) In general**

Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

**(2) Exception**

Meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of section 10 and section 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary of the Treasury that such meetings will be concerned with matters the disclosure of which—

(A) would seriously compromise the development by the Government of the United States of monetary or financial policy; or

(B) is likely to—

(i) lead to significant financial speculation in currencies, securities, or commodities; or

(ii) significantly endanger the stability of any financial institution.

**(h) Authorization of appropriations**

There are authorized to be appropriated to the Secretary of the Treasury for each fiscal year in which the Committee is in effect \$1,000,000 to carry out this section.

(Pub. L. 114-125, title VII, § 702, Feb. 24, 2016, 130 Stat. 198.)

## REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (g), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

## SUBCHAPTER VII—PRECLEARANCE OPERATIONS

**§ 4431. Definitions**

In this subchapter:

**(1) Appropriate congressional committees**

The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

**(2) Secretary**

The term “Secretary” means the Secretary of Homeland Security.

(Pub. L. 114-125, title VIII, § 812, Feb. 24, 2016, 130 Stat. 217.)

## REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§ 811-819) of title VIII of Pub. L. 114-125, which is classified principally to this subchapter. For complete classification of subtitle B to the Code, see Short Title note set out under section 4301 of this title and Tables.

**§ 4432. Establishment of preclearance operations**

Pursuant to section 1629 of this title and section 1103(a)(7) of title 8, and provided that an aviation security preclearance agreement (as defined in section 44901(d)(4)(B) of title 49) is in effect, the Secretary may establish and maintain U.S. Customs and Border Protection preclearance operations in a foreign country—

(1) to prevent terrorists, instruments of terrorism, and other security threats from entering the United States;

(2) to prevent inadmissible persons from entering the United States;

(3) to ensure that merchandise destined for the United States complies with applicable laws;

(4) to ensure the prompt processing of persons eligible to travel to the United States; and