

46245; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 11 of Reorganization Plan No. 2 of 1977 (42 FR 62461 (December 13, 1977)) [set out above], Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) [31 U.S.C. 1531], and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to provide for the establishment of the International Communication Agency, it is hereby ordered as follows:

SECTION 1. (a) Reorganization Plan No. 2 of 1977 (42 FR 62461), which establishes the International Communication Agency, except for Section 7(a)(14) thereof, is hereby effective.

(b) Section 7(a)(14) of Reorganization Plan No. 2 of 1977, relating to the Woodrow Wilson Memorial Act of 1968 [20 U.S.C. 80e et seq.], shall be effective on July 1, 1978.

SEC. 2. The functions vested in the Secretary of State by Executive Order No. 11312 are assigned and redelegated to the Director of the International Communication Agency. All authority vested in the United States Information Agency or its Director by Executive order is reassigned and redelegated to the International Communication Agency or its Director, respectively.

SEC. 3. In order to ensure appropriate coordination among the Executive agencies, the Director of the International Communication Agency shall exercise primary responsibility for Government-wide policy guidance for international informational, educational, and cultural activities, including exchange programs. The Director shall take into account the statutory functions of the other concerned Executive agencies.

SEC. 4. The Director of the International Communication Agency, with the assistance of the Secretary of Education, shall prepare and submit to the President the reports which the President is to transmit to the Congress pursuant to Section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2458).

SEC. 5. The functions vested in the President by Sections 108(c) and 108(d) of the Mutual Educational and Cultural Exchange Act of 1961, as amended [22 U.S.C. 2458(c) and (d)], are delegated to the Director of the International Communication Agency; because, (a) such a delegation is in the interest of the purposes expressed in that Act and the efficient administration of the programs undertaken pursuant thereto, (b) the Director is an appropriate official to perform those functions, and (c) those functions are not now delegated to any other officer of the Government.

SEC. 6. The Director of the International Communication Agency shall be the principal adviser to the President, the National Security Council, and the Secretary of State on international informational, educational, and cultural matters. As such, the Director shall provide advice within the policy formulation activities of the National Security Council when such matters are considered. The Director shall ensure that the senior official of the Agency at each diplomatic mission provides advice to the Chief of Mission on such matters. The scope of the Director's advice shall include assessments of the impact of actual and proposed United States foreign policy decisions on public opinion abroad.

SEC. 7. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned, or redelegated as provided in this Order, are hereby transferred to the Director of the International Communication Agency.

SEC. 8. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions, necessary or appropriate to effectuate the transfers or reassignments provided in this Order, including the transfer of funds, records, property, and personnel.

SEC. 9. This Order shall be effective on April 1, 1978.

SEC. 10. In accord with the name change provisions of Section 303 of Public Law 97-241 [set out as a note above] and effective on August 24, 1982, references in this Order to the International Communication Agency shall be deemed to be references to the United States Information Agency.

[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.]

#### § 1461-1. Mission of United States Information Agency

The mission of the United States Information Agency shall be to further the national interest by improving United States relations with other countries and peoples through the broadest possible sharing of ideas, information, and educational and cultural activities. In carrying out this mission, the United States Information Agency shall, among other activities—

(1) conduct Government-sponsored information, educational, and cultural activities designed—

(A) to provide other peoples with a better understanding of the policies, values, institutions, and culture of the United States; and

(B) within the statutory limits governing domestic activities of the Agency, to enhance understanding on the part of the Government and people of the United States of the history, culture, attitudes, perceptions, and aspirations of others;

(2) encourage private institutions in the United States to develop their own exchange activities, and provide assistance for those exchange activities which are in the broadest national interest;

(3) coordinate international informational, educational, or cultural activities conducted or planned by departments and agencies of the United States Government;

(4) assist in the development of a comprehensive national policy on international communications; and

(5) promote United States participation in international events relevant to the mission of the Agency.

(Pub. L. 95-426, title II, §202, Oct. 7, 1978, 92 Stat. 972; Pub. L. 97-241, title III, §303(b), Aug. 24, 1982, 96 Stat. 291.)

#### CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Year 1979, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

#### TRANSFER OF FUNCTIONS

“United States Information Agency” substituted in text for “International Communication Agency” pursuant to section 303(b) of Pub. L. 97-241, set out as a note under section 1461 of this title. 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.

#### INCREASE IN FINANCIAL RESOURCES OF AGENCY FOR EXCHANGE-OF-PERSONS ACTIVITIES

Pub. L. 95-426, title II, §203, Oct. 7, 1978, 92 Stat. 973, as amended by Pub. L. 97-241, title III, §303(b), Aug. 24,

1982, 96 Stat. 291, provided that: “The President shall, by a process of gradual expansion during the four-year period beginning October 1, 1979, increase significantly the financial resources expended annually by the United States Information Agency for exchange-of-persons activities. The President shall prepare at an early date a general plan for the accomplishment of this goal and shall adjust that plan annually, as he finds appropriate, in consultation with the Congress.”

**§ 1461–1a. Clarification on domestic distribution of program material**

**(a) In general**

No funds authorized to be appropriated to the Department of State or the Broadcasting Board of Governors shall be used to influence public opinion in the United States. This section shall apply only to programs carried out pursuant to the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.). This section shall not prohibit or delay the Department of State or the Broadcasting Board of Governors from providing information about its operations, policies, programs, or program material, or making such available, to the media, public, or Congress, in accordance with other applicable law.

**(b) Rule of construction**

Nothing in this section shall be construed to prohibit the Department of State or the Broadcasting Board of Governors from engaging in any medium or form of communication, either directly or indirectly, because a United States domestic audience is or may be thereby exposed to program material, or based on a presumption of such exposure. Such material may be made available within the United States and disseminated, when appropriate, pursuant to sections 502 and 1005 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462 and 1437), except that nothing in this section may be construed to authorize the Department of State or the Broadcasting Board of Governors to disseminate within the United States any program material prepared for dissemination abroad on or before the effective date of section 1078 of the National Defense Authorization Act for Fiscal Year 2013.

**(c) Application**

The provisions of this section shall apply only to the Department of State and the Broadcasting Board of Governors and to no other department or agency of the Federal Government.

(Pub. L. 99–93, title II, §208, Aug. 16, 1985, 99 Stat. 431; Pub. L. 103–236, title II, §232, Apr. 30, 1994, 108 Stat. 424; Pub. L. 112–239, div. A, title X, §1078(c), Jan. 2, 2013, 126 Stat. 1958.)

REFERENCES IN TEXT

The United States Information and Educational Exchange Act of 1948, referred to in subsec. (a), is act Jan. 27, 1948, ch. 36, 62 Stat. 6, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title and Tables.

The United States International Broadcasting Act of 1994, referred to in subsec. (a), is title III of Pub. L.

103–236, Apr. 30, 1994, 108 Stat. 432, which is classified principally to chapter 71 (§6201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

The Radio Broadcasting to Cuba Act, referred to in subsec. (a), is Pub. L. 98–111, Oct. 4, 1983, 97 Stat. 749, which is classified generally to subchapter V–A (§1465 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1465 of this title and Tables.

The Television Broadcasting to Cuba Act, referred to in subsec. (a), is part D of title II of Pub. L. 101–246, Feb. 16, 1990, 104 Stat. 58, which is classified principally to subchapter V–B (§1465aa et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1465aa of this title and Tables.

For the effective date of section 1078 of the National Defense Authorization Act for Fiscal Year 2013 [Pub. L. 112–239], referred to in subsec. (b), see section 1078(e) of Pub. L. 112–239, set out as an Effective Date of 2013 Amendment note under section 1437 of this title.

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

2013—Pub. L. 112–239 amended section generally. Prior to amendment, text read as follows: “Except as provided in section 1461 of this title and this section, no funds authorized to be appropriated to the United States Information Agency shall be used to influence public opinion in the United States, and no program material prepared by the United States Information Agency shall be distributed within the United States. This section shall not apply to programs carried out pursuant to the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.). The provisions of this section shall not prohibit the United States Information Agency from responding to inquiries from members of the public about its operations, policies, or programs.”

1994—Pub. L. 103–236 inserted at end “The provisions of this section shall not prohibit the United States Information Agency from responding to inquiries from members of the public about its operations, policies, or programs.”

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112–239 effective and applicable on the date that is 180 days after Jan. 2, 2013, see section 1078(e) of Pub. L. 112–239, set out as a note under section 1437 of this title.

**§ 1461a. Omitted**

CODIFICATION

Section, act Aug. 31, 1960, Pub. L. 86–678, title IV, 74 Stat. 569, which related to exchange of funds in connection with establishments abroad, was from the Departments of State and Justice, the Judiciary, and Related Agencies Appropriation Act, 1961, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

July 13, 1959, Pub. L. 86–84, title IV, 73 Stat. 194.  
 June 30, 1958, Pub. L. 85–474, title IV, 72 Stat. 257.  
 June 11, 1957, Pub. L. 85–49, title IV, 71 Stat. 68.  
 June 20, 1956, ch. 414, title IV, 70 Stat. 312.  
 July 7, 1955, ch. 279, title IV, 69 Stat. 279.  
 July 2, 1954, ch. 456, title IV, 68 Stat. 432.

**§ 1461b. Indemnification of owners of short-wave radio facilities against loss or damage**

Notwithstanding the provisions of sections 1341, 1342, 1349 to 1351 and subchapter II of chap-