

section 303(b) of Pub. L. 97-241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title. Previously, "Director of the International Communication Agency" substituted for "President" in subsecs. (a) and (c), pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by President, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency or Director thereof, under this chapter, to Director of International Communication Agency, except (A) for such functions as are vested by sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by sections 2454(b), 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such function therein is vested in President or Secretary of State.

#### DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

### § 2454. Administration

#### (a) Delegation of powers; submission of proposal for delegation to Congress

The President may delegate, to such officers of the Government as he determines to be appropriate, any of the powers conferred upon him by this chapter to the extent that he finds such delegation to be in the interest of the purposes expressed in this chapter and the efficient administration of the programs undertaken pursuant to this chapter: *Provided*, That where the President has delegated any of such powers to any officer, before the President implements any proposal for the delegation of any of such powers to another officer, that proposal shall be submitted to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, and thereafter a period of not less than sixty days shall have elapsed while Congress is in session. In computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

#### (b) Employment of personnel

The President is authorized to employ such other personnel as he deems necessary to carry out the provisions and purposes of this chapter, and of such personnel not to exceed ten may be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, but not in excess of the highest rate of grade 18 of the General Schedule. Such positions shall be in addition to the number authorized by section 5108 of title 5.

#### (c) Repealed. Pub. L. 96-465, title II, § 2205(7), Oct. 17, 1980, 94 Stat. 2160

#### (d) Extension of benefits

For the purpose of performing functions under this chapter outside the United States, the Director of the United States Information Agency is authorized to provide that any person em-

ployed or assigned by a United States Government agency shall be entitled, except to the extent that the Director of the United States Information Agency may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 3950 of this title for individuals appointed to the Foreign Service.

#### (e) Grants; use of funds, counseling service; publicity and promotion abroad

(1) In providing for the activities and interchanges authorized by section 2452 of this title, grants may be made to or for individuals, either directly or through foundations or educational or other institutions, which foundations or institutions are public or private nonprofit, and may include funds for tuition and other necessary incidental expenses, for travel expenses from their places of residence and return for themselves, and, whenever it would further the purposes of this chapter, for the dependent members of their immediate families, for health and accident insurance premiums, emergency medical expenses, costs of preparing and transporting to their former homes the remains of any of such persons who may die while away from their homes as participants or dependents of participants in any program under this chapter, and for per diem in lieu of subsistence at rates prescribed by the Director of the United States Information Agency, for all such persons, and for such other expenses as are necessary for the successful accomplishment of the purposes of this chapter.

(2) Funds available for programs under this chapter may be used (i) to provide for orientation courses, language training, or other appropriate services and materials for persons traveling out of the countries of their residence for educational and cultural purposes which further the purposes of this chapter, whether or not they are receiving other financial support from the Government, and (ii) to provide or continue services to increase the effectiveness of such programs following the return of such persons to the countries of their residence.

(3) For the purpose of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the Director of the United States Information Agency may make suitable arrangements, by contract or otherwise, for the establishment and maintenance at colleges and universities in the United States attended by foreign students of an adequate counseling service.

(4) The Director of the United States Information Agency is authorized to provide for publicity and promotion (including representation) abroad of activities of the type provided for in this chapter, and of similar services and opportunities for interchange not supported by the United States Government.

**(f) Repealed. Pub. L. 96-60, title II, §203(a)(1), Aug. 15, 1979, 93 Stat. 398**

**(g) Currency exchange for foreign students and teachers coming temporarily to the United States**

(1) For the purpose of performing functions authorized by section 2452(b)(10) of this title, the President is authorized to establish the exchange rates at which all foreign currencies may be acquired through operations under such section, and shall issue regulations binding upon all embassies with respect to the exchange rates to be applicable in each of the respective countries where currency exchanges are authorized under such section.

(2) In performing the functions authorized under section 2452(b)(10) of this title, the President shall make suitable arrangements for protecting the interests of the United States Government in connection with the ownership, use, and disposition of all foreign currencies acquired pursuant to exchanges made under such section.

(3) The total amount of United States dollars acquired by any individual through currency exchanges under the authority of section 2452(b)(10) of this title shall in no event exceed \$3,000 during any academic year.

(4) An individual shall be eligible to exchange foreign currency for United States dollars at United States embassies under section 2452(b)(10) of this title only if he gives satisfactory assurances that (A) he will devote essentially full time to his proposed educational activity in the United States and will maintain good standing in relation to such program; (B) he will return to the country of his citizenship or nationality prior to coming to the United States and will render such public service as is determined acceptable for a period of time determined reasonable and necessary by the government of such country; and (C) he will not apply for an immigrant visa or for permanent residence or for a nonimmigrant visa under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] after having received any benefits under such section for a period of time equal to the period of study, research, instruction, or other educational activity he performed pursuant to such section.

(5) As used in section 2452(b)(10) of this title, the term “excess foreign currencies” means foreign currencies, which if acquired by the United States (A) would be in excess of the normal requirements of departments, agencies, and embassies of the United States for such currencies, as determined by the President, and (B) would be available for the use of the United States Government under applicable agreements with the foreign country concerned.

(Pub. L. 87-256, §104, Sept. 21, 1961, 75 Stat. 529; Pub. L. 87-793, §1001(j), Oct. 11, 1962, 76 Stat. 865; Pub. L. 89-698, title II, §203(b), Oct. 29, 1966, 80 Stat. 1071; 1977 Reorg. Plan No. 2, §7(a)(2), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 95-426, title II, §204(a), Oct. 7, 1978, 92 Stat. 973; Pub. L. 96-60, title II, §203(a)(1), Aug. 15, 1979, 93 Stat. 398; Pub. L. 96-465, title II, §§2205(7), 2206(a)(9), Oct. 17, 1980, 94 Stat. 2160, 2162; Pub. L. 97-241, title III, §303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 103-236, title II, §231, Apr. 30, 1994, 108 Stat. 424.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), (d), (e)(1), (2), (4), 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 Immigration and Nationality Act, referred to in subsec. (g)(4), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

#### CODIFICATION

In subsec. (b), “chapter 51 and subchapter III of chapter 53 of title 5” and “section 5108 of title 5” substituted for “the Classification Act of 1949, as amended” and “section 505 of the Classification Act of 1949, as amended”, respectively, on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. In the original, section 1105 of title 5 read section 505 of the Classification Act of 1949, as amended.

#### AMENDMENTS

1994—Subsec. (e)(4). Pub. L. 103-236 inserted before period at end “, and of similar services and opportunities for interchange not supported by the United States Government”.

1980—Subsec. (c). Pub. L. 96-465, §2205(7), struck out subsec. (c) which related to employment or assignment of persons in or to Foreign Service Reserve or Foreign Service Staff and alien clerks and employees.

Subsec. (d). Pub. L. 96-465, §2206(a)(9), among other changes, substituted reference to section 3950 of this title for reference to section 928 of this title and struck out provisions relating to the applicability of section 807 of this title.

1979—Subsec. (f). Pub. L. 96-60 struck out subsec. (f) relating to investigation-of-employees requirement.

1978—Subsec. (e)(1). Pub. L. 95-426 substituted “Director of the International Communication Agency” for “President”.

1966—Subsec. (g). Pub. L. 89-698 added subsec. (g).

1962—Subsec. (b). Pub. L. 87-793 substituted “but not in excess of the highest rate of grade 18 of the General Schedule for ‘and of these not to exceed five may be compensated at a rate in excess of the highest rate provided for grades of the general schedule established by the Classification Act of 1949, as amended, but not in excess of \$1,000 per annum more than such highest rate’”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, see section 209 of Pub. L. 96-60, set out as a note under section 1471 of this title.

#### EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on first day of first pay period which begins on or after Oct. 11, 1962, see Pub. L. 87-793, §1008, Oct. 11, 1962, 76 Stat. 868.

#### 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. "Director of the United States Information Agency" substituted for "Director of the International Communication Agency" in subsecs. (d) and (e)(1), (3), and (4), pursuant to section 303(b) of Pub. L. 97-241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title. Previously, "Director of the International Communication Agency" substituted for "Secretary of State" in subsec. (c) and for "President" in subsecs. (d), (e)(3), (4), pursuant to Reorg. Plan No. 2 of 1977, §7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by President, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency or Director thereof, under this chapter, to Director of International Communication Agency, except (A) for such functions as are vested by subsecs. (a), (e)(1), (2), (f), (g) of this section, sections 2452(b)(6), (10), 2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by subsec. (b) of this section and sections 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such function therein is vested in President or Secretary of State.

For transfer of functions and offices (relating to education) of Secretary and Department of Health, Education, and Welfare to Secretary and Department of Education, and termination of certain offices and positions under Ex. Ord. No. 11034, June 25, 1962, as amended, set out under this section, see sections 3441 and 3503 of Title 20, Education.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### EX. ORD. NO. 11034. ADMINISTRATION OF PROGRAMS

Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, as amended by Ex. Ord. No. 11380, Nov. 8, 1967, 32 F.R. 15627; Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256; 75 Stat. 527; hereinafter referred to as the Act) [this chapter] and as President of the United States, I find that the delegations set forth in this order are in the interest of the purposes expressed in the said Act and the efficient administration of the programs undertaken pursuant to that Act and determine that the delegates specified in the order are appropriate and I hereby order as follows:

SECTION 1. *Department of State.* (a) The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State:

(1) The functions so conferred by Sections 102(a)(1), 102(a)(2)(i), (ii), and (iv), 102(b)(3), (5) and (9), 103, 104(e)(3), and 105(d)(1) and (e) of the Act [sections 2452(a)(1), (2)(i), (ii), (iv), (b)(3), (5), (9), 2453, subsec. (e)(3) of this section, and 2455(d)(1), (e) of this title].

(2) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1), (2), (4), (7) and (8) of the Act (the provisions of Section 2(a) of this order notwithstanding) [section 2452(a)(2)(iii), (b)(1), (2), (4), (7), (8) of this title].

(3) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they pertain to liquidation of affairs respecting the Universal and International Exhibition of Brussels, 1958.

(4) The functions so conferred by Sections 104(d) and (e)(4) and 108(c) and (d) of the Act [subsecs. (d), (e)(4) of this section and section 2458(c), (d) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(5) The function so conferred by Section 104(e)(1) of the Act [subsec. (e)(1) of this section] of prescribing rates for per diem in lieu of subsistence; but in carrying out the said function as it relates to functions herein delegated to the Director of the United States Information Agency or the Secretary of Education, the Secretary of State shall consult with them.

(b) The Secretary of State, in collaboration with the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Education with respect to the functions delegated by Sections 2, 3, and 4, respectively, of this order, shall prepare and transmit to the President the reports which the President is required to submit to the Congress by Section 108(b) of the Act [section 2458(b) of this title], excluding, however, the reports for which the Director of the United States Information Agency is responsible under section 2(b) of this order.

(c) With respect to the carrying out of functions under Section 102(a)(2)(ii) of the Act [section 2452(a)(2)(ii) of this title] hereinabove delegated to the Secretary of State, the Director of the United States Information Agency shall participate in the planning of cultural and other attractions. Such participation shall include consultation in connection with (1) the selection and scheduling of such attractions, and (2) the designation of the areas where the attractions will be presented.

SEC. 2. *United States Information Agency.* (a) Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency:

(1) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1) [section 2452(a)(2)(iii), (b)(1) of this title]; Section 102(b)(2) [section 2452(b)(2) of this title] to the extent that it authorizes the type of centers now supported by the United States Information Agency abroad and designated as binational, community, or student centers; section 102(b)(4) [section 2452(b)(4) of this title] exclusive of professorships and lectureships; and Sections 102(b)(7) and (8) of the Act [section 2452(b)(7), (8) of this title]; all of the foregoing notwithstanding the provisions of Section 1(a)(2) of this order.

(2) The functions so conferred by Section 104(e)(4) of the Act [subsec. (e)(4) of this section] (the provisions of Sections 1(a)(4) and 3(b) of this order notwithstanding).

(3) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they are in respect of fairs, expositions, and demonstrations held outside of the United States, but exclusive of the functions delegated by the provisions of Section 1(a)(3) of this order.

(4) The functions so conferred by Sections 104(d) and 108(c) and (d) of the Act [subsec. (d) of this section and section 2458(c), (d) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(b) The Director of the United States Information Agency shall prepare and transmit to the President the reports which the President is required to submit to the Congress by section 108(b) of the Act [section 2458(b) of this title] to the extent that they are with respect to activities carried out by the United States Information Agency pursuant to section 102(a)(2)(iii) and section 102(a)(3) of the Act [section 2452(a)(2)(iii) and (a)(3) of this title].

(c) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they are in respect of fairs, expositions, and demonstrations held outside of the United States, but exclusive of the functions delegated by the provisions of Section 1(a)(3) of this order.

(d) The functions so conferred by Sections 104(d) and 108(c) and (d) of the Act [subsec. (d) of this section and

section 2458(c), (d) of this title) to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

SEC. 3. *Department of Commerce.* Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Secretary of Commerce:

(a) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they are in respect of fairs, exhibitions, and demonstrations held in the United States.

(b) The functions so conferred by Sections 104(e)(4) and 108(c) of the act [subsec. (e)(4) of this section and section 2458(c) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

SEC. 4. *Department of Education.* Subject to the provisions of Section 6 of this order, the functions conferred upon the President by Section 102(b)(6) of the Act [section 2452(b)(6) of this title] are hereby delegated to the Secretary of Education.

SEC. 5. *Certain incidental matters.* (a) In respect of functions hereinabove delegated to them, there is hereby delegated to the Secretary of State, the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Education, respectively:

(1) The authority conferred upon the President by Sections 105(d)(2) and (f) and 106(d) and (f) of the Act [sections 2455(d)(2), (f) and 2456(d), (f) of this title].

(2) Subject to the provisions of Section 5(b) and (c) of this order, the authority conferred upon the President by Section 104(b) of the Act [subsec. (b) of this section] to employ personnel.

(b) The employment, by any department or other executive agency under Section 5(a)(2) of this order, of any of the not to exceed ten persons who may be compensated with regard to the Classification Act of 1949 [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees] under Section 104(b) of the Act [subsec. (b) of this section] shall require prior authorization by the Secretary of State concurred in by the Director of the Office of Management and Budget.

(c) Persons employed or assigned by a department or other executive agency for the purpose of performing functions under the Act outside the United States shall be entitled, except in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3950). In cases in which the period of employment or assignment exceeds thirty months, persons so employed or assigned shall be entitled to such benefits if agreed by the agency in which such benefits may be exercised.

(d) Pursuant to Section 104(f) of the Act [subsec. (f) of this section], Executive Order No. 10450 of April 27, 1953 (18 F.R. 2489) [set out as a note under section 7311 of Title 5, Government Organization and Employees] is hereby established as the standards and procedures for the employment or assignment to duties of persons under the Act.

(e) Any officer to whom functions vested in the President by the Act are hereinabove delegated may (1) allocate to any other officer of the executive branch of the Government any funds appropriated or otherwise made available for the functions so delegated to him as he may deem appropriate for the best carrying out of the functions and (2) make available, for use in connection with any funds so allocated by him, any authority he has under this order.

SEC. 6. *Policy guidance.* In order to assure appropriate coordination of programs, and taking into account the statutory functions of the departments and other executive agencies concerned, the Secretary of State shall exercise primary responsibility for Government-wide leadership and policy guidance with regard to international educational and cultural affairs.

SEC. 7. *Functions reserved to the President.* (a) There are hereby excluded from the functions delegated by

the provisions of this order the functions conferred upon the President with respect to (1) the delegation of powers under Section 104(a) of the Act [subsec. (a) of this section], (2) the establishment of standards and procedures for the investigation of personnel under Section 104(f) of the Act [subsec. (f) of this section], (3) the transfer of appropriations under Section 105(c) of the Act [section 2455(c) of this title], (4) the appointment of members of the Board of Foreign Scholarships under Section 106(a)(1) of the Act [section 2456(a)(1) of this title], (5) the appointment of members, the designation of a chairman, and the receipt of recommendations of the United States Advisory Commission on International Educational and Cultural Affairs under Section 106(b) of the Act [section 2456(b) of this title], (6) the waiver of provisions of law or limitations of authority under Section 108(a) of the Act [section 2458(a) of this title], and (7) the submission of annual reports to the Congress under Section 108(b) of the Act [section 2458(b) of this title].

(b) Notwithstanding the delegations made by this order, the President may in his discretion exercise any function comprehended by such delegations.

SEC. 8. *Waivers.* (a) It is hereby determined that the performance by any department or other executive agency of functions authorized by Sections 102(a)(2) and 102(a)(3) of the Act (22 U.S.C. 2452(a)(2) and (3)) without regard to prohibitions and limitations of authority contained in the following-specified provisions of law is in furtherance of the purposes of the Act:

(1) Section 15 of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810), as amended (5 U.S.C. 55a) [section 3109(b) of Title 5, Government Organization and Employees] (experts and consultants; but the compensation paid individuals in pursuance of this paragraph shall not exceed the rate of \$100.00 per diem).

(2) Section 16(a) of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810; 5 U.S.C. 78) [section 1343, 1344, and 1349(b) of Title 31, Money and Finance] to the extent that it pertains to hiring automobiles and aircraft.

(3) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) [section 3324(a) and (b) of Title 31] (advance of funds).

(4) Section 322 of the Act of June 30, 1932, c. 314, 47 Stat. 412 ([former] 40 U.S.C. 278a) (maximum charges).

(5) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(6) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(7) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(8) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(9) Sections 302-305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252-255) (competitive bids; negotiated contracts; advances).

(10) Section 87 of the Act of January 12, 1895, c. 23, 28 Stat. 622, and the second proviso of Section 11 of the Act of March 1, 1919, c. 86, 40 Stat. 1270, as amended (44 U.S.C. 111) [section 501 of Title 44, Public Printing and Documents] to the extent that they pertain to printing by the Government Printing Office [now Government Publishing Office].

(11) Section 1 of the Act of June 20, 1978, c. 359, 20 Stat. 216, as amended (44 U.S.C. 322) [section 3703 of Title 44] (advertising).

(12) Section 3828 of the Revised Statutes (44 U.S.C. 324) [section 3702 of Title 44] (advertising).

(13) Section 901(a) of the Merchant Marine Act, 1936 (June 29, 1936, c. 858, 49 Stat. 2015, as amended; 46 U.S.C. [App.] 1241(a)) [now 46 U.S.C. 55302] (official travel overseas of United States officers and employees, and transportation of their personal effects, on ships registered under the laws of the United States).

(14) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit construction of buildings by the United States on property not owned by it.

(15) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit (i) receipt of admission fees or payments under contracts through advances or otherwise, for concessions, services, space, or other consideration, and the credit of such receipts to the applicable appropriation, and (ii) rental or lease for periods not exceeding ten years of buildings and grounds.

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps shall be taken by the administrative agencies concerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

SEC. 9. *Definition.* As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 10. *References to orders and acts.* Except as may for any reason be inappropriate:

(a) References in this order to the Act or any provision of the Act shall be deemed to include references thereto as amended from time to time.

(b) References in this order to any prior Executive order not superseded by this order shall be deemed to include references thereto as amended from time to time.

(c) References in this order to this order shall be deemed to include references thereto as amended from time to time.

SEC. 11. *Prior directives and actions.* (a) This order supersedes Executive Order No. 10716 of June 17, 1957, and Executive Order No. 10912 of January 18, 1961. Except to the extent that they may be inconsistent with law or with this order, other directives, regulations, and actions relating to the functions delegated by this order and in force immediately prior to the issuance of this order shall remain in effect until amended, modified, or revoked by appropriate authority.

(b) This order shall neither limit nor be limited by Executive Order No. 11014 of April 17, 1962 [formerly set out under this section].

(c) To the extent not heretofore superseded, there are hereby superseded the provisions of the letters of the President to the Director of the United States Information Agency dated August 16, 1955, and August 21, 1956 (22 F.R. 101-103).

SEC. 12. *Effective date.* The provisions of this order shall be effective immediately.

[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.]

EX. ORD. NO. 11380. AMENDING PRIOR EXECUTIVE ORDERS RELATING TO MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE AND TO ALLOWANCES AND BENEFITS FOR GOVERNMENT PERSONNEL ON OVERSEAS DUTY

Ex. Ord. No. 11380, Nov. 8, 1967, 32 F.R. 15627, provided: By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527; 22 U.S.C. 2451 et seq.) and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

PART I—MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE

SECTION 101. Executive Order No. 11034 of June 25, 1962 [set out as a note above], is hereby amended as follows:

(1) By changing the period at the end of section 1(b) to a comma and by inserting after that comma the following: "excluding, however, the reports for which the Director of the United States Information Agency is responsible under section 2(b) of this order."

(2) By substituting for the paragraph designations (a), (b), (c), and (d) in section 2 new paragraph designations

(1), (2), (3), and (4), respectively; by inserting the subsection designation (a) after the catchline of section 2; and by adding a new subsection (b) of section 2, reading as follows:

(b) The Director of the United States Information Agency shall prepare and transmit to the President the reports which the President is required to submit to the Congress by section 108(b) of the Act [section 2458(b) of this title] to the extent that they are with respect to activities carried out by the United States Information Agency pursuant to section 102(a)(2)(iii) and section 102(a)(3) of the Act [section 2452(a)(2)(iii) and (a)(3) of this title].

(3) By adding a new paragraph at the end of section 8(a), reading as follows:

"(15) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit (i) receipt of admission fees or payments under contracts through advances or otherwise, for concessions, services, space, or other consideration, and the credit of such receipts to the applicable appropriation, and (ii) rental or lease for periods not exceeding ten years of buildings and grounds."

(4) By adding a new paragraph at the end of section 10, reading as follows:

"(c) References in this order to this order shall be deemed to include references thereto as amended from time to time."

SEC. 2. It is hereby determined that the performance by any department or other executive agency of functions authorized by sections 102(a)(2) and 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(2) and (3)) without regard to the provisions and limitations referred to in section (8)(a)(15) of Executive Order No. 11034 of June 25, 1962 (to the extent set forth in the latter section) is in furtherance of the purposes of that Act.

PART II—APPROVAL OF CERTAIN REGULATIONS RELATING TO LIVING QUARTERS

SEC. 201. Executive Order No. 10903 of January 9, 1961, as amended [set out as a note under section 5921 of Title 5, Government Organization and Employees], is hereby further amended by inserting at the end of section 1 thereof a new paragraph (g), reading as follows:

"(g) The authority vested in the President by section 5912 of title 5 of the United States Code to approve regulations prescribed by heads of agencies (under which employees who are citizens of the United States permanently stationed in foreign countries may be furnished, without cost to them, living quarters, including heat, fuel, and light, in government-owned or rented buildings)."

LYNDON B. JOHNSON.

[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.]

EX. ORD. NO. 11770. DELEGATION OF FUNCTIONS RESPECTING INTERNATIONAL SYMPOSIUM ON GEOTHERMAL ENERGY—1975

Ex. Ord. No. 11770, Feb. 21, 1974, 39 F.R. 7127, provided: By virtue of the authority vested in me by section 104 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2454; hereinafter referred to as the act), and section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior is authorized, with respect to the International Symposium on Geothermal Energy to be held in San Francisco, California, in May 1975, to perform the functions conferred by section 102(b)(5), (7), and (8) of the act [section 2452(b)(5), (7) and (8) of this title].

SEC. 2. I find that the delegation made by section 1 of this order is in the interest of the purposes expressed in the act and the efficient administration of the International Symposium on Geothermal Energy.

SEC. 3. The delegation made by this order shall become effective upon the expiration of sixty days while the Congress is in session. In computing that sixty days, there shall be excluded days on which either House is not in session because of an adjournment of more than three days.

RICHARD NIXON.

### § 2455. Appropriations

#### (a) Availability

Amounts appropriated to carry out the purposes of this chapter are authorized to be made available until expended.

#### (b) Acquisition of foreign currencies

Funds appropriated for programs under this chapter may, without regard to section 3651<sup>1</sup> of the Revised Statutes (31 U.S.C. 543), be used for the acquisition from any source of foreign currencies in such amounts as may be necessary for current expenditures and for grants, including grants to foundations and commissions in accordance with international agreements providing for the accomplishment of the purposes of this chapter.

#### (c) Transfer of funds

Moneys appropriated to any department or agency of the Government in furtherance of the purposes of this chapter for research, technical aid, and educational and cultural programs, may be transferred by the President to any other appropriation available for like purposes, but no appropriation authorized by this chapter shall be increased or decreased by more than 10 per centum by reason of transfers pursuant to this subsection.

#### (d) Reserve and use of certain funds

The President is authorized—

(1) to reserve in such amounts and for such periods as he shall determine to be necessary to provide for the programs authorized by subsections (a)(1), (2)(i) of section 2452 of this title, and

(2) notwithstanding the provisions of any other law, to use in such amounts as may from time to time be specified in appropriation Acts, to the extent that such use is not restricted by agreement with the foreign nations concerned, for any programs authorized by this chapter,

any currencies of foreign nations received or to be received by the United States or any agency thereof—

(i) under agreements disposing of surplus property or settling lend-lease and other war accounts concluded after World War II;

(ii) as the proceeds of sales or loan repayments, including interest, for transactions heretofore or hereafter effected under the Food for Peace Act, as amended [7 U.S.C. 1691 et seq.];

(iii) in repayment of principal or interest on any other credit extended or loan heretofore or hereafter made by the United States or any agency thereof; or

(iv) as deposits to the account of the United States pursuant to section 1513(b)(6)<sup>1</sup> or sec-

tion 1513(h)<sup>1</sup> of this title, or any similar provision of any other law.

#### (e) Reservation and use of sums due or paid by the Republic of Finland

The Director of the United States Information Agency is further authorized to reserve and use for educational and cultural exchange programs and other activities authorized in subsections (a) and (b) of section 2452 of this title, in relation to Finland and the people of Finland, all sums due or paid on and after August 24, 1949, by the Republic of Finland to the United States as interest on or in retirement of the principal of the debt incurred under the Act of February 25, 1919, as refunded by the agreement dated May 1, 1923, pursuant to the authority contained in the Act of February 9, 1922, or of any other indebtedness incurred by that Republic and owing to the United States as a result of World War I.

#### (f) Contribution of funds, property, and services by foreign governments, international organizations, and private individuals, firms, associations, and agencies

Foreign governments, international organizations and private individuals, firms, associations, agencies, and other groups shall be encouraged to participate to the maximum extent feasible in carrying out this chapter and to make contributions of funds, property, and services which the President is authorized to accept, to be utilized to carry out the purposes of this chapter. Funds made available for the purposes of this chapter may be used to contribute toward meeting the expenses of activities carried out through normal private channels, by private means, and through foreign governments and international organizations.

#### (g) Currency exchanges

Notwithstanding any other provision of this chapter, there are authorized to be appropriated for the purposes of making currency exchanges under section 2452(b)(10) of this title, not to exceed \$10,000,000 for the fiscal year ending June 30, 1968, and not to exceed \$15,000,000 for the fiscal year ending June 30, 1969.

(Pub. L. 87-256, §105, Sept. 21, 1961, 75 Stat. 531; Pub. L. 89-698, title II, §203(c), Oct. 29, 1966, 80 Stat. 1072; 1977 Reorg. Plan No. 2, §7(a)(2), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 97-241, title III, §303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 103-236, title II, §227, Apr. 30, 1994, 108 Stat. 423; Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(S), June 18, 2008, 122 Stat. 1820, 1821.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (d), (f), and (g), 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.

Section 3651 of the Revised Statutes (31 U.S.C. 543), referred to in subsec. (b), was repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31, Money and Finance.

The Food for Peace Act, as amended, referred to in subsec. (d)(2)(ii), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification

<sup>1</sup> See References in Text note below.