

regions, and the impact of those practices on smoking rates, particularly among women and children. Such assessment shall be prepared and provided to interested agencies and other parties not later than December 31, 2001, and be updated as practicable.

(d) Research and Training in Tobacco Control. The HHS will develop a research and training program linking institutions in the United States and certain other countries in the field of tobacco control. Emphasis will be placed on the collection of standardized and comparable surveillance data; networks for communication, information and best practices; and the development and evaluation of culturally-targeted approaches to preventing tobacco use and increasing quit rates, especially among women and children.

SEC. 3. *General.* (a) Executive departments and agencies shall carry out the provisions of this order to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

(b) This order clarifies and strengthens Administration policy and does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers or employees, or any other person.

WILLIAM J. CLINTON.

§ 2102. Authority of Secretary

(a) Use of health research and research training resources

To carry out the purposes of clause (1) of section 2101 of this title, the Secretary of Health, Education, and Welfare (hereafter referred to as the "Secretary") may in the exercise of his responsibilities under the Vocational Rehabilitation Act, sections 191 to 194 of title 42, and any other provision of law, to conduct and support health research and research training, including research and research training relating to the rehabilitation of the handicapped, make such use of health research and research training resources in participating foreign countries as he may deem necessary and desirable.

(b) Fellowships; equipment, meetings and conferences; interchange of scientists and experts; consultants; compensation and travel expenses

To carry out his responsibilities under this section the Secretary may—

(1) establish and maintain fellowships in the United States and in participating foreign countries;

(2) make grants to public institutions or agencies and to nonprofit private institutions or agencies in the United States and in participating foreign countries for the purpose of establishing and maintaining fellowships;

(3) make grants or loans of equipment, medical, biological, physical, or chemical substances or other materials, for use by public institutions or agencies, or nonprofit private institutions or agencies, or by individuals, in participating foreign countries;

(4) participate and otherwise cooperate in any international health or medical research or research training meetings, conferences, or other activities;

(5) facilitate the interchange between the United States and participating foreign countries, and among participating foreign countries, of research scientists and experts who are engaged in experiments and programs of

research or research training, and in carrying out such purpose may pay per diem compensation, subsistence, and travel for such scientists and experts when away from their places of residence at rates not to exceed those provided in section 5703 of title 5 for persons in the Government service intermittently employed; and

(6) procure, in accordance with the provisions of section 3109 of title 5, the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at a rate to be fixed by the Secretary, but not in excess of \$50 per diem, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

(c) Definitions

For the purposes of this section—

(1) The term "health research" shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents, including but not limited to highway and aviation accidents.

(2) The term "participating foreign countries" means those foreign countries which cooperate with the United States in carrying out the purposes of this section.

(Pub. L. 86-610, § 4, July 12, 1960, 74 Stat. 365.)

REFERENCES IN TEXT

The Vocational Rehabilitation Act, referred to in subsec. (a), is act June 2, 1920, ch. 219, 41 Stat. 735, as amended, which was classified generally to chapter 4 (§31 et seq.) of Title 29, Labor, and was repealed by §500(a) of the Rehabilitation Act of 1973, Pub. L. 93-112, title V, Sept. 26, 1973, 87 Stat. 355. The Rehabilitation Act of 1973 is classified generally to chapter 16 (§701 et seq.) of Title 29. Section 500(a), classified to section 790 of Title 29, in part provided that references to the Vocational Rehabilitation Act in any other provision of law be deemed reference to the Rehabilitation Act of 1973.

CODIFICATION

In subsec. (b)(5), (6), "section 5703 of title 5" and "section 3109 of title 5" substituted for "section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2)" and "section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a)" 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.

TRANSFER OF FUNCTIONS

For transfer of functions and offices relating to the Rehabilitation Act of 1973 [see References in Text note above] of Secretary and Department of Health, Education, and Welfare to Secretary and Department of Education and redesignation of Secretary of Health, Education, and Welfare as Secretary of Health and Human Services, see sections 3441 and 3508 of Title 20, Education.

§ 2103. Authority of President

(a) Use of foreign currencies and credits

It is the sense of Congress that the President should use his authority under the Constitution and laws of the United States to accomplish the

purposes of section 2101 of this title and in accomplishing such purposes (1) use to the fullest extent practicable foreign currencies or credits available for utilization by the United States, (2) enter into agreements to use foreign currencies and credits available to other nations for use with the agreement of the United States, and (3) use any other foreign currencies and credits which may be made available by participating foreign countries.

(b) Disease and health deficiency investigations, experiments, and studies; rehabilitation

To carry out the purposes of section 2101 of this title the President, in cooperation with participating foreign countries, is authorized to encourage, support, and promote the planning and conduct of, and training for, research investigations, experiments, and studies in the United States and in participating foreign countries relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of mankind (including nutritional and other health deficiencies) or to the rehabilitation of the handicapped.

(c) Fellowships; equipment; technical assistance; interchange of scientists and experts; compensation and travel expenses; health science programs and projects; meetings and conferences; scientific publications

To carry out his responsibilities under this chapter the President may—

- (1) establish and maintain fellowships in participating foreign countries;
- (2) make financial grants to establish and maintain fellowships, and for other purposes, to public institutions and agencies and to non-profit private institutions and agencies, and to individuals in participating foreign countries, or contract with such institutions, agencies, or individuals without regard to section 3324(a) and (b) of title 31 and section 6101 of title 41;
- (3) make grants or loans of equipment, medical, biological, physical, or chemical substances or other materials, for use by such institutions, agencies, or individuals;
- (4) furnish technical assistance and advice to such institutions or agencies and in carrying out such purposes may pay the compensation and expenses of scientists and experts from the United States and other participating foreign countries;
- (5) facilitate the interchange among participating foreign countries of scientists and experts (including the payment of travel and subsistence for such scientists and experts when away from their places of residence);
- (6) cooperate and assist in the planning and conduct of research, research planning, and research training programs and projects by groups engaged in, or concerned with, research or research training endeavors in the health sciences, and, through financial grants or other appropriate means, assist in special research, research planning, or research training projects conducted by or under the auspices of such groups where they can effectively carry out such activities contemplated by this joint resolution;
- (7) encourage and support international communication in the sciences relating to

health by means of calling or cooperating in the convening, and financing or contributing to the financing of the expenses of, international scientific meetings and conferences; and provide, or arrange for the provision of, translating and other services, and issue or finance publications, leading to a more effective dissemination of relevant scientific information with respect to research conducted in the United States or participating foreign countries.

(d) Programs of an operational nature excepted from assistance

The activities authorized in this section shall not extend to the support of public health, medical care, or other programs of an operational nature as contrasted with research and research training nor shall any of the grants authorized by this section include grants for the improvement or extension of public health administration in other countries except for necessary research and research training in the science of public health and public health administration.

(e) Consultants; advisory committees; compensation and travel expenses

The President is authorized, to the extent he deems it necessary to carry out the purposes of section 2101 of this title, to employ experts and consultants or organizations thereof, as authorized by section 3109 of title 5 and create a committee or committees to be composed entirely of persons who are citizens of the United States to advise him in the administration of this chapter, individuals so employed and members of committees shall be entitled to receive compensation at a rate to be fixed by the President, but not to exceed \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

(f) Delegation of authority; regulations

The President may delegate any authority vested in him by this section to the Secretary of Health, Education, and Welfare. The Secretary may from time to time issue such regulations as may be necessary to carry out any authority which is delegated to him under this section, and may delegate performance of any such authority to the Surgeon General of the Public Health Service, the Director of the Office of Vocational Rehabilitation, the Chief of the Children's Bureau, or other subordinates acting under his direction.

(g) Use of foreign currencies and credits

In order to carry out the purposes of section 2101 of this title, and subject to section 1306 of title 31, the President may use or enter into agreements with foreign nations or organizations of nations to use the foreign currencies which accrue under title I of the Food for Peace Act [7 U.S.C. 1701 et seq.], and the Mutual Security Act of 1954, or which are otherwise available for utilization by the United States. The President is authorized to agree to the utilization by foreign nations, for programs designed to carry

out the purposes of section 2101 of this title in cooperation with the United States, of amounts deposited in special accounts pursuant to section 142(b)¹ of the Mutual Security Act of 1954, to the extent that the amounts in such accounts exceed the requirements of other programs covered by such section 142(b). Such utilization of amounts in special accounts shall be without regard to the second proviso in clause (iii) of such section 142(b).

(h) Repealed. Pub. L. 105-362, title VI, § 601(a)(2)(F), Nov. 10, 1998, 112 Stat. 3286

(i) Definitions

For the purposes of this section—

(1) the term “health research” shall include, but not be limited to, research, investigations, and studies relating to causes and methods of prevention of accidents, including but not limited to highway and aviation accidents.

(2) the term “participating foreign countries” means those foreign countries which cooperate with the United States in carrying out the purposes of this section.

(Pub. L. 86-610, § 5, July 12, 1960, 74 Stat. 366; Pub. L. 105-362, title VI, § 601(a)(2)(F), Nov. 10, 1998, 112 Stat. 3286; Pub. L. 110-246, title III, § 3001(b)(1)(A), (2)(P), June 18, 2008, 122 Stat. 1820.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c) and (e), was in the original “this joint resolution”, which enacted this chapter and section 308 of the Public Health Service Act (act July 1, 1944, ch. 373, 58 Stat. 682). Such section 308 was redesignated section 307 by Pub. L. 93-353, July 23, 1974, title I, § 106, 88 Stat. 367, and is classified to section 242l of Title 42, The Public Health and Welfare.

The Food for Peace Act, referred to in subsec. (g), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. Title I of the Act is classified to subchapter II (§ 1701 et seq.) of chapter 41 of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The Mutual Security Act of 1954, referred to in subsec. (g), is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2 to 11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101 to 103, ch. II, §§ 201 to 205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201 to 205(a) to (i), (k) to (n), ch. III, § 301, ch. IV, § 401(a) to (k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, § 205(j), ch. IV, 401(1), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104-127, title II, § 228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

Section 142(b) of the Mutual Security Act of 1954, referred to in subsec. (g), was classified to section 1852 of this title, and was repealed by Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460.

¹ See References in Text note below.

CODIFICATION

In subsec. (c)(2), “section 3324(a) and (b) of title 31 and section 6101 of title 41” substituted for “sections 3648 and 3709 of the Revised Statutes of the United States” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, which Act enacted Title 31, Money and Finance, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (e), “section 3109 of title 5” and “section 5703 of title 5” substituted for “section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a)” and “section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2)”, respectively, on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, which Act enacted Title 5, Government Organization and Employees.

In subsec. (g), “section 1306 of title 31” substituted for “section 1415 of the Supplemental Appropriation Act, 1953” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, which Act enacted Title 31, Money and Finance.

AMENDMENTS

2008—Subsec. (g). Pub. L. 110-246 substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

1998—Subsec. (h). Pub. L. 105-362 struck out subsec. (h) which read as follows: “The President shall transmit to the Congress at the beginning of each regular session, a report summarizing activities under this section and making such recommendations as he may deem appropriate.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-246 effective May 22, 2008, see section 4(b) of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

TRANSFER OF FUNCTIONS

Office of Vocational Rehabilitation redesignated Vocational Rehabilitation Administration which by Department of Health, Education, and Welfare reorganization became Rehabilitation Services Administration. The Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) established Rehabilitation Services Administration in Office of Secretary of Health, Education, and Welfare. Functions and offices of Secretary and Department of Health, Education, and Welfare relating to Rehabilitation Act of 1973 transferred to Secretary and Department of Education by section 3441 of Title 20, Education. The Secretary and Department of Health, Education, and Welfare redesignated Secretary and Department of Health and Human Services by section 3508(b) of Title 20, Education.

§ 2104. Authority of Federal officers and agencies unaffected

Nothing in this chapter shall be construed to repeal or restrict authority vested in the President, the Secretary of State, the Secretary of Health, Education, and Welfare, the Surgeon General of the Public Health Service, or any other officer or agency of the United States by any other provision of law.

(Pub. L. 86-610, § 6, July 12, 1960, 74 Stat. 369.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this joint resolution”, which enacted this chapter and section 308 of the Public Health Service Act (act July 1, 1944, ch. 373, 58 Stat. 682). Such section 308 was redesignated section 307 by Pub. L. 93-353, July 23, 1974, title I, § 106, 88 Stat. 367, and is classified to section 242l of Title 42, The Public Health and Welfare.

TRANSFER OF FUNCTIONS

See Transfer of Functions notes set out under sections 2102 and 2103 of this title.