

(b) There are allocated to the Secretary of Defense all funds made available for carrying out chapters 2 and 5 of Part II of the Act [22 U.S.C. 2311 et seq., 2347 et seq.].

(c) There are allocated to the Secretary of the Treasury all funds made available for carrying out section 129 of the Act [22 U.S.C. 2151aa].

(d) The Secretary of State, the Secretary of Defense, and the Secretary of the Treasury may allocate or transfer as appropriate any funds received under subsections (a), (b), and (c) of this section, respectively, to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

#### 1-9. GENERAL PROVISIONS

1-901. *Definition.* As used in this order, the word “function” includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

1-902. *References to Orders and Acts.* Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 [this chapter] (including references herein to “the Act”), (2) unrevoked provisions of the Mutual Security Act of 1954 [act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended], or (3) any other act that relates to the subject of this order shall be deemed to include references to any subsequent amendments thereto.

(b) References in any prior Executive order to the Mutual Security Act of 1954 [act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended] or any provisions thereof shall be deemed to be references to the Act [this chapter] or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any Act, and references in any other Executive order or in any memorandum delegation to provisions of any Act related to the subject of this order shall be deemed to include references to any provision of law that is the same or substantially the same as such provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

1-903. *Prior Executive Orders.* (a) The following are revoked:

(1) Executive Order No. 10973 [22 U.S.C. 2381 note] of November 3, 1961, as amended;

(2) section 2(a) of Executive Order No. 11579 [former 22 U.S.C. 2191 note], of January 19, 1971; and

(3) Executive Order No. 10893 [22 U.S.C. 2382 note] of November 8, 1960.

(b) The following are amended:

(1) section 3(a) of Executive Order No. 11846 of March 27, 1975, as amended [19 U.S.C. 2111 note], by adding the following new paragraph (12) after paragraph (11):

“(12) The Director of the United States International Development Cooperation Agency”;

(2) section 1-202 of [former] Executive Order 12065 of June 28, 1978, by striking out “The Administrator, Agency for International Development” and inserting in lieu thereof “The Director of the United States International Development Cooperation Agency”;

(3) section 2(a) of Executive Order No. 11958 of January 18, 1977 [22 U.S.C. 2751 note], by striking out “the Administrator of the Agency for International Development” and inserting in lieu thereof “the Director of the United States International Development Cooperation Agency”;

(4) section 3 of Executive Order 10900 of January 5, 1961 [7 U.S.C. 1691 note], by adding thereto the following new subsection:

“(d) The Secretary of State may redelegate to the Director of the United States International Develop-

ment Cooperation Agency, or to any other officer or agency of the Executive branch, functions delegated to such Secretary by this order.”;

(5) section 4 of Executive Order 11223 of May 12, 1965 [22 U.S.C. 2393 note], by inserting immediately following “the Secretary of State” the words “or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)”;

(6) the President’s memorandum of October 18, 1961, entitled “Determination Under Section 604(a) of the Foreign Assistance Act of 1961” (26 FR 10543) is amended by inserting after “the Secretary of State” each time it appears in such memorandum the words “or the Director of the United States International Development Cooperation Agency (with respect to non-military programs administered by such Agency)”.

[(c), (d) Revoked by Ex. Ord. No. 13118, §9, Mar. 31, 1999, 64 F.R. 16598.]

1-904. *Saving Provisions.* Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-905. *Effective Date.* The provisions of this order shall become effective as of October 1, 1979.

1-906. *Implementation.* In carrying out this order, officers of the United States 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; (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 and expedient; and (d) supervise the unitary executive branch.

[Pub. L. 105-277, div. G, subdiv. A, title XIV, §1422(a)(2), Oct. 21, 1998, 112 Stat. 2681-792, provided that sections 1-101 through 1-103, 1-401 through 1-403, and 1-801(a), and other provisions of Ex. Ord. No. 12163 that relate to the United States International Development Cooperation Agency or the Director thereof were repealed.]

### § 2381a. Strengthened management practices

#### (a) Declaration of beliefs

The Congress believes that United States foreign aid funds could be utilized more effectively by the application of advanced management decisionmaking, information and analysis techniques such as systems analysis, automatic data processing, benefit-cost studies, and information retrieval.

#### (b) Management system; establishment; scope

To meet this need, the President shall establish a management system that includes: the definition of objectives and programs for United States foreign assistance; the development of quantitative indicators of progress toward these objectives; the orderly consideration of alternative means for accomplishing such objectives; and the adoption of methods for comparing actual results of programs and projects with those anticipated when they were undertaken. The system should provide information to the agency and to Congress that relates agency resources, expenditures, and budget projections to

such objectives and results in order to assist in the evaluation of program performance, the review of budgetary requests, and the setting of program priorities.

(Pub. L. 87-195, pt. III, §621A, as added Pub. L. 90-554, pt. III, §302(b), Oct. 8, 1968, 82 Stat. 964; amended Pub. L. 95-424, title V, §502(d)(1), Oct. 6, 1978, 92 Stat. 959.)

#### AMENDMENTS

1978—Subsec. (c). Pub. L. 95-424 struck out subsec. (c) relating to annual reports to Congress by the President evaluating the progress made toward implementation of this section.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

#### DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

### § 2382. Coordination with foreign policy

#### (a) Powers or functions of Secretary of State

Nothing contained in this chapter shall be construed to infringe upon the powers or functions of the Secretary of State.

#### (b) Coordination among representatives of United States

The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to military assistance (including civic action) and military education and training programs are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

#### (c) Responsibility for supervision and general direction of assistance programs

Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(Pub. L. 87-195, pt. III, §622, Sept. 4, 1961, 75 Stat. 446; Pub. L. 89-171, pt. III, §302(a), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89-583, pt. III, §302(a), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90-629, ch. 4, §45(b)(1), (2), Oct. 22, 1968, 82 Stat. 1327; Pub. L. 94-329, title I, §106(b)(2), June 30, 1976, 90 Stat. 733.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 87-195, Sept. 4, 1961, 75

Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

#### AMENDMENTS

1976—Subsec. (b). Pub. L. 94-329, §106(b)(2)(A), inserted "and military education and training" after "(including civic action)".

Subsec. (c). Pub. L. 94-329, §106(b)(2)(B), inserted reference to military education and training programs in two places.

1968—Subsec. (b). Pub. L. 90-629, §45(b)(1), struck out "or sales" before "programs".

Subsec. (c). Pub. L. 90-629, §45(b)(2), struck out "and sales" and "or sales" before "programs" and "program", respectively.

1966—Subsec. (b). Pub. L. 89-583, §302(a)(1), substituted "(including civic action) or sales programs" for "(including any civic action and sales program)".

Subsec. (c). Pub. L. 89-583, §302(a)(2), substituted "economic assistance and military assistance and sales programs" and "military assistance (including civic action) or sales program" for "the assistance programs authorized by this chapter" and "military assistance program (including civic action and sales program)", respectively.

1965—Subsec. (b). Pub. L. 89-171, §302(a)(1), inserted "(including any civic action and sales program)".

Subsec. (c). Pub. L. 89-171, §302(a)(2), inserted "(including any civic action and sales program)".

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-629 effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

#### DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

#### EX. ORD. NO. 10338. COORDINATION PROCEDURES

Ex. Ord. No. 10338, Apr. 4, 1952, 17 F.R. 3009, provided:  
SECTION 1. *Functions of the Chief of the United States Diplomatic Mission.* (a) The Chief of the United States Diplomatic Mission in each country, as the representative of the President and acting on his behalf, shall coordinate the activities of the United States representatives (including the chiefs of economic missions, military assistance advisory groups, and other representatives of agencies of the United States Government) in such country engaged in carrying out programs under the Mutual Security Act of 1951 (hereinafter referred to as the Act) [section 1509 et seq. of this title], and he shall assume responsibility for assuring the unified development and execution of the said programs in such country. More particularly, the functions of each Chief of United States Diplomatic Mission shall include, with respect to the programs and country concerned:

(1) Exercising general direction and leadership of the entire effort.

(2) Assuring that recommendations and prospective plans and actions of the United States representatives are effectively coordinated and are consistent with and in furtherance of the established policy of the United States.

(3) Assuring that the interpretations and application of instructions received by the United States representatives from higher authority are in accordance with the established policy of the United States.

(4) Guiding the United States representatives in working out measures to prevent duplication in their efforts and to promote the most effective and efficient use of all United States officers and employees having mutual security responsibilities.

(5) Keeping the United States representatives fully informed as to current and prospective United States policies.