like articles imported into the Philippines from any other foreign country, or when more than one rate of ordinary customs duty is applicable to such like articles, the aggregate of such rates.

(b) As used in subsection (a) of this section:

(1) The terms ''includes'' and ''including'' shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(2) The term ''ordinary customs duty'' shall not include any import duty or charge which is imposed to compensate for an internal tax imposed in respect of a like domestic product or in respect of a commodity from which the imported product has been manufactured or produced in whole or in part.

(Mar. 24, 1934, ch. 84, § 18, as added Aug. 7, 1939, ch. 502, § 5, 53 Stat. 1231.)

REFERENCES IN TEXT

Paragraph 1622 of section 1201 of title 19, referred to in subsec. (a)(2), was repealed by act May 24, 1962, Pub. L. 87–456, title I, § 101(a), 76 Stat. 72.

Since their independence, the Philippine Islands have been a republic, and are no longer designated as a ''Commonwealth'' as referred to in par. (3) of subsec. (a) of this section. See note below.

Section 1101 of title 7, referred to in subsec. (a)(5), was omitted from the Code.

PHILIPPINE INDEPENDENCE

Philippine Islands granted independence by Proc. No. 2695, set out as a note under section 1394 of this title.

CHAPTER 16—GREEK AND TURKISH ASSISTANCE

§§ 1401 to 1410. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(1), (4), 68 Stat. 861

Section 1401, acts May 22, 1947, ch. 81, § 1, 61 Stat. 103; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43, authorized President to furnish assistance and prescribed type of assistance to be furnished. See sections 1451 to 1453 and 2395 of this title.

Section 1402, act May 22, 1947, ch. 81, § 2, 61 Stat. 104, related to allocation of funds to Government agencies. See section 2392 of this title.

Section 1403, act May 22, 1947, ch. 81, § 3, 61 Stat. 104, prescribed conditions precedent to receipt of assistance.

Section 1404, acts May 22, 1947, ch. 81, § 4, 61 Stat. 105; Apr. 3, 1948, ch. 169, title III, § 303, 62 Stat. 158, related to advancement and reimbursement of funds by and to R.F.C. and appropriations.

Section 1405, act May 22, 1947, ch. 81, § 5, 61 Stat. 105, related to rules and regulations and withdrawal of aid. See section 2367 of this title.

Section 1406, act May 22, 1947, ch. 81, § 6, 61 Stat. 105, related to termination of assistance. See section 2367 of this title.

Section 1407, act May 22, 1947, ch. 81, § 7, 61 Stat. 105, required President to submit quarterly reports to Congress. See section 2394 of this title.

Section 1408, act May 22, 1947, ch. 81, § 8, 61 Stat. 105, related to appointment and duties of chief of any mission to Greece and Turkey. See section 2391 of this title.

Section 1409, act Apr. 3, 1948, ch. 169, title III, § 302, 62 Stat. 158, related to additional appropriations.

Section 1410, act Apr. 3, 1948, ch. 169, title III, § 304, 62 Stat. 158, related to detail of certain personnel to missions in Greece and Turkey, and loyalty check.

See section 2151 et seq. of this title.

CHAPTER 17—RELIEF AID TO WAR-DEVASTATED COUNTRIES

§§ 1411 to 1417. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(2), (3), 68 Stat. 861

Section 1411, acts May 31, 1947, ch. 90, § 1, 61 Stat. 125; Dec. 17, 1947, ch. 520, § 16(a), 61 Stat. 939; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43, related to appropriation; uses; establishment of relief distribution missions; limitations on amounts; and advances by R.F.C.

Section 1412, act May 31, 1947, ch. 90, § 2, 61 Stat. 125, related to relief assistance. See sections 2354, 2385, and 2392 of this title.

Section 1413, act May 31, 1947, ch. 90, § 3, 61 Stat. 126, prescribed conditions governing relief assistance. See section 2171 et seq. of this title.

Section 1414, act May 31, 1947, ch. 90, § 4, 61 Stat. 127, related to supervision of relief supplies in recipient countries; appointment, compensation, and duties of field administrator; and delegation of President's authority. See sections 2381 and 2385 of this title.

Section 1415, act May 31, 1947, ch. 90, § 5, 61 Stat. 127, related to termination of relief by President or Congress. See section 2367 of this title.

Section 1416, act May 31, 1947, ch. 90, § 6, 61 Stat. 128, related to sale of relief supplies by recipient country; establishment of special account as revolving fund; termination; and disposition of balance.

Section 1417, act May 31, 1947, ch. 90, § 7, 61 Stat. 128, required the President to submit quarterly reports to Congress. See section 2394 of this title.

See section 2151 et seq. of this title.

Foreign Aid Act of 1947, act Dec. 17, 1947, ch. 520, §§ 1–18, 61 Stat. 934, which provided immediate aid urgently needed by peoples of Austria, China, France, and Italy and which was formerly set out as a note under former section 1411 of this title, was repealed by act Aug. 26, 1954, § 542(a)(3).

CHAPTER 18—UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
1431. Congressional declaration of objectives.
1432. Information on United States participation in United Nations.
1433. Definitions.
1434. Repealed.
1435. Delegation of authority by Director.
1436. Restriction on disclosure of information.
1437. Utilization of private agencies.
1438. Veterans' preference.
1439. Repealed.
1440. Regulation of similar type international activities of State Department.
1441. Omitted.
1442. Informational media guaranties.
(a) Authorization to make.
(b) Assumption of notes issued pursuant to section 1509(c)(2) of this title; advances.
(c) Limitations of time; total of guaranties outstanding.
(d) Sale of foreign currencies; special account; availability.
(e) Deposit of fees; availability.
(f) Advance payments.
(g) Separate accounts; transfers.
(h) Appropriations for restoration of realized impairment to capital; liquidation of notes.

SUBCHAPTER II—INTERCHANGE OF PERSONS, KNOWLEDGE, AND SKILLS BETWEEN UNITED STATES AND FOREIGN COUNTRIES

1446. Repealed.

Sec.
1447. Books and materials.
1448. Assistance to certain institutions abroad founded or sponsored by United States citizens.

SUBCHAPTER III—ASSIGNMENT OF SPECIALISTS

1451. Assignment of Government employees to requesting countries; governing regulations.
1452. Status and allowances of assigned personnel.
1453. Acceptance of office under foreign governments of assigned personnel; oath of allegiance.

SUBCHAPTER IV—PARTICIPATION BY GOVERNMENT AGENCIES

1456. Utilization of facilities and personnel of other Government agencies; reimbursement to agencies; report to Congress.
1457. Rendition of technical and other services to foreign governments; limitations.
1458. Policy governing rendition of services.

SUBCHAPTER V—DISSEMINATION ABROAD OF INFORMATION ABOUT THE UNITED STATES

1461. General authorization.
(a) Dissemination of information abroad.
(b) Dissemination of information within United States.
1461–1. Mission of United States Information Agency.
1461–1a. Ban on domestic activities by United States Information Agency.
1461a. Omitted.
1461b. Indemnification of owners of short-wave radio facilities against loss or damage.
1461c. Omitted.
1462. Policies governing information activities.
1463. Repealed.
1464. Voice of America/Europe.
1464a. USIA satellite and television.
(a) In general.
(b) Broadcast principles.
(c) Programs.
(d) Costs.
(e) Allocation of funds.
1464b. Voice of America hiring practices.
(a) Prohibition.
(b) Exception.
(c) Report.

SUBCHAPTER V–A—RADIO BROADCASTING TO CUBA

1465. Congressional findings and declaration of purposes.
1465a. Additional functions of United States Information Agency.
(a) Radio broadcasting to Cuba.
(b) Broadcasting as part of Voice of America.
(c) Location of broadcast facilities; frequency; leased time from nongovernmental shortwave stations.
(d) Changes in frequencies to other AM bands; jamming and interference.
(e) Voice of America: Cuba Service; Voice of America: Radio Marti program.
(f) Use of other facilities.
1465b. Cuba Service of Voice of America.
1465c. Advisory Board for Cuba Broadcasting.
(a) Establishment; membership; chairperson.
(b) Review; recommendations.
(c) Terms; vacancies.
(d) Ex officio members.
(e) Compensation; travel expenses.
(f) Procurement powers of Board.
(g) Indefinite life span of Board.
(h) Authorization of appropriations.
1465d. Assistance from other government agencies.
1465e. Compensation for Cuban interference with broadcasting in United States.
(a) Interim assistance to United States broadcasters.
(b) Money payments pursuant to authority from Federal Communications Commission.
(c) Regulations and procedures.
(d) Authorization of appropriations.
(e) Four-year availability for appropriated funds.
(f) Presidential task force.
(g) Effective date.
1465f. Authorization of appropriations.
1465g. Repealed.

SUBCHAPTER V–B—TELEVISION BROADCASTING TO CUBA

1465aa. Findings and purposes.
1465bb. Television broadcasting to Cuba.
(a) Television broadcasting to Cuba.
(b) Voice of America standards.
(c) USIA Television Marti.
(d) Frequency assignment.
(e) Interference with domestic broadcasting.
(f) Monitoring of interference.
(g) Task force.
1465cc. Television Marti Service of United States Information Agency.
(a) Television Marti Service.
(b) Use of existing facilities of USIA.
(c) USIA authority.
1465dd. Assistance from other Government agencies.
1465ee. Authorization of appropriations.
(a) Authorization of appropriations.
(b) Limitation.
(c) Availability of funds.
1465ff. Definitions.

SUBCHAPTER VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

1466 to 1468. Omitted.
1469. United States Advisory Commission on Public Diplomacy.
(a) Establishment.
(b) Staff.
(c) Duties and responsibilities.
(d) Limitation on authority.

SUBCHAPTER VII—ADMINISTRATIVE PROCEDURE

1471. Authority of Director of United States Information Agency.
1472. United States Information Agency and other Government agencies.
(a) Authority of agencies.
(b) Contracts for telecommunication activities, etc.; availability of appropriations; cancellation costs.
1473. Use of existing Government property and facilities.
1474. Additional authority of Director of United States Information Agency or other Government agency authorized to administer provisions.
1475. Travel expenses.
1475a. Replacement of passenger motor vehicles.
1475b. Seal of United States Information Agency; judicial notice.
1475c. Acting Associate Directors.
1475d. Compensation for disability or death.
1475e. Use of certain fees and payments.
1475f. Debt collection.
(a) Contract authority.
(b) Disclosure of delinquent debt to credit reporting agencies.
1475g. USIA posts and personnel overseas.
(a) Limitation.
(b) Notification.
(c) Exceptions.
1475h. USIA grants.

Sec.
(a) Competitive grant procedures.
(b) Exceptions.
(c) Compliance with grant guidelines.
(d) Report to Congress.

SUBCHAPTER VIII—APPROPRIATIONS AND OTHER FUNDS

1476. Prior authorizations by Congress.
1477. Transfer of funds.
1477a. Omitted.
1477b. Nondiscretionary personnel costs and currency fluctuations.
(a) Availability of appropriations until expended.
(b) Additional appropriations.
(c) Appropriations authorization based on currency fluctuations; Buying Power Maintenance account.
1477c. Notification of reprogramings and grants; covered programs, projects, or activities; award of program grants.
(a) Availability of appropriated funds.
(b) Notification to Congressional committees.
(c) Period of availability of appropriated funds.
1478. Reimbursement of program expenses from sources other than appropriations; disposition of receipts.
1479. Advancement of funds, property, or services by foreign governments; disposition; availability; return of unexpended balances or property.
1480. Repealed.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2054, 2056, 2275, 2458, 2681 of this title.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1431. Congressional declaration of objectives

The Congress declares that the objectives of this chapter are to enable the Government of the United States to promote a better understanding of the United States in other countries, and to increase mutual understanding between the people of the United States and the people of other countries. Among the means to be used in achieving these objectives are—

(1) an information service to disseminate abroad information about the United States, its people, and policies promulgated by the Congress, the President, the Secretary of State and other responsible officials of Government having to do with matters affecting foreign affairs;

(2) Repealed. Pub. L. 87–256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538.

(Jan. 27, 1948, ch. 36, title I, § 2, 62 Stat. 6; Pub. L. 87–256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538.)

AMENDMENTS

1961—Pub. L. 87–256 repealed par. (2) which authorized an educational exchange service to cooperate with other nations in the interchange of persons, knowledge, and skills, in the rendering of technical and other services, and in the interchange of developments in the field of education, the arts, and sciences. See section 2451 et seq. of this title.

TERMINATION OF CHAPTER

Section 1006 of act Jan. 27, 1948, provided that: ''The authority granted under this Act [this chapter] shall terminate whenever such termination is directed by concurrent resolution of the two Houses of the Congress.''

SHORT TITLE OF 1983 AMENDMENT

For short title of Pub. L. 98–111, which enacted subchapter V–A of this chapter, as the ''Radio Broadcasting to Cuba Act'', see section 1 of Pub. L. 98–111, set out as a Short Title note under section 1465 of this title.

SHORT TITLE OF 1973 AMENDMENT

Pub. L. 93–168, Nov. 29, 1973, 87 Stat. 688, which amended section 1476 of this title, is known as the ''United States Information Agency Appropriations Authorization Act of 1973''. For complete classification of this Act to the Code, see Short Title of 1973 Amendment note set out under section 1476 of this title and Tables.

SHORT TITLE

Section 1 of act Jan. 27, 1948, provided that: ''This Act [enacting this chapter] may be cited as the 'United States Information and Educational Exchange Act of 1948'.''

SEPARABILITY

Section 1010 of act Jan. 27, 1948, provided that: ''If any provision of this Act [enacting this chapter] or the application of any such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act [this chapter] and the applicability of such provision to other persons or circumstances shall not be affected thereby.''

TRANSFER OF FUNCTIONS

All functions vested in the President, the Secretary of State, the Department of State, the United States Information Agency, or the Director thereof, under this chapter, were transferred to the Director of the International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(1), 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 the President, except to the extent that such functions were vested in the President under sections 1452, 1456, and 1467 of this title. The International Communication Agency, and the Director thereof, were redesignated the United States Information Agency, and the Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87–256, set out as a note under section 2451 of this title.

§ 1432. Information on United States participation in United Nations

In carrying out the objectives of this chapter, information concerning the participation of the United States in the United Nations, its organizations and functions, shall be emphasized.

(Jan. 27, 1948, ch. 36, title I, § 3, 62 Stat. 6.)

§ 1433. Definitions

When used in this chapter, the term—

(1) ''Director'' means the Director of the United States Information Agency.

(2) ''Agency'' means the United States Information Agency.

(3) ''Government agency'' means any executive department, board, bureau, commission, or other agency of the Federal Government, or independent establishment, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(Jan. 27, 1948, ch. 36, title I, § 4, 62 Stat. 6; 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637; Pub. L. 97–241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291.)

TRANSFER OF FUNCTIONS

''Director of the United States Information Agency'' substituted for ''Director of the International Communication Agency'' in par. (1) and ''United States Information Agency'' substituted for ''International Communication Agency'' in par. (2), pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title.

'''Director' means the Director of the International Communication Agency'' substituted for '''Secretary' means the Secretary of State'' in par. (1), pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 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, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title. Director of International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate performance of any such transferred functions to any officer, employee, or unit of International Communication Agency. Accordingly, '''Agency' means the International Communication Agency'' also substituted for '''Department' means the Department of State'' in par. (2).

§ 1434. Repealed. Pub. L. 96–60, title II, § 203(a)(1), Aug. 15, 1979, 93 Stat. 398

Section, acts Jan. 27, 1948, ch. 36, title X, § 1001, 62 Stat. 13; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783, provided for loyalty check of personnel. Pub. L. 87–256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538, previously repealed this section insofar as it related to persons employed or assigned to duties under the Mutual Educational and Cultural Exchange Act of 1961.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1979, see section 209 of Pub. L. 96–60, set out as an Effective Date note under section 1469 of this title.

§ 1435. Delegation of authority by Director

The Director may delegate, to such officers of the Government as the Director 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.

(Jan. 27, 1948, ch. 36, title X, § 1002, 62 Stat. 13; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

§ 1436. Restriction on disclosure of information

Nothing in this chapter shall authorize the disclosure of any information or knowledge in any case in which such disclosure (1) is prohibited by any other law of the United States, or (2) is inconsistent with the security of the United States.

(Jan. 27, 1948, ch. 36, title X, § 1003, 62 Stat. 13.)

§ 1437. Utilization of private agencies

In carrying out the provisions of this chapter it shall be the duty of the Director to utilize, to the maximum extent practicable, the services and facilities of private agencies, including existing American press, publishing, radio, motion picture, and other agencies, through contractual arrangements or otherwise. It is the intent of Congress that the Director shall encourage participation in carrying out the purposes of this chapter by the maximum number of different private agencies in each field consistent with the present or potential market for their services in each country.

(Jan. 27, 1948, ch. 36, title X, § 1005, 62 Stat. 14; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

§ 1438. Veterans' preference

No provision of this chapter shall be construed to modify or to repeal the provisions of sections 1302(b), (c), 2108, 3305(b), 3306(a)(2), 3308 to 3318, 3319(b), 3320, 3351, 3363, 3364, 3501 to 3504, 7511, 7512, and 7701 of title 5.

(Jan. 27, 1948, ch. 36, title X, § 1007, 62 Stat. 14.)

REFERENCES IN TEXT

Section 3306 of title 5, referred to in text, was repealed by Pub. L. 95–228, § 1, Feb. 10, 1978, 92 Stat. 25.

Section 3319 of title 5, referred to in text, was repealed by Pub. L. 95–454, title III, § 307(h)(1), Oct. 13, 1978, 92 Stat. 1149.

Section 3364 of title 5, referred to in text, was repealed by Pub. L. 94–183, § 2(6), Dec. 31, 1975, 89 Stat. 1057.

Sections 7511 and 7512 of title 5, referred to in text, which related to adverse actions against preference eligible employees and comprised subchapter II of chapter 75 of Title 5, Government Organization and Employees, were repealed by Pub. L. 95–454 and replaced by a new subchapter II (§§ 7511–7514) of chapter 75 relating to removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less.

CODIFICATION

''Sections 1302(b), (c), 2108, 3305(b), 3306(a)(2), 3308 to 3318, 3319(b), 3320, 3351, 3363, 3364, 3501 to 3504, 7511, 7512, and 7701 of title 5'' substituted in text for ''the Veterans' Preference Act of 1944'' 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.

§ 1439. Repealed. Pub. L. 96–470, title I, § 117, Oct. 19, 1980, 94 Stat. 2240

Section, acts Jan. 27, 1948, ch. 36, title X, § 1008, 62 Stat. 14; Sept. 21, 1961, Pub. L. 87–256, § 111(a)(2), 75 Stat. 538; Oct. 26, 1974, Pub. L. 93–475, § 7, 88 Stat. 1440; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, required the Director to submit annual reports to Congress on expenditures made and activities carried on under this chapter, including appraisals and measurements, where feasible, as to the effectiveness of the several programs in each country where conducted. Pub. L. 87–256, § 111(9)(2), Sept. 21, 1961, 75 Stat. 538, previously repealed this section insofar as it related to educational exchange activities. See section 2458(b) of this title.

§ 1440. Regulation of similar type international activities of State Department

All provisions in this chapter regulating the administration of international information activities and educational exchanges provided herein, shall apply to all such international activities under jurisdiction of the Department of State.

(Jan. 27, 1948, ch. 36, title X, § 1009, 62 Stat. 14.)

PARTIAL REPEAL

Pub. L. 87–256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538, repealed this section insofar as it relates to educational exchange activities. See section 2451 et seq. of this title.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87–256, set out as a note under section 2451 of this title.

§ 1441. Omitted

CODIFICATION

Section, based on third proviso under subheading ''International Information and Education Activities'' under heading ''State Department'' of Title I of the Supplemental Appropriation Act, 1950 (approved Oct. 14, 1949, ch. 694, 63 Stat. 878), authorized the acquisition of land outside the continental United States, and was not repeated in the Department of State Appropriation Act, 1951 (approved Sept. 6, 1950, ch. 896, ch. III, title I, 64 Stat. 609), or other appropriation acts.

§ 1442. Informational media guaranties

(a) Authorization to make

The Director of the United States Information Agency may make guaranties, in accordance with the provisions of subsection (b) of section 1933[1] of this title, of investments in enterprises producing or distributing informational media consistent with the national interests of the United States: *Provided*, That the purpose of making informational media guaranties shall be the achievement of the foreign policy objectives of the United States, including the objective mentioned in sections 1933(b)(4)(A)[1] and 1933(b)(4)(G)[1] of this title.

(b) Assumption of notes issued pursuant to section 1509(c)(2) of this title; advances

The Director is authorized to assume the obligation of not to exceed $28,000,000 of the notes authorized to be issued pursuant to section 1509(c)(2)[1] of this title, together with the interest accrued and unpaid thereon, and to obtain advances from time to time from the Secretary of the Treasury up to such amount, less amounts previously advanced on such notes, as provided for in said notes. Such advances shall be deposited in a special account in the Treasury available for payments under informational media guaranties.

(c) Limitations of time; total of guaranties outstanding

The Director is authorized to make informational media guaranties without regard to the limitations of time contained in section 1933(b)(4)[1] of this title, but the total of such guaranties outstanding at any one time shall not exceed the sum of the face amount of the notes assumed by the Director less the amounts previously advanced on such notes by the Secretary of the Treasury plus the amount of the funds in the special account referred to in subsection (b) of this section.

(d) Sale of foreign currencies; special account; availability

Foreign currencies available after June 30, 1955, from conversions made pursuant to the obligation of informational media guaranties may be sold, in accordance with Treasury Department regulations, for dollars which shall be deposited in the special account and shall be available for payments under new guaranties. Such currencies shall be available, as may be provided for by the Congress in appropriation Acts, for use for educational, scientific, and cultural purposes which are in the national interest of the United States, and for such other purposes of mutual interest as may be agreed to by the governments of the United States and the country from which the currencies derive.

(e) Deposit of fees; availability

Notwithstanding the provisions of section 1933(b)(4)(E)[1] of this title, (1) fees collected for

[1] See References in Text note below.

the issuance of informational media guaranties shall be deposited in the special account and shall be available for payments under informational media guaranties; and (2) the Director may require the payment of a minimum charge of up to fifty dollars for issuance of guaranty contracts, or amendments thereto.

(f) Advance payments

The Director is further authorized, under such terms as he may prescribe, to make advance payments under informational media guaranties: *Provided*, That currencies receivable from holders of such guaranties on account of such advance payments shall be paid to the United States within nine months from the date of the advance payment and that appropriate security to assure such payments is required before any advance payment is made.

(g) Separate accounts; transfers

As soon as feasible after July 18, 1956, all assets, liabilities, income, expenses, and charges of whatever kind pertaining to informational media guaranties, including any charges against the authority to issue notes provided in section 1509(c)(2)[1] of this title, cumulative from April 3, 1948, shall be accounted for separately from other guaranties issued pursuant to section 1933(b)[1] of this title: *Provided*, That there shall be transferred from the special account established pursuant to subsection (b) of this section, into the account available for payments under guaranties other than the informational media guaranties, an amount equal to the total of the fees received for the issuance of guaranties other than informational media guaranties, and used to make payments under informational media guaranties.

(h) Appropriations for restoration of realized impairment to capital; liquidation of notes

(1) There is authorized to be appropriated annually an amount to restore in whole or in part any realized impairment to the capital used in carrying on the authority to make informational media guaranties, as provided in subsection (c) of this section, through the end of the last completed fiscal year.

(2) Such impairment shall consist of the amount by which the losses incurred and interest accrued on notes exceed the revenue earned and any previous appropriations made for the restoration of impairment. Losses shall include the dollar losses on foreign currencies sold, and the dollar cost of foreign currencies which (a) the Secretary of the Treasury, after consultation with the Director, has determined to be unavailable for, or in excess of, requirements of the United States, or (b) have been transferred to other accounts without reimbursement to the special account.

(3) Dollars appropriated pursuant to this section shall be applied to the payment of interest and in satisfaction of notes issued or assumed hereunder, and to the extent of such application to the principal of the notes, the Director is authorized to issue notes to the Secretary of the Treasury which will bear interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the guaranties. The currencies determined to be unavailable for, or in excess of, requirements of the United States as provided above shall be transferred to the Secretary of the Treasury to be held until disposed of, and any dollar proceeds realized from such disposition shall be deposited in miscellaneous receipts.

(4) Section 1476(a) of this title shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued interest thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on August 24, 1982.

(Jan. 27, 1948, ch. 36, title X, § 1011, as added Aug. 26, 1954, ch. 937, title V, § 544(a), 68 Stat. 862; amended Aug. 26, 1954, ch. 937, title V, § 544(g), as added July 18, 1956, ch. 627, § 11(a), 70 Stat. 563, and amended Pub. L. 85–141, § 11(b)(1), Aug. 14, 1957, 71 Stat. 365; Pub. L. 85–477, ch. V, § 502(i), June 30, 1958, 72 Stat. 274; Pub. L. 86–108, ch. VII, § 701(c), July 24, 1959, 73 Stat. 257; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 97–241, title III, §§ 303(b), 304(f), Aug. 24, 1982, 96 Stat. 291, 293.)

REFERENCES IN TEXT

Section 1933 of this title, referred to in subsecs. (a), (c), (e), and (g), was repealed by Pub. L. 87–195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460. See section 2351 of this title.

Section 1509 of this title, referred to in subsecs. (b) and (g), was repealed by act Aug. 26, 1954, ch. 937, title V, § 542(a)(4), (6), (9), (10), (11), 68 Stat. 861. See section 1754 et seq. of this title.

AMENDMENTS

1982—Subsec. (h)(4). Pub. L. 97–241, § 304(f), added par. (4).

1959—Subsec. (a). Pub. L. 86–108 provided that the purpose of making informational media guaranties shall be the achievement of the foreign policy objectives of the United States, including the objective mentioned in former sections 1933(b)(4)(A) and 1933(b)(4)(G) of this title, now covered by section 2351 of this title.

1958—Subsec. (h). Pub. L. 85–477 added subsec. (h).

1956—Subsec. (a). Act Aug. 26, 1954, § 544(g), as added by act July 18, 1956, designated as subsec. (a) the entire former section and amended it to eliminate provisions which permitted the Director to make guaranties against funds made available by notes issued pursuant to section 1509(c)(2) of this title and which limited the amount of such guaranties in any fiscal year to not more than $10,000,000. Such provisions were covered by subsecs. (b) to (g) of this section.

Subsecs. (b) to (g). Act Aug. 26, 1954, § 544(g), as added by act July 18, 1956, added subsecs (b) to (g).

REPEALS

Section 544(a), (g) of act Aug. 26, 1954, cited as a credit to this section, was repealed by section 11(b)(1) of Pub. L. 85–141, except in so far as section 544(a), (g) affected this section.

TRANSFER OF FUNCTIONS

"Director of the United States Information Agency" substituted for "Director of the International Communication Agency" in subsec. (a), pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title. Previously, "Director of the International Communication Agency" substituted for "Director of the United States Information Agency", pur-

suant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 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, and Director thereof, under this chapter, to Director of International Communication Agency except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title.

SUBCHAPTER II—INTERCHANGE OF PERSONS, KNOWLEDGE, AND SKILLS BETWEEN UNITED STATES AND FOREIGN COUNTRIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1471 of this title.

§ 1446. Repealed. Pub. L. 87–256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538

Section, acts Jan. 27, 1948, ch. 36, title II, § 201, 62 Stat. 7; June 27, 1952, ch. 477, title IV, § 402(f), 66 Stat. 276; June 4, 1956, ch. 356, 70 Stat. 241, authorized the interchange of persons on a reciprocal basis between the United States and other countries, provided for orientation courses, admission as nonimmigrant visitors, deportation, and eligibility requirements for reentry under changed status. See section 2451 et seq. of this title.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87–256, set out as a note under section 2451 of this title.

§ 1447. Books and materials

The Director is authorized to provide for interchanges between the United States and other countries of books and periodicals, including government publications, for the translation of such writings, and for the preparation, distribution, and interchange of other educational materials.

(Jan. 27, 1948, ch. 36, title II, § 202, 62 Stat. 7; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

So much of functions vested in Secretary of State with respect to interchange of books and periodicals and aid to libraries and communities centers under this section and section 1448 of this title as is an integral part of information programs under this chapter, together with so much of functions as is incidental to or necessary for performance of such functions, transferred to Director of United States Information Agency by Reorg. Plan No. 8 of 1953, eff. Aug. 1, 1953, 18 F.R. 4542, set out as a note under section 1461 of this title.

§ 1448. Assistance to certain institutions abroad founded or sponsored by United States citizens

The Director is authorized to provide for assistance to schools, libraries, and community centers abroad, founded or sponsored by citizens of the United States, and serving as demonstration centers for methods and practices employed in the United States. In assisting any such schools, however, the Director shall exercise no control over their educational policies and shall in no case furnish assistance of any character which is not in keeping with the free democratic principles and the established foreign policy of the United States.

(Jan. 27, 1948, ch. 36, title II, § 203, 62 Stat. 7; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

PARTIAL REPEAL

Pub. L. 87–256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538, repealed this section insofar as it relates to schools. See section 2451 et seq. of this title.

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

Functions vested in Secretary of State by this section and section 1462 of this title, together with so much of functions as is incidental to or necessary for performance of such functions, transferred to Director of United States Information Agency by Reorg. Plan No. 8, of 1953, eff. Aug. 1, 1953, 18 F.R. 4542, set out as a note under section 1461 of this title.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of this section, see section 111(b) of Pub. L. 87–256, set out as a note under section 2451 of this title.

SUBCHAPTER III—ASSIGNMENT OF SPECIALISTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 280c, 1458 of this title.

§ 1451. Assignment of Government employees to requesting countries; governing regulations

The Director of the United States Information Agency is authorized, when the government of another country is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, from time to time to assign or authorize the assignment for service, to or in cooperation with such government, any person in the employ or service of the Government of the United States who has such qualifications, with the approval of the Government agency in which such person is employed or serving. No person shall be assigned for service to or in cooperation with the government of any country unless (1) the Director finds that such assignment is necessary in the national interest of the United States, or (2) such government agrees to reimburse the United States in an amount equal to the compensation, travel expenses, and allowances payable to such person during the period of such assignment in accordance with the provisions of section 1452 of this title, or (3) such government shall have made an advance of funds, property, or services as provided in section 1479 of this title. Nothing in this chapter, however, shall authorize the assignment of such personnel for service relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

(Jan. 27, 1948, ch. 36, title III, § 301, 62 Stat. 7; Pub. L. 97–241, title III, § 304(a)(1)(A), (2)(A), Aug. 24, 1982, 96 Stat. 292.)

AMENDMENTS

1982—Pub. L. 97–241 substituted ''person in the employ'' for ''citizen of the United States in the employ'', ''Director of the United States Information Agency'' for ''Secretary'', and ''Director finds'' for ''Secretary finds''.

REFERENCES TO ACT MAY 25, 1938

Subsec. (c) of section 1004 of act Jan. 27, 1948, provided that: ''Any reference in the Foreign Service Act of 1946 (60 Stat. 999) [section 801 et seq. of this title], or in any other law, to provisions of such Act of May 25, 1938, as amended [section 118e of former Title 5, Executive Departments and Government Officers and Employees], shall be construed to be applicable to the appropriate provisions of titles III and IX of this Act [sections 1451 to 1453, 1478, and 1479 of this title].''

EFFECTIVENESS OF EXECUTIVE ORDERS AND REGULATIONS UNDER ACT MAY 25, 1938, CH. 277, 52 STAT. 442

Subsec. (b) of section 1004 of act Jan. 27, 1948, provided that: ''Existing Executive orders and regulations pertaining to the administration of such Act of May 25, 1938, as amended [former section 118e of former Title 5, Executive Departments and Government Officers and Employees], shall remain in effect until superseded by regulations prescribed under the provisions of this Act [this chapter].''

CROSS REFERENCES

Detail of Army, Navy, Air Force, and Marine Corps members to assist foreign governments in military matters, see section 712 of Title 10, Armed Forces.

§ 1452. Status and allowances of assigned personnel

Any person in the employ or service of the Government of the United States, while assigned for service to or in cooperation with another government under the authority of this chapter, shall be considered, for the purpose of preserving his rights, allowances, and privileges as such, an officer or employee of the Government of the United States and of the Government agency from which assigned and he shall continue to receive compensation from that agency. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 4085 of this title. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5.

(Jan. 27, 1948, ch. 36, title III, § 302, 62 Stat. 8; Pub. L. 97–241, title III, § 304(a)(1)(B), (3), Aug. 24, 1982, 96 Stat. 292.)

AMENDMENTS

1982—Pub. L. 97–241 substituted ''person in the employ or service of the Government of the United States'' for ''citizen of the United States'', ''section 4085 of this title'' for ''section 1131(3) of this title'', and ''section 5536 of title 5'' for ''section 1765 of the Revised Statutes''. Prior to the amendment by Pub. L. 97–241, ''section 5536 of title 5'' had been substituted for ''section 1765 of the Revised Statutes'' (which was formerly classified to section 70 of title 5) 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, thereby requiring no change in text.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1451 of this title.

§ 1453. Acceptance of office under foreign governments of assigned personnel; oath of allegiance

Any person in the employ or service of the Government of the United States while assigned for service to or in cooperation with another government under authority of this chapter may, at the discretion of his Government agency, with the concurrence of the Director of the United States Information Agency, and without additional compensation therefor, accept an office under the government to which he is assigned, if the acceptance of such an office in the opinion of such agency is necessary to permit the effective performance of duties for which he is assigned, including the making or approving on behalf of such foreign government the disbursement of funds provided by such government or of receiving from such foreign government funds for deposit and disbursement on behalf of such government, in carrying out programs undertaken pursuant to this chapter: *Provided, however*, That such acceptance of office shall in no case involve the taking of an oath of allegiance to another government.

(Jan. 27, 1948, ch. 36, title III, § 303, 62 Stat. 8; Pub. L. 97–241, title III, § 304(a)(1)(B), (2)(B), Aug. 24, 1982, 96 Stat. 292.)

AMENDMENTS

1982—Pub. L. 97–241 substituted ''person in the employ or service of the Government of the United

States'' for ''citizen of the United States'' and ''Director of the United States Information Agency'' for ''Secretary''.

SUBCHAPTER IV—PARTICIPATION BY GOVERNMENT AGENCIES

§ 1456. Utilization of facilities and personnel of other Government agencies; reimbursement to agencies; report to Congress

The Director is authorized, in carrying on any activity under the authority of this chapter, to utilize, with the approval of the President, the services, facilities, and personnel of the other Government agencies. Whenever the Director shall use the services, facilities, or personnel of any Government agency for activities under authority of this chapter, the Director shall pay for such performance out of funds available to the Director under this chapter, either in advance, by reimbursement, or direct transfer. The Director shall include in each report submitted to the Congress under section 1439[1] of this title a statement of the services, facilities, and personnel of other Government agencies utilized in carrying on activities under the authority of this chapter, showing the names and salaries of the personnel utilized, or performing services utilized, during the period covered by such report, and the amounts paid to such other agencies under this section as payment for such performance.

(Jan. 27, 1948, ch. 36, title IV, § 401, 62 Stat. 8; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

REFERENCES IN TEXT

Section 1439 of this title, referred to in text, was repealed by Pub. L. 96–470, title I, § 117, Oct. 19, 1980, 94 Stat. 2240.

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

§ 1457. Rendition of technical and other services to foreign governments; limitations

A Government agency, at the request of the Director, may perform such technical or other services as such agency may be competent to render for the government of another country desirous of obtaining such services, upon terms and conditions which are satisfactory to the Director and to the head of the Government agency, when it is determined by the Director that such services will contribute to the purposes of this chapter. However, nothing in this chapter shall authorize the performance of services relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

(Jan. 27, 1948, ch. 36, title IV, § 402, 62 Stat. 9; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

§ 1458. Policy governing rendition of services

In authorizing the performance of technical and other services under this subchapter, it is the sense of the Congress (1) that the Director shall encourage through any appropriate Government agency the performance of such services to foreign governments by qualified private American individuals and agencies, and shall not enter into the performance of such services to any foreign government where such services may be performed adequately by qualified private American individuals and agencies and such qualified individuals and agencies are available for the performance of such services; (2) that if such services are rendered by a Government agency, they shall demonstrate the technical accomplishments of the United States, such services being of an advisory, investigative, or instructional nature, or a demonstration of a technical process; (3) that such services shall not include the construction of public works or the supervision of the construction of public works, and that, under authority of this chapter, a Government agency shall render engineering services related to public works only when the Director shall determine that the national interest demands the rendering of such services by a Government agency, but this policy shall not be interpreted to preclude the assignment of individual specialists as advisers to other governments as provided under subchapter III of this chapter, together with such incidental assistance as may be necessary for the accomplishment of their individual assignments.

(Jan. 27, 1948, ch. 36, title IV, § 403, 62 Stat. 9; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this

[1] See References in Text note below.

chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

SUBCHAPTER V—DISSEMINATION ABROAD OF INFORMATION ABOUT THE UNITED STATES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1471 of this title.

§ 1461. General authorization

(a) Dissemination of information abroad

The Director is authorized, when he finds it appropriate, to provide for the preparation, and dissemination abroad, of information about the United States, its people, and its policies, through press, publications, radio, motion pictures, and other information media, and through information centers and instructors abroad. Subject to subsection (b) of this section, any such information (other than ''Problems of Communism'' and the ''English Teaching Forum'' which may be sold by the Government Printing Office) shall not be disseminated within the United States, its territories, or possessions, but, on request, shall be available in the English language at the Agency, at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, shall be made available for examination only to Members of Congress.

(b) Dissemination of information within United States

(1) The Director of the United States Information Agency shall make available to the Archivist of the United States, for domestic distribution, motion pictures, films, videotapes, and other material prepared for dissemination abroad 12 years after the initial dissemination of the material abroad or, in the case of such material not disseminated abroad, 12 years after the preparation of the material.

(2) The Director of the United States Information Agency shall be reimbursed for any attendant expenses. Any reimbursement to the Director pursuant to this subsection shall be credited to the applicable appropriation of the United States Information Agency.

(3) The Archivist shall be the official custodian of the material and shall issue necessary regulations to ensure that persons seeking its release in the United States have secured and paid for necessary United States rights and licenses and that all costs associated with the provision of the material by the Archivist shall be paid by the persons seeking its release. The Archivist may charge fees to recover such costs, in accordance with section 2116(c) of title 44. Such fees shall be paid into, administered, and expended as part of the National Archives Trust Fund.

(Jan. 27, 1948, ch. 36, title V, § 501, 62 Stat. 9; Pub. L. 92–352, title II, § 204, July 13, 1972, 86 Stat. 494; 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637; Pub. L. 96–60, title II, § 208, Aug. 15, 1979, 93 Stat. 401; Pub. L. 101–246, title II, § 202, Feb. 16, 1990, 104 Stat. 49.)

AMENDMENTS

1990—Pub. L. 101–246 designated existing provisions as subsec. (a), substituted ''Subject to subsection (b) of this section, any such information'' for ''Any such information'' in second sentence, and added subsec. (b).

1979—Pub. L. 96–60 substituted '' 'Problems of Communism' and the 'English Teaching Forum' which may be sold'' for '' 'Problems of Communism' which may continue to be sold'' in parenthetical clause.

1972—Pub. L. 92–352 substituted provisions relating to the prohibition, except as otherwise provided, on the dissemination of information within the United States, its territories, or possessions, other than ''Problems of Communism'' which could continue to be sold at the Government Printing Office, for provisions relating to the availability of press release or radio scripts for examination by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and, on request, Members of Congress.

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out below, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. Director authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate performance of any such transferred functions to any officer, employee, or unit of International Communication Agency. Accordingly, ''Agency'' also substituted for ''Department of State''. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note below.

Functions vested in Secretary of State by this section and section 1462 of this title, together with so much of functions as is incidental to or is necessary for performance of such functions, transferred to Director of United States Information Agency by Reorg. Plan No. 8 of 1953, eff. Aug. 1, 1953, 18 F.R. 4542, set out as a note below.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Director of United States Information Agency, see Parts 1, 2, and 25 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

USIA NETWORK FOR DISSEMINATION OF INFORMATION CONCERNING UNITED STATES PROGRAMS TO COMBAT NARCOTICS AND OTHER CONTROLLED SUBSTANCES

Section 210 of Pub. L. 101–246 provided that: ''The United States Information Agency shall establish and maintain an international narcotics information network. The network shall disseminate prompt, accurate, and comprehensive information to foreign governments concerning programs and activities of the United States Government—

''(1) to eliminate the illicit production, trafficking, and abuse of narcotic and psychotropic drugs and other controlled substances within the United States; and

''(2) to promote drug prevention and rehabilitation in the United States.''

PUBLIC SERVICE ANNOUNCEMENTS TO PROMOTE CHILD SURVIVAL

Pub. L. 101–246, title II, §233, Feb. 16, 1990, 104 Stat. 57, provided that: ''The United States Information Agency shall establish and maintain through the Voice of America a system of public service announcements focusing on child survival techniques.''

USIA POSTS AND PERSONNEL OVERSEAS

Pub. L. 100–204, title II, §204, Dec. 22, 1987, 101 Stat. 1373, prohibited use of appropriated funds to pay expenses associated with closing of United States Information Agency posts abroad or to pay expenses associated with Bureau of Management or with television and film service of Agency if an Agency post abroad was closed after Apr. 1, 1987, and not reopened within 180 days after Dec. 22, 1987, placed limitation on reduction of number of positions filled by American employees of Agency stationed abroad, authorized waiver of both prohibition and limitation, and permitted Director, in case of a sequestration order, to submit a report to congressional committees proposing a list of Agency posts to be downgraded or closed in order to comply with sequestration order, prior to repeal by Pub. L. 102–138, title II, §206(c), Oct. 28, 1991, 105 Stat. 693. See section 1475g of this title.

REDESIGNATION OF INTERNATIONAL COMMUNICATION AGENCY AS UNITED STATES INFORMATION AGENCY

Pub. L. 97–241, title III, §303, Aug. 24, 1982, 96 Stat. 291, provided that:

''(a) The International Communication Agency, established by Reorganization Plan Numbered 2 of 1977 [set out as a note below], is hereby redesignated the United States Information Agency. The Director of the International Communication Agency or any other official of the International Communication Agency is hereby redesignated the Director or other official, as appropriate, of the United States Information Agency.

''(b) Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the International Communication Agency or the Director or other official of the International Communication Agency shall be deemed to refer respectively to the United States Information Agency or the Director or other official of the United States Information Agency, as so redesignated by subsection (a).''

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR OF UNITED STATES INFORMATION AGENCY

Compensation of Director and Deputy Director, see sections 5313 and 5315 of Title 5, Government Organization and Employees.

REORGANIZATION PLAN NO. 8 OF 1953

Eff. Aug. 1, 1953, 18 F.R. 4542, 67 Stat. 642, as amended act June 28, 1955, ch. 189, §12(c)(21), 69 Stat. 183; Reorg. Plan No. 2 of 1977, §9(b), eff. Oct. 11, 1977, 42 F.R. 62461, 91 Stat. 1639

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 1, 1953, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended [see 5 U.S.C. 901 et seq.].

UNITED STATES INFORMATION AGENCY

SECTION 1. ESTABLISHMENT OF AGENCY

[Superseded. Reorg. Plan No. 2 of 1977, §9(b), eff. Oct. 11, 1977, 42 F.R. 62461, 91 Stat. 1639, set out as a note below. Section was amended by act June 28, 1955, ch. 189, §12(c)(21), 69 Stat. 183 and related to the establishment of the United States Information Agency.]

SEC. 2. TRANSFER OF FUNCTIONS

(a) Subject to subsection (c) of this section, there are hereby transferred to the Director (1) the functions vested in the Secretary of State by Title V of the United States Information and Educational Exchange Act of 1948, as amended [22 U.S.C. 1461, 1462], and so much of functions with respect to the interchange of books and periodicals and aid to libraries and community centers under sections 202 and 203 of the said Act [22 U.S.C. 1447, 1448] as is an integral part of information programs under that Act [22 U.S.C. 1431–1479], together with so much of the functions vested in the Secretary of State by other provisions of the said Act [22 U.S.C. 1431–1479] as is incidental to or is necessary for the performance of the functions under Title V and sections 202 and 203 transferred by this section, and (2) [Superseded. Reorg. Plan No. 2 of 1977, §9(b), eff. Oct. 11, 1977, 42 F.R. 62461, 91 Stat. 1639. Paragraph related to functions of the Secretary of State with respect to information programs relating to Germany and Austria.]

(b) [Superseded. Reorg. Plan No. 2 of 1977, §9(b), eff. Oct. 11, 1977, 42 F.R. 62461, 91 Stat. 1639. Subsection related to the transfer to the Director of functions vested in the Director for Mutual Security by the Mutual Security Act of 1951, as amended, act Oct. 10, 1951, ch. 479, 65 Stat. 373, which related to foreign information programs, as formerly provided for in section 1652 of this title.]

(c)(1) The Secretary of State shall direct the policy and control the content of a program, for use abroad, on official United States positions, including interpretations of current events, identified as official positions by an exclusive descriptive label.

(2) The Secretary of State shall continue to provide to the Director on a current basis full guidance concerning the foreign policy of the United States.

(3) [Superseded. Reorg. Plan No. 2 of 1977, §9(b), 42 F.R. 62461, 91 Stat. 1639. Paragraph provided that nothing in subsec. (c) of this section was to affect the functions of the Secretary of State with respect to conducting negotiations with other governments.]

(d) To the extent the President deems it necessary in order to carry out the functions transferred by the foregoing provisions of this section, he may authorize the Director to exercise, in relation to the respective functions so transferred, any authority or part thereof available by law, including appropriation acts, to the Secretary of State, the Director for Mutual Security, or the Director of the Foreign Operations Administration, in respect of the said transferred functions.

SEC. 3. PERFORMANCE OF TRANSFERRED FUNCTIONS

[Superseded. Reorg. Plan No. 2 of 1977, §9(b), 42 F.R. 62461, 91 Stat. 1639. Section related to the performance of transferred functions.]

SEC. 4. INCIDENTAL TRANSFERS

[Superseded. Reorg. Plan No. 2 of 1977, §9(b), 42 F.R. 62461, 91 Stat. 1639. Section related to incidental transfers.]

SEC. 5. INTERIM PROVISIONS

[Superseded. Reorg. Plan No. 2 of 1977, §9(b), 42 F.R. 62461, 91 Stat. 1639. Section related to interim provisions.]

[The United States Information Agency was abolished and replaced by the International Communication Agency pursuant to Reorg. Plan No. 2 of 1977, set out below, effective on or before July 1, 1978, at such time as specified by the President. The International Communication Agency was redesignated the United States Information Agency by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note above.]

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 8 of 1953, prepared in accordance with the Reorganization Act of 1949, as amended, and providing for the reorganization of foreign information functions. My reasons for proposing this plan are stated in another message transmitted to the Congress today.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 8 of 1953 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended. I have also found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of reorganizations made thereby, provisions for the appointment and compensation of officers specified in section 1 of the plan. The rates of compensation fixed for these officers are, respectively, those which I have found to prevail in respect of comparable officers in the executive branch of the Government.

I expect that the improved organizational arrangement provided for in Reorganization Plan No. 8 of 1953 will lead to substantial economies and significantly improved effectiveness of administration. It is not practicable, however, to itemize at this time the reductions in expenditures which will probably be brought about by the taking effect of the reorganizations included in the reorganization plan.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, June 1, 1953.

REORGANIZATION PLAN NO. 2 OF 1977

42 F.R. 62461, 91 Stat. 1636, as amended Pub. L. 101–246, title II, § 204(c), Feb. 16, 1990, 104 Stat. 50

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, October 11, 1977,[1] pursuant to the provisions of chapter 9 of title 5 of the United States Code.[2]

INTERNATIONAL COMMUNICATION AGENCY

SECTION 1. ESTABLISHMENT OF THE INTERNATIONAL COMMUNICATION AGENCY

There is hereby established in the executive branch an agency to be known as the International Communication Agency (the ''Agency'').

SEC. 2. DIRECTOR

The Agency shall be headed by a Director (the ''Director''), who shall serve as the principal advisor to the President, the National Security Council, and the Secretary of State on the functions vested in the Director. The Director shall report to the President and the Secretary of State. Under the direction of the Secretary of State, the Director shall have primary responsibility within the Government for the exercise of the functions vested in the Director. The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level II of the Executive Schedule [5 U.S.C. 5313].

SEC. 3. DEPUTY DIRECTOR

A Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall act for, and exercise the powers of, the Director during the Director's absence or disability or during a vacancy in said office and, in addition, shall perform such duties and exercise such powers as the Director may from time to time prescribe. The Deputy Director shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level III of the Executive Schedule [5 U.S.C. 5314].

SEC. 4. ASSOCIATE DIRECTORS

The President, by and with the advice and consent of the Senate, may appoint four Associate Directors, who shall perform such duties and exercise such powers as the Director may from time to time prescribe. One Associate Director shall be known as the Associate Director for Educational and Cultural Affairs and one Associate Director shall be known as the Associate Director for Broadcasting. Each Associate Director shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level IV of the Executive Schedule [5 U.S.C. 5315].

[Reference to Associate Director for Broadcasting of the United States Information Agency to be considered a reference to Director of the International Broadcasting Bureau of the United States Information Agency pursuant to section 6209(f)(6) of this title.]

SEC. 5. PERFORMANCE OF FUNCTIONS

The Director may establish within the Agency bureaus, offices, divisions and other units. The Director may from time to time make provision for the performance of any function of the Director by any officer, employee or unit of the Agency.

SEC. 6. NEGOTIATIONS

(a) Under the direction of the Secretary of State, the Director shall prepare for, manage and conduct negotiations with representatives of foreign states or international organizations on matters for which responsibility is vested in the Director or in the Agency.

(b) For the purpose of conducting such negotiations, or for the purpose of exercising any other authority vested in the Director or in the Agency, the Director may

(1) consult and communicate with or direct the consultation and communication with representatives of other nations or of international organizations; and

(2) communicate in the name of the Secretary of State with diplomatic representatives of the United States in this country and abroad.

SEC. 7. TRANSFER OF FUNCTIONS

(a) There are hereby transferred to the Director all functions vested in the President, the Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency pursuant to the following:

(1) the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431–1479), except to the extent that any function in sections 302, 401, or 602 [22 U.S.C. 1452, 1456, or 1467] is vested in the President;

(2) the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451–2458a), except for: (A) such functions as are vested by sections 102(b)(6), 102(b)(10), 104(a), 104(e)(1), 104(e)(2), 104(f), 104(g), 105(a), 105(b), 105(c), 106(a), 108 [22 U.S.C. 2452(b)(6), (b)(10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a), 2458]; (B) to the extent that such functions were assigned to the Secretary of Health, Education and Welfare immediately prior to the effective date of this Reorganization Plan, sections 104(b), 105(d)(2), 105(f), 106(d), and 106(f) [22 U.S.C. 2454(b), 2455(d)(2), (f), 2456(d), (f)]; and (C) to the extent that any function therein is vested in the President or the Secretary of State, sections 106(b) and 106(c) [22 U.S.C. 2456(b), (c)].

(3) Public Law 90–494 (22 U.S.C. [former] 929–932, 1221–1234), to the extent that such functions are vested in the Director of the United States Information Agency;

(4) Sections 522(3), 692(1), and 803(a)(4) of the Foreign Service Act of 1946, as amended (22 U.S.C. [former sections] 922(3), 1037a(1), and 1063(a)(4)), to the extent such functions are vested in the Director of the United States Information Agency or in the United States Information Agency.

(5) Section 4 of the United States Information Agency Appropriations Authorization Act of 1973, Public Law 93–168 [Nov. 29, 1973, 87 Stat. 689];

(6)(A) Sections 107(b), 204 and 205 of the Foreign Relations Authorization Act, Fiscal Year 1978, Public Law 95–105, 91 Stat. 844 [Aug. 17, 1977]; and (B) to the extent such functions are vested in the Director of the United States Information Agency, section 203 of the Act;

(7) The Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057);

[1] Actually transmitted Oct. 12, 1977.

[2] As amended Nov. 1, 1977, and Nov. 3, 1977.

(8) Sections 101(a)(15)(J) and 212(e) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J), 1182(e));

(9) Section 2(a)(1) of Reorganization Plan No. 8 of 1953 (22 U.S.C. 1461 note);

(10) Section 3(a) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(a));

(11) Section 7 of the Act of June 15, 1951, c. 138, 65 Stat. 71 (50 U.S.C. App. 2316);

(12) Section 9(b) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 958(b)), to the extent that such functions are vested in the Secretary of State;

(13) Section 112(a) of the Higher Education Act of 1965 (20 U.S.C. [former] 1009(a)), to the extent such functions are vested in the Department of State;

(14) Section 3(b)(1) of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f(b)(1));

(15) Section 201 of Public Law 89–665, as amended by section 201(5) of Public Law 94–422 (16 U.S.C. 470i(a)(9));

(16) The third proviso in the twenty-third unnumbered paragraph of title V of Public Law 95–86 (headed ''UNITED STATES INFORMATION AGENCY, SALARIES AND EXPENSES''), 91 Stat. 440–41 [Aug. 2, 1977];

(17) The twentieth unnumbered paragraph of title I of Public Law 95–86 (headed ''CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST''), 91 Stat. 424;

(18) Sections 4(d)(1)(F), 4(f)(1)(F), 4(g)(1)(F), and 4(h)(1)(F) of the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 295(d)(1)(F), 295(f)(1)(F), 295(g)(1)(F), and 295(h)(1)(F)); and

(19) Sections 1, 2, and 3 of the Act of July 9, 1949, c. 301, 63 Stat. 408 (22 U.S.C. 2681–2683).

(b) There are hereby transferred to the Director all functions vested in the Assistant Secretary of State for Public Affairs pursuant to Section 2(a) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)).

(c) The Director shall insure that the scholarly integrity and nonpolitical character of educational and cultural exchange activities vested in the Director are maintained.

SEC. 8. ESTABLISHMENT OF THE UNITED STATES ADVISORY COMMISSION ON INTERNATIONAL COMMUNICATION, CULTURAL, AND EDUCATIONAL AFFAIRS

(a) There is hereby established an advisory commission, to be known as the United States Advisory Commission on International Communication, Cultural and Educational Affairs (the ''Commission'') [redesignated the United States Advisory Commission on Public Diplomacy]. The Commission shall consist of seven members who shall be appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor and business and professional backgrounds. Not more than four members shall be from any one political party. The term of each member shall be three years except that of the original seven appointments, two shall be for a term of one year and two shall be for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of a member's term of office, such member may continue to serve until a successor is appointed and has qualified. The President shall designate a member to chair the Commission.

(b) The functions now vested in the United States Advisory Commission on Information and in the United States Advisory Commission on International Educational and Cultural Affairs under sections 601 through 603 and 801(6) of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1466–1468, 1471(6)), and under sections 106(b) and 107 of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2456(b), 2457), respectively, are hereby consolidated and vested in the Commission, as follows:

The Commission shall formulate and recommend to the Director, the Secretary of State, and the President policies and programs to carry out the functions vested in the Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency. The Commission shall submit to the Congress, the President, the Secretary of State and the Director annual reports on programs and activities carried on by the Agency, including appraisals, where feasible, as to the effectiveness of the several programs. The Commission shall also include in such reports such recommendations as shall have been made by the Commission to the Director for effectuating the purposes of the Agency, and the action taken to carry out such recommendations. The Commission may also submit such other reports to the Congress as it deems appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs conducted by the Agency. The Commission's reports to the Congress shall include assessments of the degree to which the scholarly integrity and nonpolitical character of the educational and cultural exchange activities vested in the Director have been maintained, and assessments of the attitudes of foreign scholars and governments regarding such activities.

(c) The Commission shall have no authority with respect to the J. William Fulbright Foreign Scholarship Board or the United States National Commission for UNESCO. [As amended Pub. L. 101–246, title II, §204(c), Feb. 16, 1990, 104 Stat. 50.]

[United States Advisory Commission on International Communication, Cultural and Educational Affairs was redesignated the United States Advisory Commission on Public Diplomacy by 22 U.S.C. 1469.]

[Any provisions of section 8 of Reorg. Plan No. 2 of 1977 inconsistent with 22 U.S.C. 1469 to no longer have legal effect on Jan. 20, 1989, and prohibition limiting membership of individuals from same political party is repealed, see 22 U.S.C. 1469(d).]

SEC. 9. ABOLITIONS AND SUPERSESSIONS

(a) The following are hereby abolished:

(1) The United States Information Agency, including the offices of Director, Deputy Director, Deputy Director (Policy and Plans) (5 U.S.C. 5316(67)), Associate Director (Policy and Plans) (5 U.S.C. 5316(103)), and additional offices created by section 1(d) of Reorganization Plan No. 8 of 1953 (22 U.S.C. 1461 note), of the United States Information Agency, provided that, pending the initial appointment of the Director, Deputy Director and Associate Directors of the Agency their functions shall be performed temporarily, but not for a period in excess of sixty (60) days, by such officers of the Department of State or of the United States Information Agency as the President shall designate;

(2) One of the offices of Assistant Secretary of State provided for in section 1 of the Act of May 26, 1949, c. 143, 63 Stat. 111, as amended (22 U.S.C. 2652), and in section 5315(22) of title 5 of the United States Code;

(3) The United States Advisory Commission on International Educational and Cultural Affairs (22 U.S.C. [former] 2456(b));

(4) The United States Advisory Commission on Information (22 U.S.C. [former] 1466–1468);

(5) All functions vested in or related to the United States Advisory Commission on International Educational and Cultural Affairs and the United States Advisory Commission on Information that are not transferred to the Director by section 7 or consolidated in the Commission by section 8 of this Reorganization Plan;

(6) The Advisory Committee on the Arts, all functions thereof, and all functions relating thereto (22 U.S.C. [former] 2456(c)); and

(7) The functions vested in the Secretary of State by section 3(e) of the Act of August 1, 1956, c. 841, 70 Stat. 890 (22 U.S.C. [former] 2670(e)).

(b) Sections 1, 2(a)(2), 2(b), 2(c)(3), 3, 4, and 5 of Reorganization Plan No. 8 of 1953 (22 U.S.C. 1461 note) are hereby superseded.

SEC. 10. OTHER TRANSFERS

So much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions transferred or consolidated by this Reorganization Plan, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate department, agency, or commission at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for terminating the affairs of all agencies, commissions, and offices abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this Reorganization Plan.

SEC. 11. EFFECTIVE DATE

This Reorganization Plan shall become effective at such time or times, on or before July 1, 1978, as the President shall specify, but not sooner than the earliest time allowable under section 906 of title 5 of the United States Code.

[Pursuant to Ex. Ord. No. 12048, set out below, this Reorg. Plan is effective July 1, 1978.]

[The International Communication Agency was redesignated the United States Information Agency and the Director or any other official of the International Communication Agency redesignated as Director or other official, as appropriate, of the United States Information Agency, see section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note above.]

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 2 of 1977 to consolidate certain international communication, educational and cultural, and broadcasting activities of the United States Government. I am acting under the authority vested in me by the Reorganization Act, chapter 9 of title 5 of the United States Code. I am also acting pursuant to section 501 of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95–105), which provides that my recommendations for reorganizing these activities be transmitted by October 31, 1977.

This reorganization will consolidate into a new agency, to be known as the Agency for International Communication, the functions now exercised by the State Department's Bureau of Educational and Cultural Affairs and the United States Information Agency.

The principal aspects of this proposal are:

—The new agency will take over USIA's international communications programs (including the Voice of America) and the international educational and cultural exchange activities now conducted by the Bureau of Educational and Cultural Affairs.

—The agency's Director will be the principal advisor on international information and exchange activities to the President, the National Security Council, and the Secretary of State. Under the direction of the Secretary of State, the Director will have primary responsibility within the Government for the conduct of such activities. The Director, the Deputy Director and the Associate Directors of the new agency will be confirmed by the Senate.

—The two commissions that now advise USIA and the Bureau of Educational and Cultural Affairs will be combined into a single seven-member commission. Members of this nonpartisan commission will be chosen from fields related to the agency's mission. The commissioners will be appointed by the President and confirmed by the Senate.

The purpose of this reorganization is to broaden our informational, educational and cultural intercourse with the world, since this is the major means by which our government can inform others about our country, and inform ourselves about the rest of the world.

The new Agency for International Communication will play a central role in building these two-way bridges of understanding between our people and the other peoples of the world. Only by knowing and understanding each other's experiences can we find common ground on which we can examine and resolve our differences.

The new agency will have two distinct but related goals:

To tell the world about our society and policies—in particular our commitment to cultural diversity and individual liberty.

To tell ourselves about the world, so as to enrich our own culture as well as to give us the understanding to deal effectively with problems among nations.

As the world becomes more and more interdependent, such mutual understanding becomes increasingly vital. The aim of this reorganization, therefore, is a more effective dialogue among peoples of the earth. Americans—mostly immigrants or the descendants of immigrants—are particularly well suited to enter into such an undertaking. We have already learned much from those who have brought differing values, perspectives and experiences to our shores. And we must continue to learn.

Thus the new agency will lay heavy emphasis on listening to others, so as to learn something of their motivations and aspirations, their histories and cultures.

Several principles guided me in shaping this reorganization plan. Among the most important were:

—Maintaining the integrity of the educational and cultural exchange programs is imperative. To this end, the plan retains the Board of Foreign Scholarships, whose strong leadership has done so much to insure the high quality of the educational exchange program. In addition, I intend to nominate an Associate Director who will be responsible for the administration and supervision of educational and cultural functions consolidated in the new Agency. The responsibilities presently exercised by the Department of State in relation to the Center for Technical and Cultural Interchange Between East and West, Inc., will be transferred to the new agency without alteration.

—Keeping the Voice of America's news gathering and reporting functions independent and objective. The Voice's charter, enacted into law in 1976, provides that "VOA news will be accurate, objective, and comprehensive"; that VOA will "present a balanced and comprehensive projection of significant American thought and institutions"; and that VOA will present U.S. policies "clearly and effectively, and will also present responsible discussion and opinion on these policies." Under this Administration, VOA will be solely responsible for the content of news broadcasts—for there is no more valued coin than candor in the international marketplace of ideas. I also plan to nominate an Associate Director who will be responsible for the administration and supervision of the Voice of America.

—The new agency's activities must be straightforward, open, candid, balanced, and representative. They will not be given over to the advancement of the views of any one group, any one party or any one Administration. The agency must not operate in a covert, manipulative, or propagandistic way.

—Rights of U.S. Information Agency and State Department employees must be respected. In the new agency, their career achievements will be recognized and the best possible use made of their professional skills and abilities.

The Director of the new agency will assess and advise on the impact on worldwide public opinion of American foreign policy decisions. The Agency will coordinate the international information, educational, cultural and exchange programs conducted by the U.S. Government and will be a governmental focal point for private

U.S. international exchange programs. It will also play a leading role within the U.S. Government in our efforts to remove barriers to the international exchange of ideas and information.

It is not practicable to specify all of the expenditure reductions and other economies that will result from the proposed reorganization, and therefore I do not do so. The reorganization will result in greater efficiency by unifying in Washington the management of programs which are already administered in a consolidated manner in the field. For example, field officers will no longer report to two separate sets of supervisors and headquarters at home.

This plan abolishes the functions of the Advisory Committee on the Arts authorized by section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2456(c)). Also abolished, as a result of the consolidation of certain functions of the United States Advisory Commission on Information and the United States Advisory Commission on International Educational and Cultural Affairs in the United States Advisory Commission on International Communication, Cultural and Educational Affairs, are the functions authorized by section 603 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1468) (requiring submission by the United States Advisory Commission on Information of a quarterly report to the Director of USIA and a semiannual report to the Congress). The new commission will report annually and at such other times as it deems appropriate (as does the existing Advisory Commission on International Educational and Cultural Affairs). Since appointments of all members of the new commission will be on a nonpartisan basis, as has been the case with the Advisory Commission on International Educational and Cultural Affairs, the requirement of section 602(a) of the U.S. Information and Educational Exchange Act (22 U.S.C. 1467(a)) that not more than three members of the Advisory Commission on Information shall be of the same political party is abolished.

Various obsolete or superseded functions under Reorganization Plan No. 8 of 1953 (22 U.S.C. 1461 note), which created the USIA, are superseded by this plan. Finally, the Plan abolishes a provision authorizing the Secretary of State to pay the expenses of transporting the bodies of participants in exchange programs who die away from home, since State no longer will conduct such programs (22 U.S.C. 2670(e)). All functions abolished by the reorganization are done so in compliance with section 903(b) of title 5 of the United States Code.

After investigation, I have found that this reorganization is necessary to carry out the policy set forth in section 901(a) of title 5 of the United States Code. The provisions in this Plan for the appointment and pay of the Director, Deputy Director, and Associate Directors of the Agency have been found by me to be necessary by reason of the reorganization made by the plan and are at a rate applicable to comparable officers in the executive branch.

In presenting this plan, I ask the support of Congress to strengthen and simplify the machinery by which we carry out these important functions of the United States Government.

Such action will make us better able to project the great variety and vitality of American life to those abroad, and to enrich our own lives with a fuller knowledge of the vitality and variety of other societies.

The new Agency for International Communication will help us demonstrate ''a decent respect for the opinions of mankind,'' and to deal intelligently with a world awakening to a new spirit of freedom.

JIMMY CARTER.

THE WHITE HOUSE, October 11, 1977.

CHANGE OF NAME

United States Advisory Commission on International Communication, Cultural and Educational Affairs redesignated United States Advisory Commission on Public Diplomacy, by section 1469 of this title.

EX. ORD. NO. 12048. INTERNATIONAL COMMUNICATION AGENCY

Ex. Ord. No. 12048, Mar. 27, 1978, 43 F.R. 13361, as amended by Ex. Ord. No. 12388, Oct. 14, 1982, 47 F.R. 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 or-

ders, 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1461–1a, 1465bb 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.

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

Section 203 of Pub. L. 95–426, 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. Ban on domestic activities by United States Information Agency

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.

(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.)

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in text, is Pub. L. 87–256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

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

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.''

§ 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-

ter 15 of title 31, the United States Information Agency is authorized, in making contracts for the use of international shortwave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities.

(Pub. L. 95–431, title V, § 501, Oct. 10, 1978, 92 Stat. 1041; Pub. L. 97–241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291.)

CODIFICATION

''Sections 1341, 1342, and 1349 to 1351 and subchapter II of chapter 15 of title 31'' substituted in text for ''section 3679 of the Revised Statutes, as amended (31 U.S.C. 665)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was enacted as part of appropriation act, cited as the credit to this section, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:
Aug. 2, 1977, Pub. L. 95–86, title V, 91 Stat. 441.
July 14, 1976, Pub. L. 94–362, title V, 90 Stat. 960.
Oct. 21, 1975, Pub. L. 94–121, title V, 89 Stat. 639.
Oct. 5, 1974, Pub. L. 93–433, title V, 88 Stat. 1207.
Nov. 27, 1973, Pub. L. 93–162, title V, 87 Stat. 657.
Oct. 25, 1972, Pub. L. 92–544, title V, 86 Stat. 1132.
Aug. 10, 1971, Pub. L. 92–77, title V, 85 Stat. 269.
Oct. 21, 1970, Pub. L. 91–472, title V, 84 Stat. 1062.
Dec. 24, 1969, Pub. L. 91–153, title V, 83 Stat. 425.
Aug. 9, 1968, Pub. L. 90–470, title V, 82 Stat. 690.
Nov. 8, 1967, Pub. L. 90–133, title V, 81 Stat. 433.
Nov. 8, 1966, Pub. L. 89–797, title V, 80 Stat. 1504.
Sept. 2, 1965, Pub. L. 89–164, title V, 79 Stat. 643.
Aug. 31, 1964, Pub. L. 88–527, title V, 78 Stat. 734.
Dec. 30, 1963, Pub. L. 88–245, title V, 77 Stat. 800.
Oct. 18, 1962, Pub. L. 87–843, title V, 76 Stat. 1104.
Sept. 21, 1961, Pub. L. 87–264, title IV, 75 Stat. 557.
Aug. 31, 1960, Pub. L. 86–678, title IV, 74 Stat. 569.
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. 67.
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.

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.

§ 1461c. Omitted

CODIFICATION

Section, Pub. L. 90–470, title V, Aug. 9, 1968, 82 Stat. 690, which related to a one year extension to existing appointments and assignments to the Foreign Service Reserve for foreign information and educational activities which would otherwise have expired, was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:
Nov. 8, 1967, Pub. L. 90–133, title V, 81 Stat. 433.
Nov. 8, 1966, Pub. L. 89–797, title V, 80 Stat. 1504, 1505.
Sept. 2, 1965, Pub. L. 89–164, title V, 79 Stat. 643.
Aug. 31, 1964, Pub. L. 88–527, title V, 78 Stat. 734.
Dec. 30, 1963, Pub. L. 88–245, title V, 77 Stat. 800.
Oct. 18, 1962, Pub. L. 87–843, title V, 76 Stat. 1104.
Sept. 21, 1961, Pub. L. 87–264, title IV, 75 Stat. 558.
Aug. 31, 1960, Pub. L. 86–678, title IV, 74 Stat. 569.
July 13, 1959, Pub. L. 86–84, title IV, 73 Stat. 194.
June 30, 1958, Pub. L. 85–474, title IV, 72 Stat. 258.
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.

§ 1462. Policies governing information activities

In authorizing international information activities under this chapter, it is the sense of the Congress (1) that the Director shall reduce such Government information activities whenever corresponding private information dissemination is found to be adequate; (2) that nothing in this chapter shall be construed to give the Agency a monopoly in the production or sponsorship on the air of short-wave broadcasting programs, or a monopoly in any other medium of information.

(Jan. 27, 1948, ch. 36, title V, § 502, 62 Stat. 10; 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637.)

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. Director of International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate performance of such transferred functions to officers, employees, or units of International Communication Agency. Accordingly, ''Agency'' also substituted for ''Department''. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

Functions vested in Secretary of State by this section and section 1461 of this title, together with so much of functions as is incidental to or is necessary for performance of such functions, transferred to Director of United States Information Agency by Reorg. Plan No. 8 of 1953, eff. Aug. 1, 1953, 18 F.R. 4542, set out as a note under section 1461 of this title.

§ 1463. Repealed. Pub. L. 103–236, title III, § 315(a), Apr. 30, 1994, 108 Stat. 445

Section, act Jan. 27, 1948, ch. 36, title V, § 503, as added July 12, 1976, Pub. L. 94–350, title II, § 206, 90 Stat. 831; amended 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637; Aug. 24, 1982, Pub. L. 97–241, title III, § 303(b), 96 Stat. 291, related to principles governing communications of Voice of America broadcasts.

§ 1464. Voice of America/Europe

As part of its duties and programs under this subchapter, Voice of America/Europe shall—

(1) target news and features in accordance with the findings and recommendations of the Young European Survey;

(2) conduct periodic audience evaluations and measurements; and

(3) promote and advertise Voice of America/Europe.

(Jan. 27, 1948, ch. 36, title V, § 504, as added Pub. L. 100–204, title IV, § 402, Dec. 22, 1987, 101 Stat. 1381.)

§ 1464a. USIA satellite and television

(a) In general

The Director of the United States Information Agency is authorized to lease or otherwise acquire time on commercial or United States Government satellites for the purpose of transmitting materials and programs to posts and other users abroad.

(b) Broadcast principles

The Congress finds that the long-term interests of the United States are served by communicating directly with the peoples of the world by television. To be effective, the United States Information Agency must win the attention and respect of viewers. These principles will therefore govern the Agency's television broadcasts (hereinafter in this section referred to as ''USIA–TV''):

(1) USIA–TV will serve as a consistently reliable and authoritative source of news. USIA–TV news will be accurate and objective.

(2) USIA–TV will represent the United States, not any single segment of American society and will, therefore, present a balanced and comprehensive projection of significant American thought and institutions.

(3) USIA–TV will present the policies of the United States clearly and effectively and will also present responsible discussions and opinion on these policies.

(c) Programs

The Director of the United States Information Agency is authorized to produce, acquire, or broadcast television programs, via satellite, only if such programs—

(1) are interactive, consisting of interviews among participants in different locales;

(2) cover news, public affairs, or other current events;

(3) cover official activities of government, Federal or State, including congressional proceedings and news briefings of any agency of the Executive branch; or

(4) are of an artistic or scientific character or are otherwise representative of American culture.

(d) Costs

When a comparable program produced by United States public or commercial broadcasters and producers is available at a cost which is equal to or less than the cost of production by USIA–TV, the Director of the United States Information Agency shall use such materials in preference to USIA–TV produced materials.

(e) Allocation of funds

(1) Of the funds authorized to be appropriated to the United States Information Agency not more than $12,000,000 for the fiscal year 1990 and not more than $12,480,000 for the fiscal year 1991 may be obligated or expended for USIA–TV.

(2) The United States Information Agency shall prepare and submit to the Congress quarterly reports which contain a detailed explanation of expenditures for USIA–TV during the fiscal years 1990 and 1991. Such reports shall contain specific justification and supporting information pertaining to all programs, particularly those described in subsection (c)(4) of this section, that were produced in-house by USIA–TV. Each such report shall include a statement by the Director of the United States Information Agency that, according to the best information available to the United States Information Agency, no comparable United States commercially-produced or public television program is available at a cost which is equal to or less than the cost of production by USIA–TV.

(3) Of the funds authorized to be appropriated to the United States Information Agency, $1,500,000 for the fiscal year 1990 and $1,500,000 for the fiscal year 1991 shall be available only for the purchase or use of programs produced with grants from the Corporation for Public Broadcasting or produced by United States public broadcasters.

(Jan. 27, 1948, ch. 36, title V, § 505, as added Pub. L. 101–246, title II, § 205(a), Feb. 16, 1990, 104 Stat. 50.)

TELEVISION SERVICE OF USIA

Pub. L. 100–204, title II, § 207, Dec. 22, 1987, 101 Stat. 1374, provided that: ''The television and film service of the United States Information Agency, including Worldnet broadcasts, shall operate under the same criteria and conditions as are specified for the Voice of America by section 503 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1463).''

§ 1464b. Voice of America hiring practices

(a) Prohibition

After February 16, 1990, the Voice of America shall not select candidates for employment who must be or are preapproved for employment at the Voice of America by a foreign government or an entity controlled by a foreign government.

(b) Exception

The prohibition referred to in this section shall not apply to—

(1) participants in the Voice of America's exchange programs; or

(2) clerical, technical, or maintenance staff at Voice of America offices in foreign countries.

(c) Report

If the Director of the United States Information Agency determines that the prohibition under subsection (a) of this section would require the termination of a specific Voice of America foreign language service, then, not less than 90 days before the Agency begins to recruit such candidates, the Director shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning—

(1) the number and location of speakers of the applicable foreign language who could be recruited by the Voice of America without violating this section; and

(2) the efforts made by the Voice of America to recruit such individuals for employment.

(Jan. 27, 1948, ch. 36, title V, § 506, as added Pub. L. 101–246, title II, § 232, Feb. 16, 1990, 104 Stat. 57.)

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SUBCHAPTER V–A—RADIO BROADCASTING TO CUBA

REPEAL OF SUBCHAPTER

Subchapter repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 6037, 6204 of this title.

§ 1465. Congressional findings and declaration of purposes

The Congress finds and declares—

(1) that it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with article 19 of Universal Declaration of Human Rights;

(2) that, consonant with this policy, radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba;

(3) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest; and

(4) that the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions but that there is a need for broadcasts to Cuba which provide news, commentary and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

(Pub. L. 98–111, § 2, Oct. 4, 1983, 97 Stat. 749.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Radio Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

SHORT TITLE

Section 1 of Pub. L. 98–111 provided: ''That this Act [enacting this subchapter] may be cited as the 'Radio Broadcasting to Cuba Act'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1465a, 1465d of this title.

§ 1465a. Additional functions of United States Information Agency

(a) Radio broadcasting to Cuba

In order to carry out the objectives set forth in section 1465 of this title, the United States Information Agency (hereafter in this subchapter referred to as the ''Agency'') shall provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(b) Broadcasting as part of Voice of America

Radio broadcasting in accordance with subsection (a) of this section shall be part of the Voice of America radio broadcasting to Cuba and shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

(c) Location of broadcast facilities; frequency; leased time from nongovernmental shortwave stations

Radio broadcasting to Cuba authorized by this subchapter shall utilize the broadcasting facilities located at Marathon, Florida, and the 1180 AM frequency that were used by the Voice of America prior to October 4, 1983. Other frequencies, not on the commercial Amplitude Modulation (AM) Band (535 kHz to 1605 kHz), may also be simultaneously utilized: *Provided*, That no frequency shall be used for radio broadcasts to Cuba in accordance with this subchapter which is not also used for all other Voice of America broadcasts to Cuba. Time leased from nongovernmental shortwave radio stations may be used to carry all or part of the Service programs and to rebroadcast Service programs: *Provided*, That not less than 30 per centum of the programs broadcast or rebroadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 1463(2)[1] of this title.

(d) Changes in frequencies to other AM bands; jamming and interference

Notwithstanding subsection (c) of this section, in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 per centum or more than the average daily jamming or interference in the twelve months preceding September 1, 1983, the Director of the United States Information Agency may lease time on commercial or noncommercial educational AM band radio broadcasting stations. The Federal Communications Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. In the event that more than two hours a day of time is leased, not less than 30 per centum of the programing broadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 1463(2)[1] of this title.

[1] See References in Text note below.

(e) Voice of America: Cuba Service; Voice of America: Radio Marti program

Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated ''Voice of America: Cuba Service'' or ''Voice of America: Radio Marti program''.

(f) Use of other facilities

In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the Director of the United States Information Agency may, for the period in which the facilities are inoperable but not to exceed one hundred and fifty days, use other United States Government-owned transmission facilities for Voice of America broadcasts to Cuba authorized by this subchapter.

(Pub. L. 98–111, § 3, Oct. 4, 1983, 97 Stat. 749.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

REFERENCES IN TEXT

Section 1463 of this title, referred to in subsecs. (c) and (d), was repealed by Pub. L. 103–236, title III, § 315(a), Apr. 30, 1994, 108 Stat. 445.

CODIFICATION

Section was enacted as part of the Radio Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1465b, 1465d, 1465f of this title.

§ 1465b. Cuba Service of Voice of America

The Director of the United States Information Agency shall establish within the Voice of America a Cuba Service (hereafter in this section referred to as the ''Service''). The Service shall be responsible for all radio broadcasts to Cuba authorized by section 1465a of this title. The Director of the United States Information Agency shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties. The Cuba Service shall be administered separately from other Voice of America functions and the head of the Cuba Service shall report directly to the Director of the Voice of America.

(Pub. L. 98–111, § 4, Oct. 4, 1983, 97 Stat. 750; Pub. L. 103–236, title III, § 305(d)(1), Apr. 30, 1994, 108 Stat. 436.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Radio Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

1994—Pub. L. 103–236 substituted ''of the Voice of America'' for ''and the Associate Director for Broadcasting of the United States Information Agency''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1465f of this title.

§ 1465c. Advisory Board for Cuba Broadcasting

(a) Establishment; membership; chairperson

There is established within the Office of the President the Advisory Board for Cuba Broadcasting (hereafter in this subchapter referred to as the ''Board''). The Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the Board to serve as chairperson.

(b) Review; recommendations

The Board shall review the effectiveness of the activities carried out under this subchapter and the Television Broadcasting to Cuba Act [22 U.S.C. 1465aa et seq.] and shall make recommendations to the President and the Broadcasting Board of Governors as it may consider necessary.

(c) Terms; vacancies

In appointing the initial voting members of the Board, the President shall designate three members to serve for a term of three years, three members to serve for a term of two years, and three members to serve for a term of one year. Thereafter, the term of each member of the Board shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(d) Ex officio members

The head of the Cuba Service and the head of the Television Marti Service shall serve, ex officio, as members of the Board.

(e) Compensation; travel expenses

Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5. 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 law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The ex officio members of the Board shall not be entitled to any compensation under this section, but may be al-

lowed travel expenses as provided in the preceding sentence.

(f) Procurement powers of Board

The Board may, to the extent it deems necessary to carry out its functions under this section, procure supplies, services, and other personal property, including specialized electronic equipment.

(g) Indefinite life span of Board

Notwithstanding any other provision of law, the Board shall remain in effect indefinitely.

(h) Authorization of appropriations

There are authorized to be appropriated $130,000 to carry out the provisions of this section.

(Pub. L. 98–111, § 5, Oct. 4, 1983, 97 Stat. 750; Pub. L. 101–246, title II, § 245(a), Feb. 16, 1990, 104 Stat. 61; Pub. L. 103–236, title III, § 305(d)(2), Apr. 30, 1994, 108 Stat. 436.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

REFERENCES IN TEXT

The Television Broadcasting to Cuba Act, referred to in subsec. (b), is part D of title II of Pub. L. 101–246, Feb. 16, 1990, 104 Stat. 58, as amended, 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.

CODIFICATION

Section was enacted as part of the Radio Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–236 substituted ''Broadcasting Board of Governors'' for ''Director and Associate Director for Broadcasting of the United States Information Agency''.

1990—Pub. L. 101–246, § 245(a)(1), substituted ''Cuba Broadcasting'' for ''Radio Broadcasting to Cuba'' in section catchline.

Subsec. (a). Pub. L. 101–246, § 245(a)(2), amended subsec. (a) generally, substituting ''Cuba Broadcasting'' for ''Radio Broadcasting to Cuba'' and ''to serve as chairperson'' for ''to serve as Chairman''.

Subsec. (b). Pub. L. 101–246, § 245(a)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The Board shall review the effectiveness of the activities carried out under this subchapter and shall make such recommendations to the President, the Director and the Associate Director for Broadcasting of the United States Information Agency as it may deem necessary.''

Subsec. (d). Pub. L. 101–246, § 245(a)(3), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''The head of the Service shall serve, ex officio, as a member of the Board.''

Subsec. (e). Pub. L. 101–246, § 245(a)(4), substituted ''The ex officio members'' for ''The ex officio member''.

FORMER REFERENCES TO ADVISORY BOARD FOR RADIO BROADCASTING TO CUBA

Section 245(b) of Pub. L. 101–246 provided that: ''A reference in any provision of law to the 'Advisory Board for Radio Broadcasting to Cuba' shall be considered to be a reference to the 'Advisory Board for Cuba Broadcasting'.''

CONTINUED SERVICE OF BOARD MEMBERS

Section 245(c) of Pub. L. 101–246 provided that: ''Each member of the Advisory Board for Radio Broadcasting to Cuba as in existence on the day before the effective date of the amendment made by subsection (a) [Feb. 16, 1990] shall continue to serve for the remainder of the term to which such member was appointed as a member of the Advisory Board for Cuba Broadcasting.''

STAFF DIRECTOR

Section 245(d) of Pub. L. 101–246 provided that: ''The Board shall have a staff director who shall be appointed by the Chairperson of the Advisory Board for Cuba Broadcasting.''

§ 1465d. Assistance from other government agencies

(a) In order to assist the United States Information Agency in carrying out the purposes set forth in section 1465 of this title, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency. Support and services shall be provided on a reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or services was derived.

(b) The Agency may carry out the purposes of section 1465a of this title by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Agency determines will be most effective.

(Pub. L. 98–111, § 6, Oct. 4, 1983, 97 Stat. 751.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Radio Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

§ 1465e. Compensation for Cuban interference with broadcasting in United States

(a) Interim assistance to United States broadcasters

It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio interference and who seek to assert their right to measures to counteract the effects of such interference.

(b) Money payments pursuant to authority from Federal Communications Commission

Accordingly, the Agency may make payments to the United States radio broadcasting station

licensees upon their application for expenses which they have incurred before, on, or after October 4, 1983, in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment replaced (less depreciation) and associated technical and engineering costs.

(c) Regulations and procedures

The Federal Communications Commission shall issue such regulations and establish such procedures for carrying out this section as the Federal Communications Commission finds appropriate. Such regulations shall be issued no later than one hundred and eighty days after October 4, 1983.

(d) Authorization of appropriations

There are authorized to be appropriated to the Agency, $5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

(e) Four-year availability for appropriated funds

Funds appropriated for implementation of this section shall be available for a period of no more than four years following the initial broadcast occurring as a result of programs described in this subchapter.

(f) Presidential task force

It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

(g) Effective Date

This section shall enter into effect on October 1, 1984.

(Pub. L. 98–111, § 7, Oct. 4, 1983, 97 Stat. 752; Pub. L. 98–411, title V, § 512, Aug. 30, 1984, 98 Stat. 1574.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Radio Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98–411 substituted ''replaced (less'' for ''(replaced less''.

§ 1465f. Authorization of appropriations

(a) There are authorized to be appropriated for the United States Information Agency $14,000,000 for fiscal year 1984 and $11,000,000 for fiscal year 1985 to carry out sections 1465a and 1465b of this title. The amount obligated by the United States Information Agency in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this subchapter at rates no less than the fiscal year 1985 level.

(b) In addition to amounts otherwise authorized to be appropriated to the Agency for the fiscal years 1984 and 1985, there are authorized to be appropriated to the Agency $54,800,000 for the fiscal year 1984 and $54,800,000 for the fiscal year 1985, which amounts shall be available only for expenses incurred by essential modernization of the facilities and operations of the Voice of America.

(c) Amounts appropriated under this section are authorized to be made available until expended.

(Pub. L. 98–111, § 8, Oct. 4, 1983, 97 Stat. 752.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Radio Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

§ 1465g. Repealed. Pub. L. 103–236, title I, § 139(9), Apr. 30, 1994, 108 Stat. 398

Section, Pub. L. 98–111, § 9, Oct. 4, 1983, 97 Stat. 753, directed United States Information Agency to arrange for independent evaluations of Cuba Service programing for submission to Congress.

SUBCHAPTER V–B—TELEVISION BROADCASTING TO CUBA

REPEAL OF SUBCHAPTER

Subchapter repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1465c, 6037, 6204 of this title.

§ 1465aa. Findings and purposes

The Congress finds and declares that—

(1) it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with article 19 of the Universal Declaration of Human Rights;

(2) consonant with this policy, television broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba and, in particular, information about Cuba;

(3) television broadcasting to Cuba, operated in a manner not inconsistent with the broad

foreign policy of the United States and in accordance with high professional standards, would be in the national interest;

(4) facilities broadcasting television programming to Cuba must be operated in a manner consistent with applicable regulations of the Federal Communications Commission, and must not affect the quality of domestic broadcast transmission or reception; and

(5) that[1] the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions, but that there is a need for television broadcasts to Cuba which provide news, commentary, and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

(Pub. L. 101–246, title II, § 242, Feb. 16, 1990, 104 Stat. 58.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

SHORT TITLE

Section 241 of Pub. L. 101–246 provided that: ''This part [part D (§§ 241–248) of title II of Pub. L. 101–246, enacting this subchapter, amending section 1465c of this title, and enacting provisions set out as notes under section 1465c of this title] may be cited as the 'Television Broadcasting to Cuba Act'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1465bb of this title.

§ 1465bb. Television broadcasting to Cuba

(a) Television broadcasting to Cuba

In order to carry out the purposes set forth in section 1465aa of this title and notwithstanding the limitation of section 1461 of this title with respect to the dissemination in the United States of information prepared for dissemination abroad to the extent such dissemination is inadvertent, the United States Information Agency (hereafter in this subchapter referred to as the ''Agency'') shall provide for the open communication of information and ideas through the use of television broadcasting to Cuba. Television broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(b) Voice of America standards

Television broadcasting to Cuba under this subchapter shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

(c) USIA Television Marti

Any program of United States Government television broadcasts to Cuba authorized by this section shall be designated ''USIA Television Marti Program''.

(d) Frequency assignment

(1) Subject to the Communications Act of 1934 [47 U.S.C. 151 et seq.], the Federal Communications Commission shall assign by order a suitable frequency to further the national interests expressed in this subchapter, except that no such assignment shall result in objectionable interference with the broadcasts of any domestic licensee.

(2) No Federal branch or agency shall compel an incumbent domestic licensee to change its frequency in order to eliminate objectionable interference caused by broadcasting of the Service.

(3) For purposes of section 305 of the Communications Act of 1934 [47 U.S.C. 305], a television broadcast station established for purposes of this subchapter shall be treated as a government station, but the Federal Communications Commission shall exercise the authority of the President under such section to assign a frequency to such station.

(e) Interference with domestic broadcasting

(1) Broadcasting by the Television Marti Service shall be conducted in accordance with such parameters as shall be prescribed by the Federal Communications Commission to preclude objectionable interference with the broadcasts of any domestic licensee. The Television Marti Service shall be governed by the same standards regarding objectionable interference as any domestic licensee. The Federal Communications Commission shall monitor the operations of television broadcasting to Cuba pursuant to subsection (f) of this section. If, on the basis of such monitoring or a complaint from any person, the Federal Communications Commission determines, in its discretion, that broadcasting by the Television Marti Service is causing objectionable interference with the transmission or reception of the broadcasts of a domestic licensee, the Federal Communications Commission shall direct the Television Marti Service to cease broadcasting and to eliminate the objectionable interference. Broadcasts by the Service shall not be resumed until the Federal Communications Commission finds that the objectionable interference has been eliminated and should not recur.

(2) The Federal Communications Commission shall take such actions as are necessary and appropriate to assist domestic licensees in overcoming the adverse effects of objectionable interference caused by broadcasting by the Television Marti Service. Such assistance may include the authorization of nondirectional increases in the effective radiated power of a domestic television station so that its coverage is equivalent to the maximum allowable for such facilities, to avoid any adverse effect on such stations of the broadcasts of the Television Marti Service.

[1] So in original. The word ''that'' probably should not appear.

(3) If the Federal Communications Commission directs the Television Marti Service to cease broadcasting pursuant to paragraph (1), the Commission shall, as soon as practicable, notify the appropriate committees of Congress of such action and the reasons therefor. The Federal Communications Commission shall continue to notify the appropriate committees of Congress of progress in eliminating the objectionable interference and shall assure that Congress is fully informed about the operation of the Television Marti Service.

(f) Monitoring of interference

The Federal Communications Commission shall continually monitor and periodically report to the appropriate committees of the Congress interference to domestic broadcast licensees—

(1) from the operation of Cuban television and radio stations; and

(2) from the operations of the television broadcasting to Cuba.

(g) Task force

It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban television and radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

(Pub. L. 101–246, title II, § 243, Feb. 16, 1990, 104 Stat. 59.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsec. (d)(1), is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which is classified principally to chapter 5 (§ 151 et seq.) of Title 47, Telegraphs, Telephones, and Radiotelegraphs. For complete classification of this Act to the Code, see section 609 of Title 47 and Tables.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

§ 1465cc. Television Marti Service of United States Information Agency

(a) Television Marti Service

The Director of the United States Information Agency shall establish within the Voice of America a Television Marti Service. The Service shall be responsible for all television broadcasts to Cuba authorized by this subchapter. The Director of the United States Information Agency shall appoint a head of the Service who shall report directly to the Director of the Voice of America. The head of the Service shall employ such staff as the head of the Service may need to carry out the duties of the Service.

(b) Use of existing facilities of USIA

To assure consistency of presentation and efficiency of operations in conducting the activities authorized under this subchapter, the Television Marti Service shall make maximum feasible utilization of Agency facilities and management support, including Voice of America: Cuba Service, Voice of America, and the United States Information Agency Television Service.

(c) USIA authority

The Agency may carry out the purposes of this subchapter by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Agency determines will be most effective.

(Pub. L. 101–246, title II, § 244, Feb. 16, 1990, 104 Stat. 61.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

§ 1465dd. Assistance from other Government agencies

In order to assist the United States Information Agency in carrying out the provisions of this subchapter, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency.

(Pub. L. 101–246, title II, § 246, Feb. 16, 1990, 104 Stat. 62.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

§ 1465ee. Authorization of appropriations

(a) Authorization of appropriations

In addition to amounts otherwise made available under section 201 for such purposes, there are authorized to be appropriated to the United States Information Agency, $16,000,000 for the fiscal year 1990 and $16,000,000 for the fiscal year 1991 for television broadcasting to Cuba in accordance with the provisions of this subchapter.

(b) Limitation

(1) Subject to paragraph (2), no funds authorized to be appropriated under subsection (a) of this section may be obligated or expended unless the President determines and notifies the appro-

priate committees of Congress that the test of television broadcasting to Cuba (as authorized by title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100–459)) has demonstrated television broadcasting to Cuba is feasible and will not cause objectionable interference with the broadcasts of incumbent domestic licensees. The Federal Communications Commission shall furnish to the appropriate committees of Congress all interim and final reports and other appropriate documentation concerning objectionable interference from television broadcasting to Cuba to incumbent domestic licensees.

(2) Not less than 30 days before the President makes the determination under paragraph (1), the President shall submit a report to the appropriate committees of the Congress which includes the findings of the test of television broadcasting to Cuba. The period for the test of television broadcasting may be extended until—

(A) the date of the determination and notification by the President under paragraph (1), or

(B) 30 days,

whichever comes first.

(c) Availability of funds

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

(Pub. L. 101–246, title II, § 247, Feb. 16, 1990, 104 Stat. 62; Pub. L. 102–138, title II, § 232, Oct. 28, 1991, 105 Stat. 703.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

REFERENCES IN TEXT

Section 201, referred to in subsec. (a), means section 201 of Pub. L. 101–246, title II, Feb. 16, 1990, 104 Stat. 48, which was not classified to the Code.

Title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100–459), referred to in subsec. (b)(1), is title V of Pub. L. 100–459, Oct. 1, 1988, 102 Stat. 2213, which was not classified to the Code.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

AMENDMENTS

1991—Subsec. (c). Pub. L. 102–138 added subsec. (c).

TELEVISION BROADCASTING TO CUBA

Determination of President of the United States, No. 90–35, Aug. 26, 1990, 55 F.R. 38659, provided:

Pursuant to the authority vested in me by section 247 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (the Act) [this section], I hereby determine that the test of television broadcasting to Cuba (as authorized by title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1989 (Public Law 100–459) [Pub. L. 100–459, title V, Oct. 1, 1988, 102 Stat. 2213]), has demonstrated television broadcasting to Cuba is feasible and will not cause objectionable interference with the broadcasts of incumbent domestic licensees.

You are authorized and directed to transmit this determination to the appropriate committees of Congress (as defined in section 248 of the Act [22 U.S.C. 1465ff]) and to arrange for its publication in the Federal Register.

GEORGE BUSH.

§ 1465ff. Definitions

As used in this subchapter—

(1) the term ''licensee'' has the meaning provided in section 153(c)[1] of title 47;

(2) the term ''incumbent domestic licensee'' means a licensee as provided in section 153(c)[1] of title 47 that was broadcasting a television signal as of January 1, 1989;

(3) the term ''objectionable interference'' shall be applied in the same manner as such term is applied under regulations of the Federal Communications Commission to other domestic broadcasters; and

(4) the term ''appropriate committees of Congress'' includes the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 101–246, title II, § 248, Feb. 16, 1990, 104 Stat. 62.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

REFERENCES IN TEXT

Section 153 of title 47, referred to in pars. (1) and (2), was subsequently amended, and section 153(c) no longer defines ''licensee''. However, such term is defined elsewhere in that section.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives and Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SUBCHAPTER VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

§§ 1466 to 1468. Omitted

CODIFICATION

Sections 1466 to 1468 of this title, contained provisions relating to the United States Advisory Commission on Information, and the United States Advisory

[1] See References in Text note below.

Commission on Educational Exchange. Public Law 87–256, §§ 106, 111(a)(2), Sept. 21, 1961, 75 Stat. 532, 538, replaced the Advisory Commission on Educational Exchange with the Advisory Commission on International Educational and Cultural Affairs and repealed these sections insofar as they related to the Advisory Commission on Educational Exchange. The Advisory Commission on International Educational and Cultural Affairs and the Advisory Commission on Information were both abolished by Reorg. Plan No. 2 of 1977, § 9(a)(3), (4), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

Section 1466, acts Jan. 27, 1948, ch. 36, § 601, 62 Stat. 10; Sept. 21, 1961, Pub. L. 87–256, § 111(a)(2), 75 Stat. 538, created the United States Advisory Commission on Information, and the United States Advisory Commission on Educational Exchange and provided for the duties of the Commissions.

Section 1467, acts Jan. 27, 1948, ch. 36, title VI, § 602, 62 Stat. 10; Sept. 21, 1961, Pub. L. 87–256, § 111(a)(2), 75 Stat. 538, provided for the composition, membership, terms of office, compensation, designation of chairmen, rules and regulations, and representation of the public interest, for the Commission on Information and the Commission on Educational Exchange.

Section 1468, acts Jan. 27, 1948, ch. 36, title VI, § 603, 62 Stat. 11; Sept. 21, 1961, Pub. L. 87–256, § 111(a)(2), 75 Stat. 538, provided that the Commissions report to Congress on programs and activities carried out under this chapter, including recommendations for effectuating the purposes and objectives of this chapter.

§ 1469. United States Advisory Commission on Public Diplomacy

(a) Establishment

(1) There is established an advisory commission to be known as the United States Advisory Commission on Public Diplomacy.

(2) The Commission shall consist of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party.

(3) The term of each member shall be 3 years, except that of the original seven appointments, two shall be for a term of 1 year and two shall be for a term of 2 years.

(4) Any member appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of a member's term of office, such member may continue to serve until a successor is appointed and qualified.

(5) The President shall designate a member to chair the Commission.

(b) Staff

The Commission shall have a staff director who shall be appointed by the chairperson of the Commission. Subject to such rules and regulations as may be adopted by the Commission, the chairperson of the Commission may—

(1) appoint such additional personnel for the staff of the Commission as the chairperson considers necessary; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS–18 of the General Schedule under section 5332 of title 5.

(c) Duties and responsibilities

(1) The Commission shall formulate and recommend to the Director of the United States Information Agency, the Secretary of State, and the President policies and programs to carry out the functions vested in the Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency.

(2) The Commission shall submit to the Congress, the President, the Secretary of State, and the Director of the United States Information Agency annual reports on programs and activities carried out by the Agency, including appraisals, where feasible, as to the effectiveness of the several programs. The Commission shall also include in such reports such recommendations as shall have been made by the Commission to the Director for effectuating the purposes of the Agency, and the action taken to carry out such recommendations.

(3) The Commission may also submit such other reports to the Congress as it considers appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs conducted by the Agency.

(4) The Commission's reports to the Congress shall include assessments of the degree to which the scholarly integrity and nonpolitical character of the educational and cultural exchange activities vested in the Director of the United States Information Agency have been maintained, and assessments of the attitudes of foreign scholars and governments regarding such activities.

(d) Limitation on authority

The Commission shall have no authority with respect to the J. William Fulbright Foreign Scholarship Board or the United States National Commission for UNESCO.

(Jan. 27, 1948, ch. 36, title VI, § 604, as added Pub. L. 96–60, title II, § 203(f), Aug. 15, 1979, 93 Stat. 399; amended Pub. L. 100–204, title II, § 213, Dec. 22, 1987, 101 Stat. 1376; Pub. L. 101–246, title II, § 206(a), Feb. 16, 1990, 104 Stat. 51.)

AMENDMENTS

1990—Pub. L. 101–246 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d) relating to redesignation of United States Advisory Commission on International Communication, Cultural and Educational Affairs as United States Advisory Commission on Public Diplomacy, appointment of members, appointment of staff director and staff personnel, date of section entering into force as being Jan. 20, 1989, and repeal of prohibition limiting membership of individuals from same political party.

1987—Pub. L. 100–204 amended section generally, revising and restating as subsecs. (a) to (d) provisions of former subsecs. (a) and (b).

EFFECTIVE DATE

Section 209 of Pub. L. 96–60 provided that: "The amendments made by sections 203 and 204 [enacting this section and section 1477b of this title, amending sections 1471, 1474, 1475a, 2454, 2458, and 2458a of this

title, section 1304 of Title 5, Government Organization and Employees, and section 474 of Title 40, Public Buildings, Property, and Works, and repealing section 1434 of this title] shall take effect on October 1, 1979, and to the extent that they provide new authorities involving the expenditure of appropriated funds, shall apply only with respect to funds appropriated after the date of enactment of this Act [Aug. 15, 1979].''

TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

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.

CONTINUED SERVICE OF COMMISSION MEMBERS

Section 206(b) of Pub. L. 101–246 provided that: ''Each member of the United States Advisory Commission on Public Diplomacy as in existence on the day before the effective date of section 604 of the United States Information and Educational Exchange Act of 1948 (as amended by section 213 of Public Law 100–204) [section entered into force on Jan. 20, 1989] shall continue to serve for the remainder of the term to which such member was appointed.''

SUBCHAPTER VII—ADMINISTRATIVE PROCEDURE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2458, 6209 of this title.

§ 1471. Authority of Director of United States Information Agency

In carrying out the purposes of this chapter, the Director is authorized, in addition to and not in limitation of the authority otherwise vested in him—

(1) In carrying out subchapter II of this chapter, to make grants of money, services, or materials to State and local governmental institutions in the United States, to governmental institutions in other countries, and to individuals and public or private nonprofit organizations both in the United States and in other countries;

(2) to furnish, sell, or rent, by contract or otherwise, educational and information materials and equipment for dissemination to, or use by, peoples of foreign countries;

(3) whenever necessary in carrying out subchapter V of this chapter, to purchase, rent, construct, improve, maintain, and operate facilities for radio and television transmission and reception, including the leasing of associated real property (either within or outside the United States) for periods not to exceed forty years, or for longer periods if provided for by an appropriation Act, and the alteration, improvement, and repair of such property, without regard to section 278a[1] of title 40, and any such real property or interests therein which are outside the United States may be acquired without regard to section 255 of title 40 if the sufficiency of the title to such real property or interests therein is approved by the Director of the United States Information Agency;

(4) to provide for printing and binding outside the continental limits of the United States, without regard to section 501 of title 44;

(5) to employ persons on a temporary basis without regard to the civil service and classification laws, when such employment is provided for by the pertinent appropriation Act;

(6) to create such advisory committees as the Director may decide to be of assistance in formulating his policies for carrying out the purposes of this chapter. No committee member shall be allowed any salary or other compensation for services; but he may be paid his transportation and other expenses, as authorized by section 5703 of title 5; and

(7) notwithstanding any other provision of law, to carry out projects involving security construction and related improvements for Agency facilities not physically located together with Department of State facilities abroad.

(Jan. 27, 1948, ch. 36, title VIII, § 801, 62 Stat. 11; Pub. L. 87–139, § 11, Aug. 14, 1961, 75 Stat. 341; 1977 Reorg. Plan No. 2, §§ 7(a)(1), 8(b), 9(a)(3), (4), 42 F.R. 62461, 91 Stat. 1637–1639; Pub. L. 96–60, title II, §§ 203(b)(1), (e), 204(a), Aug. 15, 1979, 93 Stat. 398–400; Pub. L. 97–241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 98–164, title II, § 217, Nov. 22, 1983, 97 Stat. 1036; Pub. L. 100–204, title II, § 205, Dec. 22, 1987, 101 Stat. 1374; Pub. L. 102–138, title II, § 203, Oct. 28, 1991, 105 Stat. 692; Pub. L. 103–236, title II, § 222, Apr. 30, 1994, 108 Stat. 421.)

REFERENCES IN TEXT

Section 278a of title 40, referred to in par. (3), was repealed by Pub. L. 100–678, § 7, Nov. 17, 1988, 102 Stat. 4052.

The civil-service laws, referred to in par. (5), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in par. (5), are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5.

CODIFICATION

In par. (4), ''section 501 of title 44'' substituted for ''section 11 of the Act of March 1, 1919 (44 U.S.C. 111)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

In par. (6), '', with the approval of the Commission on Information and the Commission on Educational Exchange,'' was deleted pursuant to Reorg. Plan No. 2 of 1977, § 9(a)(3), (4), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, which abolished both the United States Advisory Commission on Information, and the United States Advisory Commission on

[1] See References in Text note below.

International Educational and Cultural Affairs [which replaced the Advisory Commission on Educational Exchange], effective on or before July 1, 1978, at such time as specified by the President.

In par. (6), ''section 5703 of title 5'' substituted for ''section 5 of the Administrative Expenses Act of 1946, as amended, (5 U.S.C. 73b-2)'' 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.

AMENDMENTS

1994—Par. (7). Pub. L. 103–236 added par. (7).

1991—Par. (3). Pub. L. 102–138 inserted ''and television'' after ''radio''.

1987—Par. (3). Pub. L. 100–204 substituted ''forty'' for ''twenty-five''.

1983—Par. (3). Pub. L. 98–164 substituted ''twenty-five'' for ''ten''.

1979—Par. (1). Pub. L. 96–60, § 204(a), struck out ''within the limitation of such appropriations as the Congress may provide,'' after ''chapter,''.

Par. (3). Pub. L. 96–60, § 203(e), substituted ''leasing of associated real property (either within or outside the United States)'' for ''leasing of real property both within and without the continental limits of the United States'' and provided for alteration, improvement, and repair of such property, without regard to section 278a of title 40, and for acquisition of such property or interests therein which are outside the United States without regard to section 255 of title 40 if the sufficiency of the title to such property or interests therein is approved by the Director.

Par. (5). Pub. L. 96–60, § 203(b)(1), struck out provision for employment of aliens within the United States limited to services related to the translation or narration of colloquial speech in foreign languages when suitably qualified United States citizens were not available, now covered in section 1474(1) of this title, and inserted ''pertinent'' before ''appropriation''.

1961—Par. (6). Pub. L. 87–139 substituted provisions authorizing payment of transportation and other expenses as authorized by section 73b–2 of title 5, for provisions which allowed payment of actual transportation expenses and a maximum of $10 per diem.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–60 effective Oct. 1, 1979, and applicable only with respect to funds appropriated after Aug. 15, 1979, where new authorities provide for expenditure of appropriated funds, see section 209 of Pub. L. 96–60, set out as an Effective Date note under section 1469 of this title.

TRANSFER OF FUNCTIONS

''Director of the United States Information Agency'' substituted for ''Director of the International Communication Agency'' in par. (3) pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title, which redesignated International Communication Agency, and Director thereof, as United States Information Agency, and the Director thereof. Previously, ''Director'' substituted for ''Secretary'' in text preceding par. (1) and par. (6) pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President.

The Commission on Educational Exchange, created by section 1466 of this title, abolished pursuant to Pub. L. 87–256, § 111(a)(2), Sept. 21, 1961, 75 Stat. 538.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

CONTRACTOR REQUIREMENTS

Section 403 of Pub. L. 100–204 provided that:

''(a) FINDINGS.—The Congress finds that the overriding national security aspects of the $1,300,000,000 facilities modernization program of the Voice of America require the assurance of uninterrupted logistic support under all circumstances for the program. Therefore, it is in the best interests of the United States to provide a preference for United States contractors bidding on the projects of this program.

''(b) RESPONSIVE BID.—A bid shall not be treated as a responsive bid for purposes of the facilities modernization program of the Voice of America unless the bidder can establish that the United States goods and services content, excluding consulting and management fees, of his proposal and the resulting contract will not be less than 55 percent of the value of his proposal and the resulting total contract.

''(c) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding any other provision of law, in any case where there are two or more qualified bidders on projects of the facilities modernization program of the Voice of America, including design and construction projects and projects with respect to transmitters, antennas, spare parts, and other technical equipment, all the responsive bids of United States persons and qualified United States joint venture persons shall be considered to be reduced by 10 percent.

''(d) EXCEPTION.—

''(1) Subsection (c) shall not apply with respect to any project of the facilities modernization program of the Voice of America when—

''(A) precluded by the terms of an international agreement with the host foreign country;

''(B) a foreign bidder can establish that he is a national of a country whose government permits United States contractors and suppliers the opportunity to bid on a competitive and nondiscriminatory basis with its national contractors and suppliers, on procurement and projects related to the construction, modernization, upgrading, or expansion of—

''(i) its national public radio and television sector, or

''(ii) its private radio and television sector, to the extent that such procurement or project is, in whole or in part, funded or otherwise under the control of a government agency or authority; or

''(C) the Secretary of Commerce certifies (in advance of the award of the contract for that project) to the Director of the United States Information Agency that the foreign bidder is not receiving any direct subsidy from any government, the effect of which would be to disadvantage the competitive position of United States persons who also bid on the project; or

''(D) the statutes of a host foreign country prohibit the use of United States contractors on such projects within that country.

''(2) An exception under paragraph (1)(D) shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions the Secretary has taken to urge the foreign country to permit the use of United States contractors on such projects.

''(d) [sic] DEFINITIONS.—For purposes of this section—

''(1) the term 'United States person' means a person that—

''(A) is incorporated or otherwise legally organized under the laws of the United States, including any State (and any political subdivision thereof) and the District of Columbia;

''(B) has its principal place of business in the United States;

''(C) has been incorporated or otherwise legally organized in the United States for more than 5 years before the issuance date of the Invitation For Bids or the Request For Proposals with respect to a modernization project under subsection (b);

''(D) has proven, as indicated by prior contracting experience, to possess the technical, managerial, and financial capability to successfully complete a project similar in nature and technical complexity to that being contracted for;

''(E)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States;

''(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States; and

''(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the modernization project site; and

''(F) has the existing technical and financial resources in the United States to perform the contract; and

''(2) the term 'qualified United States joint venture person' means a joint venture in which a United States person or persons own at least 51 percent of the assets of the joint venture.

''(e) EFFECTIVE DATE.—The provisions of this section shall apply to any project with respect to which the Request For Proposals (commonly referred to as 'RFP') or the Invitation For Bids (commonly referred to as 'IFB') was issued after December 28, 1986.''

§ 1472. United States Information Agency and other Government agencies

(a) Authority of agencies

In carrying on activities which further the purposes of this chapter, subject to approval of such activities by the Director, the Agency and the other Government agencies are authorized—

(1) to place orders and make purchases and rentals of materials and equipment;

(2) to make contracts, including contracts with governmental agencies, foreign or domestic, including subdivisions thereof, and intergovernmental organizations of which the United States is a member, and, with respect to contracts entered into in foreign countries, without regard to section 22 of title 41;

(3) under such regulations as the Director may prescribe, to pay the transportation expenses, and not to exceed $10 per diem in lieu of subsistence and other expenses, of citizens or subjects of other countries, without regard to the Standardized Government Travel Regulations and the Subsistence Expense Act of 1926,[1] as amended; and

(4) to make grants for, and to pay expenses incident to, training and study.

(b) Contracts for telecommunication activities, etc.; availability of appropriations; cancellation costs

(1) Any contract authorized by subsection (a) of this section and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of 5 years when—

(A) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

(B) the Director of the United States Information Agency determines that—

(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

(iii) such method of contracting will not inhibit small business participation.

(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to telecommunication activities, newswire services, and the distribution of books and other publications in foreign countries.

(4)(A) Notwithstanding the other provisions of this subsection, the United States Information Agency is authorized to enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs.

(B) The authority of this paragraph may be exercised for a fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

(Jan. 27, 1948, ch. 36, title VIII, § 802, 62 Stat. 12; 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637; Pub. L. 97–241, title III, § 304(b), Aug. 24, 1982, 96 Stat. 292; Pub. L. 103–236, title II, § 225, Apr. 30, 1994, 108 Stat. 423.)

REFERENCES IN TEXT

The Subsistence Expenses Act of 1926, as amended, referred to in subsec. (a)(3), was repealed and superseded by the Travel Expense Act of 1949, which is covered by subchapter I of chapter 57 of Title 5, Government Organization and Employees. Section 9(a) of the 1949 Act provided in part: ''All Acts . . . applicable to civilian officers or employees of the departments and establishments, providing for reimbursement of actual travel or transportation expense, and all other Acts, general or special, which are in conflict with the provisions of this Act . . . are hereby modified, but only to the extent of inconsistency or conflict with the provisions of this Act . . .''.

AMENDMENTS

1994—Subsec. (b)(4). Pub. L. 103–236 added par. (4).

1982—Pub. L. 97–241 designated existing provisions as subsec. (a) and added subsec. (b).

TRANSFER OF FUNCTIONS

''Director'' substituted for ''Secretary'' in text preceding subsec. (a)(1) and in subsec. (a)(3), pursuant to

[1] See References in Text note below.

Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions are vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. Director of International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate performance of any such transferred functions to any officer, employee, or unit of International Communication Agency. Accordingly, ''Agency'' also substituted for ''Department'', meaning Department of State, in text preceding par. (1) of this section. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

EX. ORD. NO. 10477. AUTHORITY OF UNITED STATES INFORMATION AGENCY

Ex. Ord. No. 10477, Aug. 1, 1953, 18 F.R. 4540, as amended by Ex. Ord. No. 10822, May 20, 1959, 24 F.R. 4159; Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967; provided:

SECTION 1. *Determination*. It is hereby determined that it is necessary, in order to carry out the functions transferred to the Director of the United States Information Agency (hereinafter referred to as the Director) by the provisions of subsections (a), (b), and (c) of section 2 of the said Reorganization Plan No. 8 of 1953, to authorize the Director to exercise, in relation to respective functions so transferred, the authority specified in sections 2 and 3 hereof.

SEC. 2. [Revoked by Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967.]

SEC. 3. *Authority under various other statutes*. The Director is authorized to exercise the authority available to the Secretary of State or the Director of the Foreign Operations Administration, as the case may be, under the following-described provisions of law:

(a) The Foreign Service Buildings Act of 1926, as amended [22 U.S.C. 292 et seq.], regarding the acquisition, construction, alteration, repair, furnishing, exchange, and disposal of buildings and grounds in foreign countries.

(b) The act of July 9, 1949 [see 22 U.S.C. 2681 to 2683], regarding the transfer, acquisition, use, and disposal of international broadcasting facilities.

(c) The act of August 3, 1950, regarding the importation of sound recordings.

(d) The provisions under the first heading ''Salaries and Expenses'' of the Department of State Appropriation Act, 1954, regarding (1) employment of aliens, by contract, for services abroad, (2) purchase of uniforms, (3) cost of transporting to and from a place of storage and the cost of storing the furniture and household effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Secretary of State may prescribe, (4) dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others, (5) examination of estimates of appropriations in the field, (6) purchase of ice and drinking water abroad, (7) payment of excise taxes on negotiable instruments abroad, and (8) procurement, by contract or otherwise, of services, supplies and facilities, as follows: (i) maintenance, improvement, and repair of properties used for international information activities in foreign countries, (ii) fuel and utilities for Government-owned or leased property abroad, and (iii) rental or lease for periods not exceeding ten years of offices, buildings, grounds, and living quarters, and the furnishing of living quarters to officers and employees engaged in international information activities abroad [22 U.S.C. 291].

(e) The provisions of the Department of State Appropriation Act, 1954, regarding (1) exchange of funds for payment of expenses in connection with the operation of information establishments abroad without regard to the provisions of section 3651 of the Revised Statutes [section 543 of former Title 31], (section 103 of the General Provisions of the Department of State Appropriation Act, 1954), (2) payment of travel expenses outside the continental limits of the United States from funds available in the fiscal year that such travel is authorized and actually begins (section 104 of the General Provisions of the Department of State Appropriation Act, 1954), (3) granting authority to the chief of each information Field Staff to approve, with the concurrence of the Chief of Mission, use of Government-owned vehicles for travel under conditions described in section 105 of the General Provisions of the Department of State Appropriation Act, 1954, and (4) purchase with foreign currencies for use abroad of passenger motor vehicles (exclusive of buses, ambulances, and station wagons) at a cost not to exceed the equivalent of $2,200 for each vehicle (section 106 of the General Provisions of the Department of State Appropriation Act, 1954).

(f) Section 202 of the Revised Statutes of the United States [see 22 U.S.C. 2656], so far as it authorizes the Secretary of State to keep the American public informed about the international information aspects of the United States foreign affairs.

(g) Section 504(d) of the Mutual Security Act of 1951, as amended (relating to reduction in personnel) [section 1655d of this title], with respect to personnel transferred from the Mutual Security Agency or the Foreign Operations Administration to the United States Information Agency.

(h) Section 161 of the Revised Statutes of the United States [see 5 U.S.C. 301], and section 4 of the act of May 26, 1949 [see 22 U.S.C. 2658], regarding the promulgation of rules and regulations and the delegation of authority.

SEC. 4. *Effective Date*. This order shall become effective on August 1, 1953.

§ 1473. Use of existing Government property and facilities

In carrying on activities under this chapter which require the utilization of Government property and facilities, maximum use shall be made of existing Government property and facilities.

(Jan. 27, 1948, ch. 36, title VIII, § 803, 62 Stat. 12.)

§ 1474. Additional authority of Director of United States Information Agency or other Government agency authorized to administer provisions

In carrying out the provisions of this chapter, the Director, or any Government agency authorized to administer such provisions, may—

(1) employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens are not available when job vacancies occur, and aliens so employed abroad may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 1101(a)(15) of title 8 for such time and under such conditions and procedures as may be established by the Director of the United States Information Agency and the Attorney General;

(2) pay travel expenses of aliens employed abroad for service in the United States and

their dependents to and from the United States;

(3) incur expenses for entertainment within the United States within such amounts as may be provided in appropriations Acts;

(4) obtain insurance on official motor vehicles operated by the Director or such agency in foreign countries, and pay the expenses incident thereto;

(5) notwithstanding the provisions of section 2680(k) of title 28, pay tort claims in the manner authorized in the first paragraph of section 2672 of such title, when such claims arise in foreign countries in connection with operations conducted abroad under this chapter;

(6) employ aliens by contract for services abroad;

(7) provide ice and drinking water abroad;

(8) pay excise taxes on negotiable instruments abroad;

(9) pay to or for individuals, not United States Government employees, participating in activities conducted under this chapter, the costs of emergency medical expenses, preparation and transport to their former homes of the remains of such participants or their dependents who die while away from their homes during such participation, and health and accident insurance premiums for participants or health and accident benefits for participants by means of a program of self-insurance;

(10) rent or lease, for periods not exceeding ten years, offices, buildings, grounds, and living quarters abroad for employees carrying out this chapter, and make payments therefor in advance;

(11) maintain, improve, and repair properties used for information activities in foreign countries;

(12) furnish fuel and utilities for Government-owned or leased property abroad;

(13) pay travel expenses of employees attending official international conferences, without regard to sections 5701–5708 of title 5, and regulations issued thereunder, but at rates not in excess of comparable allowances approved for such conferences by the Director;

(14) purchase uniforms;

(15) hire passenger motor vehicles;

(16) purchase passenger motor vehicles for use abroad, and right-hand drive and security vehicles may be so purchased without regard to any maximum price limitation established by law;

(17) procure services of experts and consultants in accordance with section 3109 of title 5;

(18) make advances of funds;

(19) notwithstanding section 5946 of title 5, pay dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others;

(20) subject to the availability of appropriated funds, purchase motion picture, radio and television producers' liability insurance to cover errors and omissions or similar insurance coverage for the protection of interests in intellectual property;

(21) incur expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

(22) furnish living quarters as authorized by section 5912 of title 5; and

(23) provide allowances as authorized by sections 5921 through 5928 of title 5.

(Jan. 27, 1948, ch. 36, title VIII, §804, as added Pub. L. 92–352, title II, §202, July 13, 1972, 86 Stat. 493; amended Pub. L. 94–350, title II, §203, July 12, 1976, 90 Stat. 830; 1977 Reorg. Plan No. 2, §7(a)(1), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 96–60, title II, §§203(b)(2), 204(b), Aug. 15, 1979, 93 Stat. 398, 400; Pub. L. 97–241, title III, §§303(b), 304(c), (d), Aug. 24, 1982, 96 Stat. 291, 293; Pub. L. 101–246, title II, §207, Feb. 16, 1990, 104 Stat. 53; Pub. L. 102–138, title II, §§204, 205, Oct. 28, 1991, 105 Stat. 692.)

REFERENCES IN TEXT

The civil service laws, referred to in par. (1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in par. (1), are classified generally to chapter 51 (§5101 et seq.) and to subchapter III (§5331 et seq.) of chapter 53 of Title 5.

The Foreign Service Act of 1980, referred to in par. (21), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

AMENDMENTS

1991—Par. (9). Pub. L. 102–138, §205, amended par. (9) generally. Prior to amendment, par. (9) read as follows: ''pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities conducted under this chapter;''.

Pars. (21) to (23). Pub. L. 102–138, §204, added pars. (21) to (23).

1990—Par. (1). Pub. L. 101–246 inserted ''when job vacancies occur'' after ''available''.

1982—Par. (16). Pub. L. 97–241, §304(c), inserted ''and security'' after ''right-hand drive''.

Par. (20). Pub. L. 97–241, §304(d), added par. (20).

1979—Par. (1). Pub. L. 96–60, §203(b)(2), authorized employment of aliens within the United States, previously covered in section 1471(5) of this title, extended services to include preparation and production of foreign language programs, and eliminated investigation-of-alien-employees requirement.

Par. (10). Pub. L. 96–60, §204(b)(1), substituted ''ten'' for ''five'' years.

Par. (14). Pub. L. 96–60, §204(b)(3), substituted a semicolon for '', when funds are appropriated therefor.''.

Pars. (15) to (19). Pub. L. 96–60, §204(b)(4), added pars. (15) to (19).

1976—Par. (14). Pub. L. 94–350 added par. (14).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–60 effective Oct. 1, 1979, and applicable only with respect to funds appropriated after Aug. 15, 1979, where new authorities provide for expenditure of appropriated funds, see section 209 of Pub. L. 96–60, set out as an Effective Date note under section 1469 of this title.

TRANSFER OF FUNCTIONS

''Director of the United States Information Agency'' substituted for ''Director of the International Communication Agency'' in par. (1) pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title, which redesignated International Communication Agency, and Director thereof, as United States Information Agency, and Director thereof. Previously, ''Director'' substituted for ''Secretary'' in text preceding par. (1) and pars. (1), (4) and (13), pursuant to Reorg. Plan No. 2 of 1977, §7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which trans-

ferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President.

EMPLOYMENT AUTHORITY FOR FISCAL YEARS 1994 AND 1995

Pub. L. 103–236, title II, § 223, Apr. 30, 1994, 108 Stat. 422, provided that: ''For fiscal years 1994 and 1995, the Director of the United States Information Agency may, in carrying out the provisions of the United States Information and Educational Exchange Act of 1948 [22 U.S.C. 1431 et seq.], employ individuals or organizations by contract for services to be performed in the United States or abroad, who shall not, by virtue of such employment, be considered to be employees of the United States Government for the purposes of any law administered by the Office of Personnel Management, except that the Director may determine the applicability to such individuals of section 804(5) of that Act [22 U.S.C. 1474(5)].''

§ 1475. Travel expenses

Appropriated funds made available for any fiscal year to the Director or any Government agency, to carry out the provisions of this chapter, for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, shall be available for all such expenses in connection with travel or transportation which begins in that fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed until the following fiscal year.

(Jan. 27, 1948, ch. 36, title VIII, § 805, as added Pub. L. 92–352, title II, § 202, July 13, 1972, 86 Stat. 494; amended 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

§ 1475a. Replacement of passenger motor vehicles

The exchange allowances or proceeds derived from the exchange or sale of passenger motor vehicles used abroad for purposes of this chapter or the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.] shall be available without fiscal year limitation for replacement of an equal number of such vehicles in accordance with section 481(c) of title 40.

(Jan. 27, 1948, ch. 36, title VIII, § 806, as added Pub. L. 94–350, title II, § 204, July 12, 1976, 90 Stat. 830; amended Pub. L. 96–60, title II, § 204(c), Aug. 15, 1979, 93 Stat. 400.)

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in text, is Pub. L. 87–256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

AMENDMENTS

1979—Pub. L. 96–60 substituted ''shall be available'' for ''are authorized to be made available''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–60 effective Oct. 1, 1979, and applicable only with respect to funds appropriated after Aug. 15, 1979, where new authorities provide for expenditures of appropriated funds, see section 209 of Pub. L. 96–60, set out as an Effective Date note under section 1469 of this title.

§ 1475b. Seal of United States Information Agency; judicial notice

The seal of the United States Information Agency shall be the arms and crest of the United States, encircled by the words ''United States Information Agency''. Judicial notice shall be taken of the seal.

(Jan. 27, 1948, ch. 36, title VIII, § 807, as added Pub. L. 95–426, title II, § 204(c), Oct. 7, 1978, 92 Stat. 974; amended Pub. L. 97–241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291.)

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.

§ 1475c. Acting Associate Directors

If an Associate Director of the United States Information Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

(Jan. 27, 1948, ch. 36, title VIII, § 808, as added Pub. L. 97–241, title III, § 304(e), Aug. 24, 1982, 96 Stat. 293.)

§ 1475d. Compensation for disability or death

A cultural exchange, international fair or exposition, or other exhibit or demonstration of United States economic accomplishments and cultural attainments, provided for under this chapter or the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.] shall not be considered a ''public work'' as that term is defined in section 1651 of title 42.

(Jan. 27, 1948, ch. 36, title VIII, § 809, as added Pub. L. 97–241, title III, § 304(e), Aug. 24, 1982, 96 Stat. 293.)

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in text, is Pub. L. 87–256, Sept. 21,

1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

§ 1475e. Use of certain fees and payments

(a)[1] Notwithstanding section 3302 of title 31 or any other law or limitation of authority, fees received by or for the use of the United States Information Agency from or in connection with English-teaching and library services, and Agency-produced publications, and not to exceed $100,000 of payments from motion picture and television programs, produced or conducted by or on behalf of the Agency under the authority of this chapter or the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.] is authorized to be credited each fiscal year to the appropriate appropriation of the United States Information Agency to such extent as may be provided in advance in an appropriation Act.

(Jan. 27, 1948, ch. 36, title VIII, § 810, as added Pub. L. 97–241, title III, § 304(e), Aug. 24, 1982, 96 Stat. 293; amended Pub. L. 100–204, title II, § 203, Dec. 22, 1987, 101 Stat. 1373; Pub. L. 101–246, title II, § 208, Feb. 16, 1990, 104 Stat. 53.)

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in text, is Pub. L. 87–256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

AMENDMENTS

1990—Pub. L. 101–246 amended section catchline and text generally. Prior to amendment, section read as follows: "Notwithstanding the provisions of section 3302(b) of title 31 or any other law or limitation of authority, all payments received by or for the use of the United States Information Agency from or in connection with English-teaching and library services conducted by or on behalf of the Agency under the authority of this chapter or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation to such extent as may be provided in advance in an appropriation Act."

1987—Pub. L. 100–204 amended section generally, changing structure of section from one consisting of subsecs. (a) and (b) to one consisting of one paragraph.

§ 1475f. Debt collection

(a) Contract authority

(1) Subject to the availability of appropriations, the Director of the United States Information Agency shall enter into contracts for collection services to recover indebtedness owed by a person, other than a foreign country, to the United States which arises out of activities of the United States Information Agency and is delinquent by more than 90 days.

(2) Each contract entered into under this section shall provide that the person with whom the Director of the United States Information Agency enters into such contract shall submit to the Director at least once every 180 days a status report on the success of the person in collecting debts. Section 3718 of title 31 shall apply to any such contract to the extent that such section is not inconsistent with this subsection.

(b) Disclosure of delinquent debt to credit reporting agencies

The Director of the United States Information Agency shall, to the extent otherwise allowed by law, disclose to those credit reporting agencies to which the Director reports loan activity information concerning any debt of more than $100 owed by a person, other than a foreign country, to the United States which arises out of activities of the United States Information Agency and is delinquent by more than 31 days.

(Jan. 27, 1948, ch. 36, title VIII, § 811, as added Pub. L. 101–246, title II, § 209, Feb. 16, 1990, 104 Stat. 53.)

§ 1475g. USIA posts and personnel overseas

(a) Limitation

Except as provided under this section no funds authorized to be appropriated to the United States Information Agency may be used to pay any expense associated with the closing of any United States Information Agency post abroad.

(b) Notification

Not less than 45 days before the closing of any United States Information Agency post abroad the Director of the United States Information Agency shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) Exceptions

This section shall not apply to any United States Information Agency post closed—

(1) because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

(2) where there is a real and present threat to United States diplomats in the city where the post is located and where a travel advisory warning against travel by United States citizens to the city has been issued by the Department of State.

(Jan. 27, 1948, ch. 36, title VIII, § 812, as added Pub. L. 102–138, title II, § 206(a), Oct. 28, 1991, 105 Stat. 693.)

PRIOR PROVISIONS

Provisions similar to this section were contained in Pub. L. 100–204, title II, § 204, Dec. 22, 1987, 101 Stat. 1373, which was set out as a note under section 1461 of this title prior to repeal by Pub. L. 102–138, title II, § 206(c), Oct. 28, 1991, 105 Stat. 693.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

REDUCTIONS IN AMERICAN EMPLOYEES

Section 206(b) of Pub. L. 102–138 provided that: "Reductions may not be made in the number of positions filled by American employees of the United States Information Agency stationed abroad until the number of

[1] So in original. No subsec. (b) has been enacted.

such employees is the same percentage of the total number of American employees of the Agency as the number of American employees of the Agency stationed abroad in 1981 was to the total number of American employees at the Agency at the same time in 1981.''

§ 1475h. USIA grants

(a) Competitive grant procedures

Except as provided in subsection (b) of this section, the United States Information Agency shall work to achieve full and open competition in the award of grants.

(b) Exceptions

The United States Information Agency may award a grant under procedures other than competitive procedures when—

(1) a grant is made under the Mutual Educational and Cultural Exchange Act of 1961 (commonly known as the Fulbright-Hays Act) [22 U.S.C. 2451 et seq.] or any statute which expressly authorizes or requires that a grant be made with a specified entity;

(2) the terms of an international agreement or treaty between the United States Government and a foreign government or international organization have the effect of requiring the use of procedures other than competitive procedures;

(3) a recipient organization has developed particular expertise in the planning and administration of longstanding exchange programs important to United States foreign policy; or

(4) introducing competition would increase costs.

(c) Compliance with grant guidelines

(1) After October 1, 1991, grants awarded by the United States Information Agency shall substantially comply with United States Information Agency grant guidelines and applicable circulars of the Office of Management and Budget.

(2) If the Agency determines that a grantee has not satisfied the requirement of paragraph (1), the United States Information Agency shall notify the grantee of the suspension of payments under a grant unless compliance is achieved within 90 days of such notice.

(3) The Agency shall suspend payments under any grant which remains in noncompliance 90 days after notification under paragraph (2).

(d) Report to Congress

Not later than 90 days after October 28, 1991, the Director of the United States Information Agency shall submit a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on United States Information Agency action to comply with subsection (a) of this section.

(Pub. L. 102–138, title II, § 212, Oct. 28, 1991, 105 Stat. 695.)

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (b)(1), is Pub. L. 87–256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§ 2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SUBCHAPTER VIII—APPROPRIATIONS AND OTHER FUNDS

§ 1476. Prior authorizations by Congress

(a) Notwithstanding any provision of law enacted before November 29, 1973, no money appropriated to carry out this chapter shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation to carry out this chapter authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) of this section shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after November 29, 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled ''Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes'', approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.

(e) The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the United States Information Agency as authorized by law.

(f)(1) Subject to paragraphs (2) and (3), funds authorized to be appropriated for any account of the United States Information Agency in the Department of State and Related Agencies Appropriations Act, for the second fiscal year of any 2-year authorization cycle may be appropriated for such second fiscal year for any other account of the United States Information Agency.

(2) Amounts appropriated for the ''Salaries and Expenses'' and ''Educational and Cultural Exchange Programs'' accounts may not exceed by more than 5 percent the amount specifically authorized to be appropriated for each such account for a fiscal year. No other appropriations account may exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for a fiscal year.

(3) The requirements and limitations of subsection (a) of this section shall not apply to the

appropriation of funds pursuant to this subsection.

(4) This subsection shall cease to have effect after September 30, 1995.

(Jan. 27, 1948, ch. 36, title VII, § 701, 62 Stat. 11; Pub. L. 92–226, pt. IV, § 407(d), Feb. 7, 1972, 86 Stat. 35; Pub. L. 92–352, title II, § 203, July 13, 1972, 86 Stat. 494; Pub. L. 93–168, § 3, Nov. 29, 1973, 87 Stat. 688; Pub. L. 93–475, § 6, Oct. 26, 1974, 88 Stat. 1440; 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637; Pub. L. 97–241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 102–499, § 2, Oct. 24, 1992, 106 Stat. 3264; Pub. L. 103–415, § 1(q), Oct. 25, 1994, 108 Stat. 4301.)

REFERENCES IN TEXT

The joint resolution entitled ''Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes'', approved July 1, 1973, referred to in subsec. (d), is Pub. L. 93–52, July 1, 1973, 87 Stat. 130, of which only section 111 of Pub. L. 93–52 was classified to the Code. Section 111 of Pub. L. 93–52 which was classified to section 665b of former Title 31 was repealed and reenacted as section 1502(b) of Title 31, Money and Finance, by Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31.

AMENDMENTS

1994—Subsec. (f)(4). Pub. L. 103–415 substituted ''1995'' for ''1993''.

1992—Subsec. (f). Pub. L. 102–499 added subsec. (f).

1974—Subsec. (e). Pub. L. 93–475 added subsec. (e).

1973—Pub. L. 93–168 designated existing provisions as subsec. (a), substituted provisions that no appropriated moneys appropriated to carry out this chapter be available for obligation or expenditure if the appropriation thereof has not been previously authorized by law or if the appropriated moneys are in excess of the amount previously prescribed by law for provisions that no appropriation be made to the Secretary of State or to any Government agency authorized to administer the provisions of this chapter under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation enacted by the Congress after February 7, 1972, but with such provisions not to apply to or affect permanent appropriations, trust funds, and other similar accounts administered by the Secretary or such agency authorized by law, and added subsecs. (b) to (d).

1972—Pub. L. 92–352 inserted provisions that section not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Secretary or such agency as authorized by law.

Pub. L. 92–226 substituted provision for prior authorizations by Congress for former general authorization.

SHORT TITLE OF 1973 AMENDMENT

Section 1 of Pub. L. 93–168 provided: ''That this Act [amending this section] may be cited as the 'United States Information Agency Appropriations Authorization Act of 1973'.''

TRANSFER OF FUNCTIONS

''United States Information Agency'' substituted for ''International Communication Agency'' in subsec. (e) pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title. Previously, functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, which agency was abolished by Reorg. Plan No. 2 of 1977, § 9(a)(1), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by President, transferred to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, by section 7(a)(1) of Reorg. Plan No. 2 of 1977. Director of International Communication Agency was authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate performance of any such transferred functions to any officer, employee, or unit of International Communication Agency. Accordingly, ''International Communication Agency'' substituted for ''United States Information Agency'' in subsec. (e).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1442 of this title.

§ 1477. Transfer of funds

The Director shall authorize the transfer to other Government agencies for expenditure in the United States and in other countries, in order to carry out the purposes of this chapter, any part of any appropriations available to the Agency for carrying out the purposes of this chapter, for direct expenditure or as a working fund, and any such expenditures may be made under the specific authority contained in this chapter or under the authority governing the activities of the Government agency to which a part of any such appropriation is transferred, provided the activities come within the scope of this chapter.

(Jan. 27, 1948, ch. 36, title VII, § 702, 62 Stat. 11; 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637.)

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. Director of International Communication Agency authorized by section 5 of Reorg. Plan No. 2 of 1977 to delegate performance of such transferred functions by any officers, employees, or units of International Communication Agency. Accordingly, ''Agency'' also substituted for ''Department'', meaning Department of State. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

§ 1477a. Omitted

Section, act Jan. 27, 1948, ch. 36, title VII, § 703, as added Mar. 30, 1972, Pub. L. 92–264, 86 Stat. 114; amended Aug. 20, 1972, Pub. L. 92–394, 86 Stat. 577; July 6, 1973, Pub. L. 93–59, 87 Stat. 142; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, which authorized appropriations for Radio Free Europe and Radio Liberty for fiscal year 1973 in an amount of $38,520,000, and also authorized an additional $1,150,000 for nondiscretionary costs, has been omitted in view of the authorization not being extended later than fiscal year 1973.

§ 1477b. Nondiscretionary personnel costs and currency fluctuations

(a) Availability of appropriations until expended

Amounts appropriated for a fiscal year to carry out this chapter are authorized to be made available until expended.

(b) Additional appropriations

There are authorized to be appropriated for the United States Information Agency, in addition to amounts otherwise authorized to be appropriated for the Agency, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

(c) Appropriations authorization based on currency fluctuations; Buying Power Maintenance account

(1) In order to maintain the levels of program activity provided for by the annual authorizing legislation for the United States Information Agency, there are authorized to be appropriated for the Agency such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, occurring after November 30 of the earlier of (A) the calendar year which ended during the fiscal year preceding such fiscal year, or (B) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted.

(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

(3) In order to eliminate substantial gains to the approved levels of overseas operations for the United States Information Agency, the Director shall transfer to the Buying Power Maintenance account such amounts appropriated for ''Salaries and Expenses'' as the Director determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

(4) In order to offset adverse fluctuations in foreign currency exchange rates or foreign wages and prices, the Director may transfer from the Buying Power Maintenance account to the ''Salaries and Expenses'' appropriations account such amounts as the Director determines are necessary to maintain the approved level of operations under that appropriation account.

(5) Funds transferred by the Director from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Director from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts that may be obligated or expended by the United States Information Agency shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.

(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the 5th fiscal year after the fiscal year for which funds are appropriated or otherwise made available for the ''Salaries and Expenses'' account, the Director may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

(B) The balance of the Buying Power Maintenance account may not exceed $50,000,000 as a result of any transfer under this paragraph.

(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 1477c of this title and shall be available for obligation or expenditure only in accordance with the procedures under such section.

(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided in advance in appropriation Acts.

(Jan. 27, 1948, ch. 36, title VII, § 704, as added Pub. L. 96–60, title II, § 204(e), Aug. 15, 1979, 93 Stat. 400; amended Pub. L. 97–241, title I, § 112(b), title III, § 303(b), Aug. 24, 1982, 96 Stat. 278, 291; Pub. L. 103–236, title II, § 224, Apr. 30, 1994, 108 Stat. 422.)

AMENDMENTS

1994—Subsec. (c). Pub. L. 103–236 designated existing provisions as par. (1), redesignated former cls. (1) and (2) as cls. (A) and (B), respectively, and added pars. (2) to (7).

1982—Subsec. (c). Pub. L. 97–241, § 112(b), inserted '', or overseas wage and price changes,'' after ''exchange rates'', substituted ''earlier of'' for ''preceding fiscal year'', and added cls. (1) and (2).

EFFECTIVE DATE

Section effective Oct. 1, 1979, and applicable only with respect to funds appropriated after Aug. 15, 1979, where new authorities provide for expenditure of appropriated funds, see section 209 of Pub. L. 96–60, set out as a note under section 1469 of this title.

TRANSFER OF FUNCTIONS

''United States Information Agency'' substituted for ''International Communication Agency'' in subsecs. (b) and (c)(1), pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title.

§ 1477c. Notification of reprogramings and grants; covered programs, projects, or activities; award of program grants

(a) Availability of appropriated funds

Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of a proposed reprograming, funds appropriated for the United States Information Agency shall not be available for obligation or expenditure through any such reprograming of funds—

(1) which creates new programs;

(2) which eliminates a program, project, or activity;

(3) which increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by the Congress;

(4) which relocates an office or employees;

(5) which reorganizes offices, programs, or activities;

(6) which involves contracting out functions which had been performed by Federal employees; or

(7) which involves a reprograming in excess of $500,000 or 10 per centum, whichever is less, and which (A) augments existing programs, projects, or activities, (B) reduces by 10 per centum or more the funding for any existing program, project, or activity, or personnel approved by the Congress, or (C) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects approved by the Congress.

(b) Notification to Congressional committees

In addition, the United States Information Agency may award program grants only if the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of the proposed grant.

(c) Period of availability of appropriated funds

Funds appropriated for the United States Information Agency may not be available for obligation or expenditure through any reprogramming described in subsection (a) of this section during the period which is the last 15 days in which such funds are available unless notice of such reprogramming is made before such period.

(Jan. 27, 1948, ch. 36, title VII, § 705, as added Pub. L. 98–164, title II, § 214, Nov. 22, 1983, 97 Stat. 1035; amended Pub. L. 99–93, title II, § 214(a), Aug. 16, 1985, 99 Stat. 434; Pub. L. 100–204, title II, § 202, Dec. 22, 1987, 101 Stat. 1372; Pub. L. 102–138, title II, § 202, Oct. 28, 1991, 105 Stat. 692.)

AMENDMENTS

1991—Subsec. (a)(7). Pub. L. 102–138 substituted ''$500,000'' for ''$250,000''.

1987—Subsec. (b). Pub. L. 100–204, § 202(a), struck out ''for the fiscal years 1986 and 1987'' after ''may award program grants''.

Subsec. (c). Pub. L. 100–204, § 202(b), added subsec. (c).

1985—Subsec. (b). Pub. L. 99–93 substituted ''1986 and 1987'' for ''1984 and 1985''.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 214(b) of Pub. L. 99–93 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1985.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1477b of this title.

§ 1478. Reimbursement of program expenses from sources other than appropriations; disposition of receipts

The Director shall, when he finds it in the public interest, request and accept reimbursement from any cooperating governmental or private source in a foreign country, or from State or local governmental institutions or private sources in the United States, for all or part of the expenses of any portion of the program undertaken hereunder. The amounts so received shall be covered into the Treasury as miscellaneous receipts.

(Jan. 27, 1948, ch. 36, title IX, § 901, 62 Stat. 13; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 965, 6209 of this title.

§ 1479. Advancement of funds, property, or services by foreign governments; disposition; availability; return of unexpended balances or property

If any other government shall express the desire to provide funds, property, or services to be used by this Government, in whole or in part, for the expenses of any specific part of the program undertaken pursuant to this chapter, the Director is authorized, when he finds it in the public interest, to accept such funds, property, or services. Funds so received may be established as a special deposit account in the Treasury of the United States, to be available for the specified purpose, and to be used for reimbursement of appropriations or direct expenditure, subject to the provisions of this chapter. Any unexpended balance of the special deposit account and other property received under this section and no longer required for the purposes for which provided shall be returned to the government providing the funds or property.

(Jan. 27, 1948, ch. 36, title IX, § 902, 62 Stat. 13; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637.)

TRANSFER OF FUNCTIONS

''Director'' substituted in text for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, and Director thereof, under this chapter, to Director of International Communication Agency, except to extent that such functions were vested in President under sections 1452, 1456, and 1467 of this title, effective on or before July 1, 1978, at such time as specified by President. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1451, 6209 of this title.

§ 1480. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 657, 658

Section, act June 20, 1956, ch. 414, title I, § 107, 70 Stat. 304, related to maximum rates of per diem in lieu of subsistence payable to foreign participants. See section 2679 of this title.

Acts July 10, 1952, ch. 651, title I, § 109, 66 Stat. 555; Aug. 5, 1953, ch. 328, title I, § 108, 67 Stat. 371; July 2, 1954, ch. 456, title I, § 107, 68 Stat. 418; July 7, 1955, ch. 279, title I, § 107, 69 Stat. 270, which contained provision similar to section 1480 of this title, were repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 657, 658.

CHAPTER 19—FOREIGN ASSISTANCE PROGRAM

SUBCHAPTER I—ASSISTANCE TO EUROPEAN COUNTRIES

§§ 1501, 1502. Repealed. Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144

Section 1501, acts Apr. 3, 1948, ch. 169, title I, § 102, 62 Stat. 137; Apr. 19, 1949, ch. 77, § 1, 63 Stat. 50; June 5, 1950, ch. 220, title I, § 102, 64 Stat. 198, related to congressional declarations and findings. See sections 2151 and 2301 of this title.

Section 1502, act Apr. 3, 1948, ch. 169, title I, § 103, 62 Stat. 138, related to participating countries.

§§ 1503 to 1505. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(4), (10), 68 Stat. 861

Section 1503, acts Apr. 3, 1948, ch. 169, title I, § 104, 62 Stat. 138; Apr. 19, 1949, ch. 77, § 2, 63 Stat. 50; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to Economic Cooperation Administration and provided for the creation of a corporation, its powers, duties, and liabilities, termination date, capital stock, employment of personnel and promulgation of rules and regulations.

Section 1504, acts Apr. 3, 1948, ch. 169, title I, § 105, 62 Stat. 140; Apr. 19, 1949, ch. 77, § 3, 63 Stat. 50; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to general functions of Administrator.

Section 1505, act Apr. 3, 1948, ch. 169, title I, § 107, 62 Stat. 141, related to creation of Public Advisory Board; composition; qualifications; appointment; compensation; expenses; meetings; and additional advisory committees.

§ 1506. Repealed. Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144

Section, acts Apr. 3, 1948, ch. 169, title I, § 108, 62 Stat. 141; Apr. 19, 1949, ch. 77, § 4, 63 Stat. 50, related to the United States Special Representative and Deputy Representative abroad; appointment and compensation; and rank. See section 2391 of this title.

§§ 1507 to 1513. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(4), (6), (9)–(11), 68 Stat. 861

Section 1507, acts Apr. 3, 1948, ch. 169, title I, § 109, 62 Stat. 142; Apr. 19, 1949, ch. 77, § 5, 63 Stat. 51; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to special missions for each participating country. See sections 2382, 2391, and 2396 of this title.

Section 1508, acts Apr. 3, 1948, ch. 169, title I, § 110, 62 Stat. 142; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to personnel performing outside United States, their pay and allowances, assignment to Foreign Service Reserve or Staff, employment of aliens and loyalty and security investigation of employees. See section 2385 of this title.

Section 1509, acts Apr. 3, 1948, ch. 169, title I, § 111, 62 Stat. 143; Apr. 19, 1949, ch. 77, § 6, 63 Stat. 51; June 5, 1950, ch. 220, title I, § 103, 64 Stat. 198; Oct. 10, 1951, ch. 479, title V, § 522, 65 Stat. 384; June 20, 1952, ch. 449, § 7(a), 66 Stat. 143; July 16, 1953, ch. 195, ch. VII, § 708(a), 67 Stat. 161, related to assistance to participating countries, nature and methods, terms and conditions; utilization of private channels of trade, terms and conditions; assistance by grants, payments-in-cash or credit, maximum issuance of notes; and funds to promote liberalization of trade among participants. See sections 2351, 2353, 2395 and 2403 of this title.

Section 1510, acts Apr. 3, 1948, ch. 169, title I, § 112, 62 Stat. 146; Apr. 19, 1949, ch. 77, § 7, 63 Stat. 52; June 5, 1950, ch. 220, title I, § 104, 64 Stat. 199; Oct. 10, 1951, ch. 479, title V, § 538(c) as added June 20, 1952, ch. 449, § 7(m), 66 Stat. 148, related to protection of domestic economy, minimization of procurement in United States, surplus agricultural commodity, definition, procurement, acquisition from Commodity Credit Corporation, payment and payments by Secretary of Agriculture, exclusion of nonparticipating countries, utilization of private channels of trade, assistance by Administrator to aid small business to participate in furnishing commodities and services to program, appointment and duties of special assistant, report to Congress, marine insurance, limitation on use of advertising funds and on purchase price of commodities, price-policy for wheat and wheat-flour, and discriminatory trade practices. See sections 2352, 2354, and 2403 of this title.

Section 1511 act Apr. 3, 1948, ch. 169, title I, § 113, 62 Stat. 148, related to reimbursement to Government agencies for commodities, services, or facilities; and transfer of commodities to other Government agencies to prevent spoilage or waste. See sections 2355 and 2392 of this title.

Section 1512, acts Apr. 3, 1948, ch. 169, title I, § 114, 62 Stat. 149; Apr. 19, 1949, ch. 77, § 8, 63 Stat. 53; June 5, 1950, ch. 220, title I, § 105, 64 Stat. 200; act Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144, related to appropriations, interim advances and repayment, availability of certain unobligated funds, appropriation of funds until June 30, 1952, disbursement of funds, merger of certain deposits of participating countries, creation of Foreign Economic Cooperation Trust fund, advances by Reconstruction Finance Corporation, transfer of German assistance funds and payment of expenses of rehabilitation, and deposit of German currency into GARIOA special account and availability of deposited funds. See section 2151 et seq. of this title.

Section 1513, acts Apr. 3, 1948, ch. 169, title I, § 115, 62 Stat. 150; Apr. 19, 1949, ch. 77, § 9, 63 Stat. 53; June 5, 1950, ch. 220, title I, § 106, 64 Stat. 201; Oct. 10, 1951, ch. 479, title V, §§ 523, 527, 65 Stat. 385; Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144; June 20, 1952, ch. 449, § 9, 66 Stat. 150; July 16, 1953, ch. 195, ch. VII, §§ 708(b), (c), 710(b), 67 Stat. 161, related to bilateral and multilateral undertakings; conclusion of basic agreements by Secretary of State and advisory function of Administrator; conditions precedent for assistance; interim assistance; encouragement of joint organization between participating countries and followup system; utilization of manpower; capital equipment; repatriation of prisoners of war; use of special local currency by United States; procurement of strategic, critical or deficient materials for United States; and publicity regarding American assistance. See section 2151 et seq. of this title.

§ 1514. Repealed. Oct. 10, 1951, ch. 479, title V, § 503(b)(1), as added June 20, 1952, ch. 449, § 7(c), 66 Stat. 144

Section, act Apr. 3, 1948, ch. 169, title I, § 116, 62 Stat. 153, related to assistance by other Western Hemisphere countries.