

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT

UNITED STATES CODE
TITLE 22: CHAPTER 33
MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Sec. 2451. - Congressional statement of purpose

The purpose of this chapter is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world.

Sec. 2452. - Authorization of activities

(a) Grants or contracts for educational or cultural exchanges; participation in international fairs and expositions abroad

The Director of the United States Information Agency is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for -

(1) educational exchanges,

(i) by financing studies, research, instruction, and other educational activities -

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American schools and institutions of learning located in or outside the United States;

and

(ii) by financing visits and interchanges between the United States and other countries of students, trainees, teachers, instructors, and professors;

(2) cultural exchanges, by financing -

(i) visits and interchanges between the United States and other countries of leaders, experts in fields of specialized knowledge or skill, and other influential or distinguished persons;

(ii) tours in countries abroad by creative and performing artists and athletes from the United States, individually and in groups, representing any field of the arts, sports, or any other form of cultural attainment;

(iii) United States representation in international artistic, dramatic, musical, sports, and other cultural festivals, competitions, meetings, and like exhibitions and assemblies;

(iv) participation by groups and individuals from other countries in nonprofit activities in the United States similar to those described in subparagraphs (ii) and (iii) of this paragraph, when the Director of the United States Information Agency determines that such participation is in the national interest. [1]

(3) United States participation in international fairs and expositions abroad, including trade and industrial fairs and other public or private demonstrations of United States economic accomplishments and cultural attainments.

(b) Other exchanges

In furtherance of the purposes of this chapter, the President is further authorized to provide for -

(1) interchanges between the United States and other countries of handicrafts, scientific, technical, and scholarly books, books of literature, periodicals, and Government publications, and the reproduction and translation of such writings, and the preparation, distribution, and interchange of other educational and research materials, including laboratory and technical equipment for education and research;

(2) establishing and operating in the United States and abroad centers for cultural and technical interchanges to promote better relations and understanding between the United States and other nations through cooperative study, training, and research;

(3) assistance in the establishment, expansion, maintenance, and operation of schools and institutions of learning abroad, founded, operated, or sponsored by citizens or nonprofit institutions of the United States, including such schools and institutions serving as demonstration centers for methods and practices employed in the United States;

(4) fostering and supporting American studies in foreign countries through professorships, lectureships, institutes, seminars, and courses in such subjects as American history, government, economics, language and literature, and other subjects related to American civilization and culture, including financing the attendance at such studies by persons from other countries;

(5) promoting and supporting medical, scientific, cultural, and educational research and development;

(6) promoting modern foreign language training and area studies in United States schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skill in languages and their knowledge of the culture of the people of those countries, and by financing visits by teachers from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities;

(7) United States representation at international nongovernmental educational, scientific, and technical meetings;

(8) participation by groups and individuals from other countries in educational, scientific, and technical meetings held under American auspices in or outside the United States;

(9) encouraging independent research into the problems of educational and cultural exchange;

(10) promoting studies, research, instruction, and other educational activities of citizens and nationals of foreign countries in American schools, colleges, and universities located in the United States by making available to citizens and nationals of less developed friendly foreign countries for exchange for currencies of their respective countries (other than excess foreign currencies), at United States embassies, United States dollars in such amounts as may be necessary to enable such foreign citizens or nationals who are coming temporarily to the United States as students, trainees, teachers, instructors, or professors to meet expenses of the kind described in section 2454(e)(1) of this title;

(11) interchanges and visits between the United States and other countries of scientists, scholars, leaders, and other experts in the fields of environmental science and environmental management; and

(12) promoting respect for and guarantees of religious freedom abroad by interchanges and visits between the United States and other nations of religious leaders, scholars, and religious and legal experts in the field of religious freedom.

Sec. 2452a. - Exchange program with countries in transition from totalitarianism to democracy

(a) Authorization of activities; grants or contracts for exchanges with foreign countries

Pursuant to the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) and using the authorities contained therein, the President is authorized, when the President considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for exchanges with countries that are in transition from totalitarianism to democracy, which include, but are not limited to Poland, Hungary, Czechoslovakia, Bulgaria, and Romania -

(1) by financing studies, research, instruction, and related activities -

(A) of or for American citizens and nationals in foreign countries; and

(B) of or for citizens and nationals of foreign countries in American private businesses, trade associations, unions, chambers of commerce, and local, State, and Federal Government agencies, located in or outside the United States; and

(2) by financing visits and interchanges between the United States and countries in transition from totalitarianism to democracy.

The program under this section shall be coordinated by the Department of State.

(b) Transfer of funds

The President is authorized to transfer to the appropriate appropriations account of the Department of State such sums as the President shall determine to be necessary out of the travel accounts of the departments and agencies of the United States, except for the Department of State, as the President shall designate. Such transfers shall be subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. In addition, the President is authorized to accept such gifts or cost-sharing arrangements as may be proffered to sustain the program under this section.

Sec. 2452b. - International expositions

(a) Limitation

Except as provided in subsection (b) of this section and notwithstanding any other provision of law, the Department of State may not obligate or expend any funds appropriated to the Department of State for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions in excess of amounts expressly authorized and appropriated for such purpose.

(b) Exceptions

(1) In general

The Department of State is authorized to utilize its personnel and resources to carry out the responsibilities of the Department for the following:

(A) Administrative services, including legal and other advice and contract administration, under section 2452(a)(3) of this title related to United States participation in international fairs and expositions abroad. Such administrative services may not include capital expenses, operating expenses, or travel or related expenses (other than such expenses as are

associated with the provision of administrative services by employees of the Department of State).

(B) Activities under section 2455(f) of this title with respect to encouraging foreign governments, international organizations, and private individuals, firms, associations, agencies and other groups to participate in international fairs and expositions and to make contributions to be utilized for United States participation in international fairs and expositions.

(C) Encouraging private support of United States pavilions and exhibits at international fairs and expositions.

(2) Statutory construction

Nothing in this subsection authorizes the use of funds appropriated to the Department of State to make payments for -

(A) contracts, grants, or other agreements with any other party to carry out the activities described in this subsection; or

(B) the satisfaction of any legal claim or judgment or the costs of litigation brought against the Department of State arising from activities described in this subsection.

(c) Notification

No funds made available to the Department of State by any Federal agency to be used for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions may be obligated or expended unless the appropriate congressional committees are notified not less than 15 days prior to such obligation or expenditure.

(d) Reports

The Commissioner General of a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions shall submit to the Secretary of State and the appropriate congressional committees a report concerning activities relating to such pavilion or exhibit every 180 days while serving as Commissioner General and shall submit a final report summarizing all such activities not later than 1 year after the closure of the pavilion or exhibit.

Sec. 2453. - Agreements with foreign governments and international organizations

(a) Authorization

The Director of the United States Information Agency is authorized to enter into agreements with foreign governments and international organizations, in furtherance of the purposes of this chapter. In such agreements the Director of the United States Information Agency is authorized, when he deems it in the public interest, to seek the agreement of the other governments concerned to cooperate and assist, including making use of funds placed in special accounts pursuant to agreements concluded in accordance with section 1513(b)(6) [1] of this title, or any similar agreements, in providing for the activities authorized in section 2452 of this title, and particularly those authorized in subsection (a)(1) of said section 2452, with respect to the expenses of international transportation of their own citizens and nationals and of activities in furtherance of the purposes of this chapter carried on within the borders of such other nations.

(b) Creation or continuation of binational or multinational educational and cultural foundations and commissions.

Such agreements may also provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purpose of administering programs in furtherance of the purposes of this chapter.

(c) United States participation in programs

In such agreements with international organizations, the Director of the United States Information Agency may provide for equitable United States participation in and support for, including a reasonable share of the cost of, educational and cultural programs to be administered by such organizations.

Sec. 2454. - Administration

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

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

(b) Employment of personnel

The President is authorized to employ such other personnel as he deems necessary to carry out the provisions and purposes of this chapter, and of such personnel not to exceed ten may be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of

title 5, but not in excess of the highest rate of grade 18 of the General Schedule. Such positions shall be in addition to the number authorized by section 5108 of title 5.

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

(d) Extension of benefits

For the purpose of performing functions under this chapter outside the United States, the Director of the United States Information Agency is authorized to provide that any person employed or assigned by a United States Government agency shall be entitled, except to the extent that the Director of the United States Information Agency may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 3950 of this title for individuals appointed to the Foreign Service.

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

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

(2) Funds available for programs under this chapter may be used -

(i) to provide for orientation courses, language training, or other appropriate services and materials for persons traveling out of the countries of their residence for educational and cultural purposes which further the purposes of this chapter, whether or not they are receiving other financial support from the Government, and

(ii) to provide or continue services to increase the effectiveness of such programs following the return of such persons to the countries of their residence.

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

establishment and maintenance at colleges and universities in the United States attended by foreign students of an adequate counseling service.

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

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

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

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

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

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

(4) An individual shall be eligible to exchange foreign currency for United States dollars at United States embassies under section 2452(b)(10) of this title only if he gives satisfactory assurances that -

(A) he will devote essentially full time to his proposed educational activity in the United States and will maintain good standing in relation to such program;

(B) he will return to the country of his citizenship or nationality prior to coming to the United States and will render such public service as is determined acceptable for a period of time determined reasonable and necessary by the government of such country; and

(C) he will not apply for an immigrant visa or for permanent residence or for a nonimmigrant visa under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) after having received any benefits under such section for a period of time equal to the period of study, research, instruction, or other educational activity he performed pursuant to such section.

(5) As used in section 2452(b)(10) of this title, the term "excess foreign currencies" means foreign currencies, which if acquired by the United States -

(A) would be in excess of the normal requirements of departments, agencies, and embassies of the United States for such currencies, as determined by the President, and

(B) would be available for the use of the United States Government under applicable agreements with the foreign country concerned.

Sec. 2455. - Appropriations

(a) Availability

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

(b) Acquisition of foreign currencies

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

(c) Transfer of funds

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

(d) Reserve and use of certain funds

The President is authorized -

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

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

chapter, any currencies of foreign nations received or to be received by the United States or any agency thereof -

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

(ii) as the proceeds of sales or loan repayments, including interest, for transactions heretofore or hereafter effected under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691 et seq.);

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

(iv) as deposits to the account of the United States pursuant to section 1513(b)(6) [1] or section 1513(h) (FOOTNOTE 1) of this title, or any similar provision of any other law.

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

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

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

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

(g) Currency exchanges

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

Sec. 2456. - J. William Fulbright Foreign Scholarship Board

(a) Appointment; members; considerations for selection -

(1) For the purpose of selecting students, scholars, teachers, trainees, and other persons to participate in the programs authorized under section 2452(a)(1) of this title, and of supervising such programs and the programs authorized under section 2452(b)(4) and (6) of this title, there is continued the authority of the President to appoint a board of foreign scholarships which shall be known as the "J. William Fulbright Foreign Scholarship Board" (hereinafter referred to as the "Board") consisting of twelve members. In connection with appointments to such Board, due consideration shall be given to the selection of distinguished representatives of cultural, educational, student advisory, and war veterans groups, and representatives of the United States Department of Education, the United States Department of Veterans Affairs, public and private nonprofit educational institutions.

(2) In the selection of American citizens for participation in programs under this chapter, preference shall be given to those who have served in the Armed Forces of the United States, and due consideration shall be given to applicants from all geographical areas of the United States.

(b) Omitted

(c) Repealed. Pub.

L. 105-277, div. G, subdiv. A, title XIII, Sec. 1336(2), Oct. 21, 1998, 112 Stat. 2681-790

(d) Creation of interagency and other advisory committees; conferences of persons

The President is authorized to create such interagency and other advisory committees as in his judgment may be of assistance in carrying out the purposes of this chapter, and from time to time to convene conferences of persons interested in educational and cultural affairs to consider matters relating to the purposes of this chapter.

(e) Availability of appropriations for expenses; transportation expenses and per diem; compensation of members of Board and Committees.

The provisions of section 1346(b) of title 31 shall be applicable to any interagency committee created pursuant to the provisions of this chapter. Members of the committees provided for in this section shall be entitled -

(i) to transportation expenses and per diem in lieu of subsistence at the rate prescribed by or established pursuant to section 5703 of title 5 while away from home in connection with attendance at meetings or in consultation with officials of the Government or otherwise carrying out duties as authorized, and

(ii) if not otherwise in the employ of the United States Government, to compensation at rates not in excess of \$50 per diem while performing services for such committees. Members of the Board shall be entitled to such expenses and per diem in lieu of subsistence as provided for under clause (i) of the preceding sentence and, while performing services for the Board, to compensation at a rate, prescribed by the Director of the United States Information Agency, not in excess of the daily rate for the first step of GS-15 of the General Schedule under section 5332 of title 5.

(f) Secretarial and staff assistance

The President is authorized to provide for necessary secretarial and staff assistance for the Board and such committees as may be created under this section.

Sec. 2457. - Reports by Board

The Board shall submit annual reports to the Congress and 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 authorized by this chapter.

Sec. 2458. - Authority of President

(a) Performance of certain functions without regard to other laws; appropriation credits upon reimbursement for services in connection with exchange activities -

(1) Whenever the President determines it to be in furtherance of this chapter, the functions authorized in section 2452(a)(2) and (3) of this title may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

(2) Notwithstanding any other provision of law, the Director of the United States Information Agency may provide, on a reimbursable basis, services within the United States in connection with exchange activities otherwise authorized by this chapter when such services are requested by a department or executive agency. Reimbursements under this paragraph shall be credited to the applicable appropriation of the Agency.

(b) Periodic reports of activities and expenditures

The President shall submit periodic reports to the Congress of activities carried on and expenditures made in furtherance of the purposes of this chapter and of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.).

(c) Expenditures in selection, purchase, rental, construction, or other acquisition of exhibits and materials and equipment therefore -

In connection with activities authorized by section 2452(a)(2) and (3) of this title, the President is authorized to provide for all necessary expenditures involved in the selection, purchase, rental, construction, or other acquisition of exhibits and materials and equipment therefore, and the actual display thereof, including but not limited to costs of transportation, insurance, installation, safekeeping and storage, maintenance and operation, rental of space, and dismantling.

(d) Utilization of provisions of other laws

The President is authorized to utilize the provisions of title VIII of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1471 et seq.), to the extent he deems necessary in carrying out the provisions and purposes of this chapter.

Sec. 2458a. - Federal employee participation in cultural exchange programs

(a) Grants and other foreign government assistance; family or household expense assistance prohibited; "Federal employee" defined

(1) Congress consents to the acceptance by a Federal employee of grants and other forms of assistance provided by a foreign government to facilitate the participation of such Federal employee in a cultural exchange -

(A) which is of the type described in section 2452(a)(2)(i) of this title,

(B) which is conducted for a purpose comparable to the purpose stated in section 2451 of this title, and

(C) which is specifically approved by the Secretary of State for purposes of this section;

but the Congress does not consent to the acceptance by any Federal employee of any portion of any such grant or other form of assistance which provides assistance with respect to any expenses incurred by or for any member of the family or household of such Federal employee.

(2) For purposes of this section, the term "Federal employee" means any employee as defined in subparagraphs (A) through (F) of section 7342(a)(1) of title 5, but does not include a person described in subparagraph (G) of such section.

(b) Foreign grants and other assistance not gifts for purposes of section 7342 of title 5

The grants and other forms of assistance with respect to which the consent of Congress is given in subsection (a) of this section shall not constitute gifts for purposes of section 7342 of title 5.

(c) Regulations

The Secretary of State is authorized to promulgate regulations for purposes of this section

Sec. 2459. - Immunity from seizure under judicial process of cultural objects imported for temporary exhibition or display

(a) Agreements; Presidential determination; publication in Federal Register

Whenever any work of art or other object of cultural significance is imported into the United States from any foreign country, pursuant to an agreement entered into between the foreign owner or custodian thereof and the United States or one or more cultural or educational institutions within the United States providing for the temporary exhibition or display thereof within the United States at any cultural exhibition, assembly, activity, or festival administered, operated, or sponsored, without profit, by any such cultural or educational institution, no court of the United States, any State, the District of Columbia, or any territory or possession of the United States may issue or enforce any judicial process, or enter any judgment, decree, or order, for the purpose or having the effect of depriving such institution, or any carrier engaged in transporting such work or object within the United States, of custody or control of such object if before the importation of such object the President or his designee has determined that such object is of cultural significance and that the temporary exhibition or display thereof within the United States is in the national interest, and a notice to that effect has been published in the Federal Register.

(b) Intervention of United States attorney in pending judicial proceedings

If in any judicial proceeding in any such court any such process, judgment, decree, or order is sought, issued, or entered, the United States attorney for the judicial district within which such proceeding is pending shall be entitled as of right to intervene as a party to that proceeding, and upon request made by either the institution adversely affected, or upon direction by the Attorney General if the United States is adversely affected, shall apply to such court for the denial, quashing, or vacating thereof.

(c) Enforcement of agreements and obligations of carriers under transportation contracts

Nothing contained in this section shall preclude

(1) any judicial action for or in aid of the enforcement of the terms of any such agreement or the enforcement of the obligation of any carrier under any contract for the transportation of any such object of cultural significance; or

(2) the institution or prosecution by or on behalf of any such institution or the United States of any action for or in aid of the fulfillment of any obligation assumed by such institution or the United States pursuant to any such agreement

Sec. 2460. - Bureau of Educational and Cultural Affairs

(a) Establishment; responsibilities

In order to carry out the purposes of this chapter, there is established in the United States Information Agency, or in such appropriate agency of the United States as the President shall determine, a Bureau of Educational and Cultural Affairs (hereinafter in this section referred to as the "Bureau"). The Bureau shall be responsible for managing, coordinating, and overseeing programs established pursuant to this chapter, including but not limited to -

(1) the J. William Fulbright Educational Exchange Program which, by promoting the exchange of scholars, researchers, students, trainees, teachers, instructors, and professors, between the United States and foreign countries, accomplishes the purposes of section 2452(a)(1) of this title;

(2) the Hubert H. Humphrey Fellowship Program which finances

(A) study at American universities and institutions of higher learning, including study in degree granting programs, and

(B) participation in fellowships, internships, or other programs in American governmental and nongovernmental institutions for public managers and other individuals from developing countries;

(3) the International Visitors Program which provides grants for short-term visits to the United States for foreign nationals who are, or have the potential to be, leaders in their respective fields in their own countries;

(4) the American Cultural Centers and Libraries which make available at selected foreign locations, books, films, sound recordings, and other materials about the United States, its people and culture, and about other topics;

(5) the American Overseas Schools Program which provides financial assistance to the operations of American-sponsored schools overseas;

(6) the American Studies Program which fosters and supports the study of the United States, and its people and culture, in foreign countries;

(7) a program of working with private, not-for-profit groups through contracts, grants, or cooperative agreements, as authorized by section 2452 of this title, so as to provide financial assistance to nongovernmental organizations engaged in implementing and enhancing exchange-of-persons programs;

(8) the Samantha Smith Memorial Exchange Program which advances understanding between the United States and the independent states of the former Soviet Union and between the United States and Eastern European countries through the exchange of persons under the age of 21 years and of students at an institution of higher education (as defined in section 1001 of title 20) who have not received their initial baccalaureate degree or through other programs designed to promote contact between the young

peoples of the United States, the independent states of the former Soviet Union, and Eastern European countries; and

(9) the Arts America program which promotes a greater appreciation and understanding of American art abroad by supporting exhibitions and tours by American artists in other countries.

(b) Revocation or diminution of grants

(1) All recipients of Fulbright Academic Exchange and Humphrey Fellowship awards shall have full academic and artistic freedom, including freedom to write, publish, and create. No award granted pursuant to this chapter may be revoked or diminished on account of the political views expressed by the recipient or on account of any scholarly or artistic activity that would be subject to the protections of academic and artistic freedom normally observed in universities in the United States. The Board shall ensure that the academic and artistic freedoms of all persons receiving grants are protected.

(2) The J. William Fulbright Foreign Scholarship Board shall formulate a policy on revocation of Fulbright grants which shall be made known to all grantees. Such policy shall fully protect the right to due process as well as the academic and artistic freedom of all grantees.

(c) Program requirements

The President shall insure that all programs under the authority of the Bureau shall maintain their nonpolitical character and shall be balanced and representative of the diversity of American political, social, and cultural life. The President shall insure that academic and cultural programs under the authority of the Bureau shall maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement.

(d) Administration of programs

The Bureau shall administer no programs except those operating under the authority of this chapter and consistent with its purposes.

(e) Office of Citizen Exchanges

There is established in the Bureau of Educational and Cultural Affairs an Office of Citizen Exchanges. The Office shall support private not-for-profit organizations engaged in the exchange of persons between the United States and other countries.

(f) Coordination of exchange programs; reports

(1) The President shall ensure that all exchange programs conducted by the United States Government, its departments and agencies, directly or through agreements with other parties, are reported at a time and in a format prescribed by the Director. The President

shall ensure that such exchanges are consistent with United States foreign policy and avoid duplication of effort.

(2) Not later than 90 days after April 30, 1994, and annually thereafter, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report pursuant to paragraph (1). Such report shall include information for each exchange program supported by the United States on the objectives of such exchange, the number of exchange participants supported, the types of exchange activities conducted, the total amount of Federal expenditures for such exchanges, and the extent to which such exchanges are duplicative.

(g) Working Group on United States Government-Sponsored International Exchanges and Training

(1) In order to carry out the purposes of subsection (f) of this section and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the "Working Group").

(2) For purposes of this subsection, the term "Government-sponsored international exchanges and training" means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

(3) The Working Group shall be composed as follows:

(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

(B) A senior representative of the Department of State, who shall be designated by the Secretary of State.

(C) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

(D) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

(E) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

(F) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

(G) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

(6) The Working Group shall have the following purposes and responsibilities:

(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

(D)

(i) Not later than 1 year after October 21, 1998, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

(ii) Not later than 1 year after October 21, 1998, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

(E) Not later than 2 years after October 21, 1998, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

(G) Not later than 6 months after October 21, 1998, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

(8) The Working Group shall meet at least on a quarterly basis.

(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group

Sec. 2461. - Exchanges between United States and independent states of the former Soviet Union

(a) Financing of exchanges with repayments on Lend-Lease debts

The President is authorized to negotiate and implement agreements with the independent states of the former Soviet Union under which repayments made by the independent states on Lend-Lease debts to the United States would be used to finance the exchange of persons between the United States and the independent states for educational, cultural, and artistic purposes.

Exchanges authorized pursuant to this section shall be administered subject to the provisions of this chapter. Part of the funds repaid to the United States shall be in convertible currency for the purpose of paying the expenses associated with study and other exchange activities in the United States by citizens of the independent states.

(b) Limitation on availability of funds

Funds made available for the purposes of this section shall be available only to the extent and in the amounts provided for in an appropriation Act.

Sec. 2462. - Establishment of grant program for foreign study by American college students of limited financial means.

(a) Establishment

Subject to the availability of appropriations and under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), the Secretary of State shall establish and carry out a program in each fiscal year to award grants of up to \$5,000, to individuals who meet the requirements of subsection (b) of this section, toward the cost of up to one academic year of undergraduate study abroad. Grants under this Act shall be known as the "Benjamin A. Gilman International Scholarships."

(b) Eligibility

An individual referred to in subsection (a) of this section is an individual who -

- (1) is a student in good standing at an institution of higher education in the United States (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));
- (2) has been accepted for up to one academic year of study on a program of study abroad approved for credit by the student's home institution;
- (3) is receiving any need-based student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 42 U.S.C. 2751 et seq.); and
- (4) is a citizen or national of the United States.

(c) Application and selection

- (1) Grant application and selection shall be carried out through accredited institutions of higher education in the United States or a combination of such institutions under such procedures as are established by the Secretary of State.
- (2) In considering applications for grants under this section -

(A) consideration of financial need shall include the increased costs of study abroad; and

(B) priority consideration shall be given to applicants who are receiving Federal Pell Grants under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 42 U.S.C. 2751 et seq.).