

Executive Order 10973
ADMINISTRATION OF FOREIGN AS-
SISTANCE AND RELATED FUNCTIONS

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I. DEPARTMENT OF STATE

SECTION 101. Delegation of functions. Exclusive of the functions otherwise delegated, or reserved to the President, by the provisions of this order, and subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the Secretary) all functions conferred upon the President by (1) the Act (as defined in Part VI hereof), (2) the act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes (74 Stat. 869; 22 U.S.C. 1942 *et seq.*), (3) the Mutual Defense Assistance Control Act of 1951 (65 Stat. 644; 22 U.S.C. 1611 *et seq.*), (4) the unrepealed provisions of the Mutual Security Act of 1954 (68 Stat. 832; 22 U.S.C. 1750 *et seq.*), and (5) those provisions of acts appropriating funds under the authority of the Act which relate to the Act.

Sec. 102. Agency for International Development. (a) The Secretary shall establish an agency in the Department of State to be known as the Agency for International Development (hereafter in this Part referred to as the Agency).

(b) The Agency shall be headed by an Administrator who shall be the officer provided for in section 624(a) (1) of the Act. Nothing in this order shall be construed as affecting the tenure of the said Administrator now in office.

(c) The officers provided for in sections 624(a) (2) and 624(a) (3) of the Act shall serve in the Agency.

Sec. 103. Continuation of prior agencies. The corporate Development Loan Fund, the International Cooperation Administration, and the Office of the Inspector General and Comptroller shall continue in existence until the end of November 3, 1961. The personnel, offices, entities, property, records, and funds of such agencies and office may be utilized by the Secretary prior to the abolition of such agencies and office.

Sec. 104. Special missions and staffs abroad. The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, class 3 and class 4, within the meaning of the Foreign Service Act of 1946 (60 Stat. 989; 22 U.S.C. 801 *et seq.*), all under section 631 of the Act, shall be subject to the approval of the Secretary.

Sec. 105. Munitions control. In carrying out the functions conferred upon the President by section 414 of the Mutual Security Act of 1954, the Secretary shall consult with appropriate agencies. Designations, including changes in designations, by the Secretary of articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, under that section shall have the concurrence of the Secretary of Defense.

Sec. 106. Office of Small Business. The Office of Small Business provided for in section 602(b) of the Act shall be in the Department of State.

PART II. DEPARTMENT OF DEFENSE

Sec. 201. Delegation of functions. Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the President by Part II of the Act not otherwise delegated or reserved to the President.

(b) To the extent that they relate to other functions under the Act administered by the Department of Defense, the functions conferred upon the President by sections 602(a), 605(a), 625(a), 625(h), 627, 628, 631(a), 634(b), 635(b), and 635(d) of the Act.

(c) The function conferred upon the President by section 644(l) of the Act.

(d) The functions conferred upon the President by the fourth and fifth provisions of section 108 of the Mutual Security Appropriation Act, 1956 (69 Stat. 438).

Sec. 202. Reports and information. In carrying out the functions under section 634(b) of the Act delegated to him by the provisions of section 201(b) of this order, the Secretary of Defense shall consult with the Secretary of State.

Sec. 203. Exclusions from delegation to Secretary of Defense. The following-described functions conferred upon the President by the Act are excluded from the functions delegated by the provisions of section 201(a) of this order:

(a) Those under section 506(a) (introductory clause) of the Act.

(b) Those under sections 506(b) (1), (2), and (3) of the Act to the extent that they pertain to countries which agree to the conditions set forth therein.

(c) So much of those under section 511(b) of the Act as consists of determining that internal security requirements may be the basis for programs of military assistance in the form of defense services and reporting any such determination.

(d) That of making the determination provided for in section 507(a) of the Act.

(e) Those of negotiating, concluding, and terminating international agreements.

PART III. OTHER AGENCIES

Sec. 301. Department of the Treasury. There is hereby delegated to the Secretary of the Treasury the function conferred upon the President by the second sentence of section 612 of the Act.

Sec. 302. Department of Commerce. There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 601(b) (1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in less-developed friendly countries and areas.

Sec. 303. Civil Service Commission. There is hereby delegated to the Chairman of the Civil Service Commission the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act.

Sec. 304. United States Information Agency. The United States Information Agency shall perform all public-information functions abroad with respect to the foreign-assistance, aid, and development programs of the United States Government.

Sec. 305. Development Loan Committee. There is hereby established a Development Loan Committee in accordance with section 204 of the Act. The Committee shall consist of the Administrator of the Agency for International Development, who shall be chairman, the Chairman of the Board of Directors of the Export-Import Bank of Washington, the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury dealing with international finance, and the officer of the Agency for International Development dealing with development financing.

PART IV. RESERVED FUNCTIONS

Sec. 401. Reservation of functions to the President. There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The function conferred upon the President by sections 504(b), 613(a), 614(a), 620(a), 620(d), 631(a), 622(b), 622(c), 633(a), 633(b), and 634(a) of the Act.

(b) The functions conferred upon the President by the Act and section 408(b) of the Mutual Security Act of 1954 with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to section 624(c) of the Act and the function so conferred by section 204 of the Act of assigning officers to the Development Loan Committee.

(c) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 202(b), 205, 303, 508(b)(4), 510(a), 604(a), 610, 614(c), 624(e)(7), 632(b), 634(c), and 643(d) of the Act.

(d) The following-described functions conferred upon the President:

(1) Those under section 503 with respect to findings.

(2) Those under sections 506(b) (1), (2), and (3) in respect of countries which do not agree to the conditions set forth therein.

(3) Those under section 511(b), except the functions of determining that internal security requirements may be the basis for programs of military assistance in the form of defense services and reporting any such determination.

(4) That under section 614(b) with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(e) Those with respect to determinations under sections 103(b) (first proviso), 104 and 203 of the Mutual Defense Assistance Control Act of 1951.

(f) That under section 523(d) of the Mutual Security Act of 1954.

(g) Those under section 107 of the Foreign Assistance and Related Agencies Appropriation Act, 1962 (75 Stat. 717), and those with respect to determination and certification under sections 109 and 602, respectively, of that act.

PART V. FUNDS

Sec. 501. Allocation of funds. Funds appropriated or otherwise made available to the President for carrying out the Act shall be deemed to be allocated without any further action of the President, as follows:

(a) There are allocated to the Secretary of State all funds made available for carrying out the Act except those made available for carrying out Part II of the Act.

(b) There are allocated to the Secretary of Defense funds made available for carrying out Part II of the Act.

Sec. 502. Reallocation of funds. The Secretary of State and the Secretary of Defense may allocate or transfer as appropriate any funds received under subsections (a) and (b), respectively, of section 501 of this order, to any agency, or part thereof, for obligation or expenditure thereby consistent with applicable law.

PART VI. GENERAL PROVISIONS

Sec. 601. Definitions. (a) As used in this order, the words "the Act" mean the Foreign Assistance Act of 1961 exclusive of Part IV thereof.

(b) As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

Sec. 602. Incidental transfers. (a) Effective at the end of November 3, 1961, all offices, entities, property, and records of the corporate Development Loan Fund, not otherwise disposed of by the Act, are hereby transferred to the Department of State.

(b) So much of the records of the the Export-Import Bank of Washington as the Director of the Bureau of the Budget shall determine to be necessary for the purposes of section 621(e) of the Act shall be transferred to the Department of State.

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Sec. 603. Personnel. (a) In carrying out the functions conferred upon the President by the provisions of section 625(d) (1) of the Act, and by this order delegated to the Secretary of State, the Secretary shall authorize such of the agencies which administer programs under the Act as he may deem appropriate to perform any of the functions under section 625(d) (1) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 or section 625(d) of the Act for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

Sec. 604. References to orders and Acts. Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 (including references herein to "the Act"), (2) unrepealed provisions of the Mutual Security Act of 1954, (3) any other act which relates to the subject of this order, or (4) any provisions of any thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(b) References in any prior Executive order to the Mutual Security Act of 1954 or any provisions thereof shall be deemed to be references to the Act or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any appropriation Act, and references in any other Executive order to provisions of any appropriation Act related to the subject of this order, shall be deemed to include references to any ~~has~~ after-enacted provisions of law which are the same or substantially the same as such appropriation Act provisions, respectively.

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

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

Sec. 605. Superseded orders. The following are hereby superseded:

(a) Executive Order No. 10893 of November 8, 1960 (25 F.R. 10731), except Part II thereof and except for the purposes of using funds pursuant to section 643(c) of the Act.

(b) Section 2 of Executive Order No. 10915 of January 24, 1961 (26 F.R. 781).

(c) Executive Order No. 10985 of July 31, 1961 (26 F.R. 6967).

Sec. 606. Saving provisions. Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

Sec. 607. Effective date. The provisions of this order shall become effective as of September 30, 1961.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 3, 1961.

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11:40 a.m.]
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