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Executive Orders

Executive Order 11223--Relating to the performance of functions authorized by the Foreign Assistance Act of 1961, as amended

Source: The provisions of Executive Order 11223 of May 12, 1965, appear at 30 FR 6635, 3 CFR, 1964-1965 Comp., p. 312, unless otherwise noted.

Cross reference: Section 302 of Executive Order 11603 of June 30, 1971, 36 FR 12675, 3 CFR, 1970-1975 Comp., p. 573, which was superseded by Executive Order 12137 of May 16, 1979, Chapter 22, contained a determination relating to this order.

By virtue of the authority vested in me by Section 633 of the Foreign Assistance Act of 1961, as amended, 75 Stat. 454 (22 U.S.C. 2393), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by that Act, as amended, and any predecessor legislation, without regard to the laws specified in the numbered subdivisions of Sections 1 and 2 of this order and without regard to consideration as specified in Sections 3 and 4 of this order will further the purposes of the Foreign Assistance Act of 1961, as amended:

Section 1. With respect to functions authorized by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and any predecessor legislation except those functions exercised by the Department of Defense under authority of Sections 621 and 623 of the Foreign Assistance Act of 1961 (22 U.S.C. 2381 and 2383):

- (1) The Act of March 26, 1934, 48 Stat. 500, as amended (15 U.S.C. 616a).
- (2) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U.S.C. 529).
- (3) Section 305 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 396, as amended (41 U.S.C. 255).
- (4) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).
- (5) Section 3710 of the Revised Statutes (41 U.S.C. 8).
- (6) Section 2 of Title III of the Act of March 3, 1933, 47 Stat. 1520 (41 U.S.C. 10a).
- (7) Section 3735 of the Revised Statutes (41 U.S.C. 13).
- (8) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)), but only with respect to contracts entered into with foreign governments or agencies thereof for the rendering of services to the United States or an agency thereof within the continental limits of the United States.
- (9) Section 901(a) of the Merchant Marine Act, 1936, 49 Stat. 2015, as amended (46 U.S.C. 1241(a)).

Sec. 2. With respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended, and any predecessor legislation:

- (1) Section 2276(a) of Title 10 of the United States Code.
- (2) Section 2313(b) of Title 10 of the United States Code.
- (3) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)).
- (4) Section 1301 of the Second War Powers Act, 1942, 56 Stat. 185 (50 U.S.C. App. 643), as extended by the provisions of the Act of June 30, 1953, 67 Stat. 120.
- (5) Section 3(b) of the Act of August 28, 1958, 72 Stat. 972 (50 U.S.C. 1433(b)), but only with respect to contracts in which the inclusion of the clause required by Section 3(b), or the compliance with that clause, if included in a contract, is deemed by the executive or military department concerned to be impracticable.

Sec. 3. With respect to cost-type contracts heretofore or hereafter made with non-profit institutions under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

Sec. 4. With respect to contracts heretofore or hereafter made, other than those described in Section 3 of this order, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State or the Director of the United States International Development Cooperation Agency (with respect to functions in or delegated to the Director) determines in each case that such action is necessary to protect the foreign policy interests of the United States.

[Sec. 4 amended by Executive Order 12163 of Sept. 29, 1979, 44 FR 56673, 3 CFR, 1979 Comp., p. 435]

Sec. 5. Executive Order No. 10784 of October 1, 1958, and Executive Order No. 10845 of October 12, 1959, are hereby superseded.

Sec. 6. I determine it to be in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended, and in the national security interest of the United States that the functions authorized by chapter 7 of Part II of that Act, relating to air base construction in Israel, be performed without regard to the following additional specified provisions of law:

- (1) Title IX of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 541-544);
- (2) Section 612 of the Military Construction Authorization Act, 1967, as amended (31 U.S.C. 723a);
- (3) Section 719 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2168); and
- (4) Section 111 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759).

[Sec. 6 added by Executive Order 12178 of Dec. 10, 1979, 44 FR 71807, 3 CFR, 1979 Comp., p. 465]

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