

SUMMARY: Part 61, Chapter I of Title 22 of the Code of Federal Regulations is deleted from Chapter I. Certain functions of the Secretary of State have been transferred to the International Communication Agency. (See FR Doc. 79-9018 published in the Rules section of this issue). The educational and cultural affairs program is no longer under the jurisdiction of the Secretary of State.

EFFECTIVE DATE: March 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Gladys I. Poticher. (202) 632-7968.

SUPPLEMENTARY INFORMATION: As a result of the establishment of the International Communication Agency under Reorganization Plan No. 2 of 1977, as amended, the functions of the Bureau of Educational and Cultural Affairs, Department of State, and the U.S. Information Agency were consolidated into a new International Communication Agency (USICA), effective April 1, 1978. Functions formerly vested in the Secretary of State in the cultural exchange area are now transferred to the International Communication Agency.

AUTHORITY: 22 U.S.C. 2658.

Dated: March 20, 1979.

K. E. MALMBORG,
Assistant Legal Adviser for
Management.

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[4710-01-M]

[Dept. Reg. 108.768]

PART 62—FOREIGN STUDENTS

Transfer of Departmental Regulation

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: Part 62, Chapter I, of Title 22 of the Code of Federal Regulations is deleted from Chapter I. Certain functions of the Secretary of State have been transferred to the International Communication Agency. (See FR Doc. 79-9020 published in the Rules section of this issue.) The educational and cultural affairs program is no longer under the jurisdiction of the Secretary of State.

EFFECTIVE DATE: March 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Gladys I. Poticher. (202) 632-7968.

SUPPLEMENTARY INFORMATION: As a result of the establishment of the International Communication Agency under Reorganization Plan No. 2 of 1977, as amended, the functions of the Bureau of Educational and Cultural

Affairs, Department of State, and the U.S. Information Agency were consolidated into a new International Communication Agency (USICA), effective April 1, 1978. Functions formerly vested in the Secretary of State in the cultural exchange area are now transferred to the International Communication Agency.

AUTHORITY: 22 U.S.C. 2658.

Dated: March 16, 1979.

K. E. MALMBORG,
Assistant Legal Adviser for
Management.

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[4710-01M]

[Dept. Reg. 108.769]

PART 63—EXCHANGE VISITOR PROGRAM

Transfer of Departmental Regulation

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: Part 63, Chapter I of Title 22 of the Code of Federal Regulations is deleted from Chapter I. Certain functions of the Secretary of State have been transferred to the International Communication Agency. (See FR Doc. 79-9022 published in the Rules section of this issue) The educational and cultural affairs program is no longer under the jurisdiction of the Secretary of State.

EFFECTIVE DATE: March 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Gladys I. Poticher. (202) 632-7968.

SUPPLEMENTARY INFORMATION: As a result of the establishment of the International Communication Agency under Reorganization Plan No. 2 of 1977, as amended, the functions of the Bureau of Educational and Cultural Affairs, Department of State, and the U.S. Information Agency were consolidated into a new International Communication Agency (USICA), effective April 1, 1978. Functions formerly vested in the Secretary of State in the cultural exchange area are now transferred to the International Communication Agency.

AUTHORITY: 22 U.S.C. 2658.

Dated: March 16, 1979.

K. E. MALMBORG,
Assistant Legal Adviser for
Management.

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[8230-01-M]

Title 22—Foreign Relations

CHAPTER V—INTERNATIONAL COMMUNICATION AGENCY

PART 514—EXCHANGE-VISITOR PROGRAM

Addition of a New Part

AGENCY: International Communication Agency.

ACTION: Final Rule.

SUMMARY: This rule adds a new part to Chapter V to reflect the transfer of functions to the International Communication Agency. The transfer was mandated by Reorganization Plan No. 2 of 1977, which legislatively provides for the transfer of the functions of the United States Information and Educational Exchange Act of 1948, as amended, and the functions of the Mutual Educational and Cultural Exchange Act of 1961, as amended, to the Director of the International Communication Agency. Executive Order 12048 of March 27, 1978 effectuated the transfer of functions as of April 1, 1978.

EFFECTIVE DATE: March 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert R. Gaudian, Deputy Executive Director, Associate Directorate for Educational and Cultural Affairs, International Communication Agency, Washington, D.C., AC 202-724-9717.

SUPPLEMENTARY INFORMATION: As a result of the establishment of the International Communication Agency, the functions formerly vested in, or delegated to, the Secretary of State in the cultural exchange area have been transferred to the Director of the International Communication Agency (USICA). USICA has assumed overall responsibility for the exchange visitor program, and all related procedures.

Part 514 is added to read as set forth below:

PART 514—EXCHANGE-VISITOR PROGRAM

Subpart A—General

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514.1 Definitions.

514.2 Types of participants.

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- 514.16 Assignment of serial number.
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Subpart C—Exchange Visitors

- 514.21 Notification to Exchange Visitors; summary of instruction to apply for J visas and entries.
- 514.22 Applications for change or adjustment of status to or from Exchange Visitor, for extensions, and for program transfers.
- 514.23 General limitations of stay.
- 514.24 Prohibition of employment not related to program; exception for students in certain circumstances; possible exception for immediate family.

Subpart D—Waiver Procedures in Certain Cases

- 514.31 Requests for waivers of the home-country physical presence requirement of the Immigration and Nationality Act, as amended.
- 514.32 Action by the Director on requests for waivers.

AUTHORITY: Sec. 4, 63 Stat. 111; secs. 102, 109 (a), (b), (d), 75 Stat. 527, 534, 535; secs. 101(a)(15)(J), 104(a), 212(e), 66 Stat. 166, 174, 182, 184, sec. 2, 84 Stat. 116, 117 (22 U.S.C. 2658, 2452; 8 U.S.C. 1101(a)(15)(J), 1104(a), 1182(e), 1258; Reorganization Plan No. 2 of 1977; Executive Order 12048 of March 27, 1978.

Subpart A—General

§ 514.1 Definitions.

The following definitions shall be applicable to this part:

"Act" means the Mutual Educational and Cultural Exchange Act of 1961, as amended;

"Country of nationality or last legal residence" means either the country of which the exchange visitor was a national at the time status as an exchange visitor was acquired or the last foreign country in which the visitor had a legal permanent residence before acquiring status as an exchange visitor;

"Agency" means the International Communication Agency of the United States of America;

"Exchange Visitor" means a "participant" and the "immediate family" of such participant as defined in this section;

"Exchange-Visitor Program" means a program of a sponsor designed to promote interchange of persons, knowledge and skills, and the interchange of developments in the field of education, the arts and sciences, and concerned with one or more categories of "participants" as defined in this section, which has been designated as such by the Director of the International Communication Agency, to promote mutual understanding between the people of the United States and the people of other countries;

"Financed directly" means financed in whole or in part by the United States Government or the government

of the participant's nationality or last legal permanent residence with funds contributed directly to the participant in connection with participation in an Exchange-Visitor Program;

"Financed indirectly" means (a) financed by an international organization, with funds contributed by either the United States or the participant's government for use in financing such exchanges, or (b) financed by an organization or institution, with funds made available by either government for the specific purpose of furthering such international exchange;

"Graduate medical education or training" means participation in a program in which the alien physician will receive graduate medical education or training, which generally consists of a residency or fellowship program involving health care services to patients, but does not include participation in a program involving observation, consultation, teaching or research in which there is no element or only incidental elements of patient care.

"Home-country physical presence requirement" means the requirement that a participant who is within the purview of section 212(e) of the Immigration and Nationality Act, as amended, substantially quoted in § 514.31(a), must reside and be physically present in the country of nationality or last legal permanent residence for an aggregate of at least two years following departure from the United States before the participant is eligible to apply for an immigrant visa or for permanent residence, or for nonimmigrant H visa as a temporary worker or trainee, or for a nonimmigrant L visa as an intracompany transferee, or for a nonimmigrant H or L visa as the spouse or minor child of a person who is a temporary worker or trainee or an intracompany transferee.

"Immediate family" means the alien spouse and minor unmarried children of a participant who are accompanying or following to join the participant and who are seeking to enter or have entered the United States temporarily on a J-2 visa or are seeking to acquire or have acquired such status after admission;

"Participant" means any foreign national who has been selected by a sponsor to participate in an Exchange-Visitor Program and who is seeking to enter or has entered the United States temporarily on a J-1 visa, or who is seeking to acquire or has acquired such status after admission, including but not limited to the categories listed in § 514.2;

"Participant's government" means the government of the country of the participant's nationality or where the participant had a legal permanent residence;

"Person with required knowledge or skill" means a participant who has specialized or expects to specialize in a field of knowledge or skill which is clearly required by the country of nationality or last legal permanent residence, as designated by the Director in a separate schedule;

"Responsible Officer" means the official of an organization sponsoring an Exchange-Visitor Program who has been listed with the Agency as being responsible for administering the program and carrying out the obligations which the organization assumes in undertaking to sponsor a program (see § 514.14). The designation of an alternate Responsible Officer is permitted and encouraged;

"Director" means either the Director of the International Communication Agency of the United States of America or an officer duly designated by the Director;

"Sponsor" means any reputable U.S. agency or organization or recognized international agency or organization having U.S. membership and offices which makes application as herein-after prescribed to the Director for designation of a program under its sponsorship as an Exchange-Visitor Program and whose application is approved.

§ 514.2 Types of participants.

Participants include, but are not limited to, the following types:

(a) A "student," for the purpose of pursuing formal courses, or any combination of courses, research, or teaching, leading to a recognized degree or certificate, in an established school or institution of learning. Upon receipt of a degree or certificate, a student may be granted up to a maximum of 18 months of practical training provided: (1) the training is needed to round off the academic studies, (2) the training is not available in the student's home country, (3) the training is directly related to the academic program and (4) the training is authorized in writing by the Responsible Officer of the Exchange-Visitor Program involved; or

(b) A "trainee," for the purpose of obtaining on-the-job training with firms, institutions and/or agencies in a specialized field of knowledge or skill for periods not to exceed 18 months; or

(c) A "teacher," for the purpose of teaching in established primary or secondary schools, or established schools offering specialized instruction; or

(d) A "professor," for the purpose of teaching or conducting advanced research, or both, in an established institution of higher learning; or

(e) A "research scholar" or "specialist," for the purpose of undertaking or participating in research or in demon-

strating specialized knowledge or skills; or

(f) An "international visitor," for the purpose of travel, observation, consultation, research, training, sharing, or demonstrating specialized knowledge or skills, or participating in organized people-to-people programs; or

(g) A "professional trainee," for the purpose of pursuing clinical training in the medical and allied fields.

Subpart B—Exchange-Visitor Programs

§ 514.11 Application for Exchange-Visitor Program designation.

Any intending sponsor may apply to the Director for designation of a program under its sponsorship as an Exchange-Visitor Program. Such application shall be made on Form IAP-37 "Exchange-Visitor Program Application." The application shall be completed in all details and shall be submitted to the Director with required supporting documentation. The officer who signs the application thereby indicates a willingness to assume the duties of the Responsible Officer for administering its program if it is designated. Official correspondence concerning a designated program will be conducted only between the Agency and the Responsible Officer or duly designated alternate.

§ 514.12 Sponsor obligations—general.

Each sponsor shall assume in the application the obligation to:

(a) Notify the District Director of the Immigration and Naturalization Service having administrative jurisdiction over a participant's place of temporary residence if the sponsor terminates an alien's participation in the Exchange-Visitor Program or when a participant: (1) Remains in the United States beyond the period of stay authorized by the Immigration and Naturalization Service as shown on the alien's Form I-94, or (2) has ceased to maintain exchange-visitor status, or (3) has completed the activity and objective for which the visitor entered the United States and is due to depart;

(b) Provide guidance to participants to enable them to complete the objective for which they sought entry into the United States and to return abroad in accordance with the general limits of stay contained in § 514.23;

(c) Instruct any participant requiring an extension of temporary stay to apply to the Immigration and Naturalization Service between 15 and 60 days before the expiration of the participant's stay and provide the participant requiring the extension with a fully completed Form IAP-66, "Certificate of Eligibility for Exchange Visitor (J-1) Status," showing the period and terms of the extension desired;

(d) Sign Part III of Form IAP-66 after Part I has been completed by the Responsible Officer of the program to which an exchange visitor wishes to transfer if further participation under another Exchange-Visitor Program is considered necessary or desirable to enable the visitor to realize the stated objective;

(e) Submit such reports as may be required by the Agency for the purposes of program review and evaluation;

(f) Comply with specific criteria required by the Agency for certain types of programs; (See § 514.13);

(g) Discharge such other obligations as the Agency may inform the sponsor are required in the administration of a particular program.

§ 514.13 Sponsor obligations—specific.

(a) Alien physicians. The following criteria shall apply to alien physicians admitted to the United States in Exchange-Visitor (J-1) status for the purpose of observation, consultation, teaching, and research or participation in programs under which alien physicians will receive graduate medical education or training. These criteria must be strictly adhered to by Exchange-Visitor Program sponsors involved with sponsorship of alien physicians. Failure to comply with these criteria can result in the immediate revocation of the Exchange-Visitor Program designation, pursuant to section § 514.17 of the regulations.

(1) Effective date. Unless otherwise noted, these criteria apply on and after January 10, 1978 to requests for sponsorship of Exchange-Visitor alien physicians for two types of programs, namely: (i) programs under which they will receive graduate medical education or training; and (ii) medical programs under which they will observe, consult, teach or conduct research.

(2) Exchange-Visitor sponsorship for programs in which the alien receives graduate medical education or training.

(i) Any alien physician who is coming to the United States as an Exchange-Visitor to participate in a program under which the physician will receive graduate medical education or training must be documented by the Educational Commission for Foreign Medical Graduates with a Certificate of Eligibility for Exchange-Visitor Status (Form IAP-66).

(ii) The Department of State entered into an agreement with the Educational Commission for Foreign Medical Graduates in 1971 whereby the latter was designated the authority to administer the issuance of the Form IAP-66 in all cases involving the admission, certification, transfer or extension of stay for foreign physicians

in Exchange-Visitor status who are receiving graduate medical education or training as defined above.

(iii) The Educational Commission for Foreign Medical Graduates is located at 3624 Market Street, Philadelphia, Pa. 19104, U.S.A. The telephone number is area code 215-386-5900. The cable address is EDCOUNCIL, Philadelphia, Pa. U.S.A.

(3) Eligibility requirements to participate in programs under which alien physicians will receive graduate medical education or training. An Exchange-Visitor physician is eligible to pursue a program under which he or she will receive graduate medical education or training only if the following requirements are met:

(i) The school of medicine or one of the other health professions, which is offering the education or training, must be accredited by a body or bodies approved for the purpose by the Commissioner of Education. Such school must agree in writing to provide the graduate medical education or training under the program for which the alien is coming to the United States or to assume responsibility for arranging for the provision thereof by an appropriate public or nonprofit private institution or agency. If such an agreement by a school of medicine involves one or more of its affiliated hospitals, the hospital must join in the agreement.

(ii) A list of medical schools accredited by a body approved by the Commissioner of Education for the purpose of providing medical education can be obtained from either the Health Resources Administration, Department of Health, Education, and Welfare, 3700 East-West Highway, Hyattsville, Md. 20782, U.S.A., or the Educational Commission for Foreign Medical Graduates (see address above).

(iii) The agreement in writing must be dated and signed by both the alien physician who is applying to receive graduate medical education or training and a Responsible Official of the school of medicine or of one of the other health professions which is offering the education or training. Standard contracts currently used by schools of medicine and affiliated hospitals, if signed by both parties to the agreement and dated, will suffice to meet the "agreement in writing" requirement. Such agreements, when signed and dated, should be sent to the Educational Commission for Foreign Medical Graduates (see address above).

(iv) Before making such agreement, the accredited school of medicine must be satisfied that all alien applicants (A) have passed Parts I and II of the National Board of Medical Examiners Examination (or an examination which has been determined by the Secretary of Health, Education, and

Welfare to be equivalent to Parts I and II of the National Board of Medical Examiners Examination), unless exempted by law, (B) have competency in oral and written English, (C) will be able to adapt to the educational and cultural environment in which they will be receiving their education or training, and (D) have adequate prior education and training to participate satisfactorily in the program for which they are coming to the United States. It should be noted that alien physicians who seek sponsorship of the Educational Commission for Foreign Medical Graduates will be required to submit evidence to the Commission that they are competent in oral and written English.

(v) The Secretary of Health, Education, and Welfare has determined, pursuant to authorization granted by Pub. L. 94-484, as amended, that the Visa Qualifying Examination (VQE) is an examination equivalent to the Part I and Part II examinations of the National Board of Medical Examiners (42 FR 45037, September 8, 1977). The Visa Qualifying Examination is prepared by the National Board of Medical Examiners and is administered by the Educational Commission for Foreign Medical Graduates. The first of these examinations was given on September 7th and 8th, 1977 and the next examination is scheduled to be given on September 5-6, 1979. Details regarding the VQE can be obtained from the Educational Commission for Foreign Medical Graduates (see paragraph (2)(iii) for address.)

(vi) A graduate of a school of medicine, provided it has been accredited by the Liaison Committee on Medical Education (a body approved for that purpose by the Commissioner of Education), regardless of whether the school is located in the United States, is exempted by law from the requirements of passing Parts I and II of the National Board of Medical Examiners Examination or the equivalent Visa Qualifying Examination (VQE).

(vii) The law also provides that alien physicians applying for Exchange-Visitor status are considered to have passed Parts I and II of the examinations of the National Boards if they were, on January 9, 1977, fully and permanently licensed to practice medicine in a State and were on that date practicing medicine in a State and held on that date a valid specialty certificate issued by a constituent board of the American Board of Medical Specialties.

(viii) It is important to note that the Federation Licensing Examination (FLEX) and the Educational Commission for Foreign Medical Graduates Examination are not currently considered by the Secretary of Health, Education, and Welfare to be the equivalent

of Parts I and II of the examinations of the National Board of Medical Examiners for alien physicians wishing to come to the United States to receive graduate medical education or training. The Visa Qualifying Examination (VQE) is the only examination deemed equivalent by the Secretary of Health, Education, and Welfare for the purpose of Pub. L. 94-484, as amended.

(4) Limitation of stay and written assurances. Alien physicians must make a commitment to return to the country of their nationality or last legal permanent residence upon completion of the education or training for which they are coming to the United States (including any extension of the duration thereof under paragraph (a)(4)(ii) of this section). The signature by the alien physician on the reverse side of the original copy of the Form IAP-66 constitutes a commitment to return in accordance with Pub. L. 94-484, as amended. This law states that all alien physicians coming to the United States on or after January 10, 1977 to receive graduate medical education or training are subject to the two-year home physical presence requirement of section 212(e) of the Immigration and Nationality Act, as amended, and that such physicians are not eligible for waivers based on a "No Objection" statement submitted by their respective governments to the Director of the International Communication Agency, pursuant to section 212(e) of the Immigration and Nationality Act, as amended.

(i) The government of the country of the alien physician's nationality or last legal permanent residence must provide written assurance, satisfactory to the Secretary of Health, Education, and Welfare, that there is a need in that country for persons with the skills the alien physician will acquire in such education or training. The following format, approved by the Secretary of Health, Education, and Welfare, must be submitted to the Educational Commission for Foreign Medical Graduates by foreign governments when providing the assurances required by Pub. L. 94-484, as amended, for alien physicians coming to the United States to receive graduate medical education or training. The statement by the foreign government must bear the seal of the government concerned and be signed by a duly designated official of that government. Name of Applicant for Visa: _____.

There currently exists in (country) a need for qualified medical practitioners in the specialty of _____. (Name of applicant for Visa) has filed a written assurance with the government of this country that he/she will return to this country upon completion of training in the

United States and intends to enter the practice of medicine in the specialty for which training is being sought.

Stamp (or Seal and signature) of issuing official of named country

Dated: _____.

Official of named Country.

(ii) The duration of the alien's participation in the program for which he or she is coming to the United States is limited to not more than two years, except that such duration may be extended for one year at the written request of the government of the individual's nationality or last legal permanent foreign residence. Such an extension can be granted only if the accredited school providing or arranging for the provision of the education or training program agrees in writing to such an extension, and the extension is for the purpose of continuing the alien's education or training under the specific program for which he or she came to the United States. Written requests for extensions should follow the type of format described in paragraph (a)(4)(i) of this section.

(5) "Substantial Disruption" provision of Pub. L. 94-484, as amended. The requirements of paragraphs (a)(3)(i) and (a)(3)(iv)(A) of this section shall not apply between January 10, 1978 and December 31, 1980, to any alien physician who seeks to come to the United States to participate in an accredited program under which the alien will receive graduate medical education or training, if there would be a substantial disruption in the health services provided in such program because the alien was not permitted, because of his or her failure to meet these two requirements of Pub. L. 94-484, as amended, to enter the United States to participate in such program.

(i) In the administration of the "substantial disruption" provision the Attorney General will take such action as may be necessary to ensure that the total number of exchange visitors participating (at any time) in programs described immediately above does not, because of the "substantial disruption" exemption, exceed the total number of such aliens participating in such programs on January 10, 1978. Any alien physician admitted under the "substantial disruption" provision must have Educational Commission for Foreign Medical Graduates certification and be documented by the Educational Commission for Foreign Medical Graduates with a Form IAP-66 (Certificate of Eligibility for Exchange-Visitor status). The Educational Commission for Foreign Medical Graduates will assure that the total number of alien physicians admitted under the "substantial disruption"

provision does not exceed the total number of alien physicians participating in such training programs on January 10, 1978.

(ii) The Educational Commission for Foreign Medical Graduates currently administers the issuance of certificates of eligibility for exchange visitor visas for alien physicians coming to the United States to receive graduate medical education or training. The Educational Commission for Foreign Medical Graduates has the most complete data on alien physicians. Therefore, the Commission will process waiver requests under the "substantial disruption" provision of Pub. L. 94-484, as amended, within criteria to be provided by the International Communication Agency on advice from the Department of Health, Education, and Welfare. These criteria and limits by which medical institutions and hospitals can predictably obtain waivers on a case-by-case basis will be for the period January 10, 1978, through December 31, 1980. Medical institutions and hospitals should submit the necessary data to the Educational Commission for Foreign Medical Graduates to demonstrate that the criteria have been met and the limits maintained. The issuance of eligibility certificates (IAP-66) by the Educational Commission for Foreign Medical Graduates constitutes the granting of a waiver under the "substantial disruption" provision of the law.

Institutions which do not receive favorable consideration on applications for "substantial disruption" waivers may appeal the decision. Appeals should be sent to the Executive Director of the Educational Commission for Foreign Medical Graduates for transmittal to an Appeals Board, which is chaired by the Administrator, Health Resources Administration, Department of Health, Education, and Welfare.

(6) Eligibility to participate in public health and preventive medicine programs. A United States university, academic medical center, school of public health, or other public health institution which has been designated as an Exchange-Visitor Program by the Director of the International Communication Agency is authorized to issue Form IAP-66 to alien physicians to enable them to come to the United States for the purpose of entering into those programs which do not include any clinical activities involving direct patient care. Under these circumstances, the special eligibility requirements listed in paragraphs (a)(3)(i), (iii) and (a)(3)(iv)(A) of this section need not be met. However, the Responsible Officer or alternate Responsible Officer of the Exchange-Visitor Program involved must append a certi-

fication to the Form IAP-66 which states:

"This certifies that the program in which (name of physician) is to be engaged does not include any clinical activities involving direct patient care."

(7) Eligibility requirements to participate in the programs involving observation, consultation, teaching, and research. A United States university or academic medical center which has been designated an Exchange-Visitor Program by the Director of the International Communication Agency is authorized to issue Form IAP-66 to alien physicians to enable them to come to the United States for the purposes of observation, consultation, teaching or research under the following two situations, neither of which requires that the special eligibility requirements listed in paragraphs (a)(3)(i), (iii) and (a)(3)(iv)(A) of this section be met.

(i) If the alien physician is coming to the United States solely for the purpose of observation, consultation, teaching, or research, the Responsible Officer or duly designated alternate of the Exchange-Visitor Program involved must sign and append to the Form IAP-66 a certification which states "this certifies that the program in which (name of physician) is to be engaged is solely for the purpose of observation, consultation, teaching or research and that no element of patient care services is involved."

(ii) If the alien physician is coming to the United States to pursue a program involved with observation, consultation, teaching or research but which also involves incidental patient contact, the dean of the involved accredited United States medical school or his or her designee must certify to the following five points and the certification must be appended to the Form IAP-66 issued to the prospective Exchange-Visitor alien physician:

(A) The program in which (name of physician) will participate is predominantly involved with observation, consultation, teaching or research.

(B) Any incidental patient contact involving the alien physician will be under the direct supervision of a physician who is a U.S. citizen or resident alien and who is licensed to practice medicine in the State of —.

(C) The alien physician will not be given final responsibility for the diagnosis and treatment of patients.

(D) Any activities of the alien physician will conform fully with the State licensing requirements and regulations for medical and health care professions in the State in which the alien physician is pursuing the program.

(E) Any experience gained in this program will not be creditable towards any clinical requirements for medical specialty board certification.

(iii) The Educational Commission for Foreign Medical Graduates is also authorized to issue Form IAP-66 to alien physicians who are coming to the United States to participate in a program of observation, consultation, teaching, or research provided the required letter of certification as outlined in paragraphs (a)(7)(i) or (ii) of this section is appended to the Form IAP-66. Hospitals, medical, and research centers which do not currently have Exchange-Visitor Programs designated by the International Communication Agency may request the Educational Commission for Foreign Medical Graduates to document alien physicians with Form IAP-66 if such physicians are coming to this country primarily for observation, consultation, teaching, or research programs. Institutions should consult with the Educational Commission for Foreign Medical Graduates for information regarding the requirements to be met for Form IAP-66 documentation by the Educational Commission for Foreign Medical Graduates.

(8) Applicability of section 212(e) of the Immigration and Nationality Act, as amended.

(i) Any exchange visitor physician coming to the United States on or after January 10, 1977 for the purpose of receiving graduate medical education or training is automatically subject to the two-year foreign residency requirement of section 212(e) of the Immigration and Nationality Act, as amended. Such physicians are not eligible to be considered for 212(e) waivers on the basis of "No Objection" statements issued by their governments.

(ii) Alien physicians coming to the United States for the purpose of observation, consultation, teaching, or research are not automatically subject to the two-year foreign residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, but would be subject to the requirement only if they were governmentally financed or subject to the foreign residency requirement because of the Exchange-Visitor Skills List (Public Notice, 37 FR 8099, April 25, 1972 and 43 FR 5910, February 10, 1978). Such alien physicians are eligible for consideration of waivers under section 212(e) of the Immigration and Nationality Act, as amended, on the basis of "No Objection" statements submitted by their governments in their behalf through diplomatic channels to the Director of the International Communication Agency.

(9) Alien physicians in training programs prior to January 10, 1978.

(i) Alien physicians in the United States in medical residency training programs which began prior to January 10, 1977, who qualify for the five-

year general limitation of stay, will, in general, be sponsored for completion of their training objective, provided they have not obtained a waiver under section 212(e) of the Immigration and Nationality Act, as amended, or become permanent residents of the United States. Specifically:

(ii) Alien physicians who completed in June 1977 the first or second year or an initial residency training program will be sponsored to complete the balance of their training objective, subject to the five-year general limitation of stay.

(iii) Alien physicians who completed initial residency training in June 1977 and who have a contract or clinical fellowship to pursue a subspecialty in a field directly related to their residency training will be sponsored to do so, provided the subspecialty training can be completed within the five-year time limitation.

(iv) Alien physicians who began their training in 1974, 1975, or 1976 will be sponsored to pursue their subspecialty training after completing their residency training programs only if: (A) they can provide evidence to show that their stated objective in coming to the United States was to pursue such subspecialty training; or (B) they can provide the Educational Commission for Foreign Medical Graduates with a strong written justification from the dean, vice dean or registrar, or chief executive officer of the concerned home-country academic institution or from a government official, such as the Minister of Health, that there is a definite need in that country for persons with the skills the alien will acquire.

(v) Alien physicians who were in training programs prior to January 10, 1977, and who are continuing to pursue the same program objective are still eligible to be considered for a waiver on the basis of a "No Objection" statement from their respective governments.

(vi) Alien physicians who began their graduate medical education or training programs between January 10, 1977, and January 9, 1978, will be permitted to complete their initial training program objectives provided they have not become immigrants or obtained waivers of the two-year foreign residence requirement. Initial training program objective is defined as the completion of the basic residency requirement or fellowship program for which the alien physician came to the United States. If, after completing their basic residency or fellowship programs, the alien physicians wish to pursue additional training in a directly-related subspecialty, they will be required to furnish documentation from their home-country governments that there is a definite need in the

countries concerned for persons with the additional skills which the physician(s) will acquire. The alien physicians must also certify that they will return home on completion of any extension of stay.

(b) Teenager Exchange Visitor. These criteria govern the designation and monitoring by the International Communication Agency of Exchange-Visitor Programs which are designed to give foreign teenager students an opportunity to spend from six months to a year studying at a United States high school or other educational institution. The student is placed by the Exchange-Visitor Sponsor with a United States family which serves as the host family during the period of sponsorship. The primary purpose of these programs is to improve the foreign student's knowledge of American culture and language through active participation in family, school and community life. A secondary purpose is to improve American knowledge of a foreign culture and to contribute to international understanding through personal experiences in schools and communities throughout the United States.

(1) Eligibility for Sponsorship. Only non-profit organizations and institutions which have received tax exempt status from the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code will be designated as Exchange-Visitor Program sponsors for teenager programs.

(i) Selection. The designated sponsor must assume responsibility for the selection of students to participate in these programs. Employment or travel agencies either in the United States or abroad shall not be used under any circumstances for the recruitment of foreign students.

(A) Selection will be limited to secondary school students or recent graduates between the ages of 15 and 19 who have a sufficient knowledge of English to enable them to function in an English speaking environment. Students should be screened for demonstrated maturity and ability to get maximum benefit from these programs.

(ii) Agreements. All provisions of the agreements between students, their parents and sponsors must be written if possible in both English and the students' native languages. The terms of such agreements must be specific stating clearly the total cost of the program, refund policies and program rules and regulations. The sponsors are responsible for assuring that these terms are fully understood by students and parents.

(iii) Orientation. Orientation, both predeparture and upon arrival in the United States, must be provided to all students. The orientation should be

designed to give the students basic information about the United States, its people and family and school life. Students should be fully informed of the nature of the program in which they are participating. Sponsors are encouraged to include returnees in predeparture orientation sessions.

(A) Orientation must also be provided to host families in advance of the students' arrival. Each host family should be well briefed on family and school life, customs, religion and mores in its exchange student's native country. Each family should also be apprised of potential problems in hosting an exchange student and provided with suggestions on how to cope with those problems.

(B) Students must be provided with an identification card which includes: 1) the name and telephone number of an official of the sponsoring organization, 2) the name and number of the Exchange-Visitor Program, and 3) the address and telephone number of the Exchange-Visitor Program Designation Branch, International Communication Agency, Washington, D.C. 20547.

(C) In addition, students and host families must be provided with a copy of the "Criteria For Exchange-Visitor Teenager Programs."

(2) Health, Accident and Liability Insurance. The sponsor is responsible for insuring that every student selected to participate in the program has appropriate medical coverage. Minimum acceptable coverage must include: a) basic medical/accident of \$2,000 (per injury or illness), b) preparation and transportation of remains to home country (at least \$1,500), and d) membership coverage.

(i) Coverage may be provided in any of the following ways, with the International Communication Agency informed of the sponsor's choice:

(A) By health and accident coverage arranged for by the student.

(B) By health and accident insurance coverage arranged for by the sponsor.

(C) By the sponsor assuming all financial responsibilities for a student's illnesses and accidents from the time the student leaves his or her home country until he or she returns home.

(3) Geographical Distribution. Sponsors must develop plans to ensure that groups of students, especially those of the same nationality, are not clustered. Every effort must be made to have the students widely dispersed throughout the country. No more than four foreign students and no more than two of the same nationality may be placed in one high school by a sponsor.

(i) Placement of Students in United States Schools. No organization sponsoring this type of exchange program

shall place a student in a secondary school without first notifying the principal or superintendent or school board and obtaining approval for the admission of the student. Sponsors must make clear arrangements with school authorities regarding any tuition payments or waivers of tuition.

(A) Placement of the student in a secondary school should be arranged at least five weeks in advance of the student's departure from the student's native country. In any event, such placement must be made before the student's arrival in the United States.

(ii) Placement of Students in United States Host Families. The designated program sponsor is responsible for the selection of the American host family, a program sponsor's representative must personally interview and visit the home of each host family before that family is permitted to receive an exchange student. Telephone interviews are not sufficient. Employment agencies shall not be used, under any circumstances, for the placement of exchange students.

(A) The student shall not be asked to perform the duties of a household domestic under any circumstances. However, students should be made aware that they may be asked to assist with some of the normal daily chores (keeping their rooms neat, helping with the dishes) which all of the members of the household must do.

(B) The American host family should have at home during non-school hours at least one family member, preferably a teenager, to assure the exchange student of some companionship.

(C) Sponsors must make every effort to assure that a student is placed with the family which promises the greatest compatibility for the student. Such arrangements should be made well in advance so that the students and their hosts have ample time for correspondence before the students leave their home countries.

(D) Sponsors should notify students of their home placement at least five weeks prior to their departure for the United States.

(E) A host family should be given the background data and arrival information about the student at least five weeks prior to the student's arrival in the United States.

(F) Home placement must be made before the student's arrival in the United States. Noncompliance with this requirement can result in immediate suspension or revocation of exchange visitor program designation.

(4) Supervision. The sponsor must assume the responsibility of resolving problems including, if necessary, the changing of host families and the early return home of the exchange

student because of personal or family difficulties.

(i) Sponsors must contact students and their host families periodically throughout their exchange visit to ensure that problems are dealt with promptly and effectively. These periodic contacts should include personal meetings with students.

(ii) The sponsor must provide the host family with a copy of the identification card furnished each student (see (1) (iii) (B) of this section) as well as with the names, address and telephone numbers of both local and national officials of the sponsoring organization who can be contacted at any time in case of an emergency or other problems.

(iii) Sponsors must solicit written evaluations of the exchange program from students and host families at the termination of the exchange visit. Student evaluations should include discussion of host families, host schools, area representatives of sponsors, orientation programs and suggested improvements. Host family evaluations should include discussion of exchange students, area representatives, orientation programs and suggested improvements.

(5) Employment. Students in the teenager program are not permitted to accept full-time employment during their stay in the United States. However, noncompetitive small jobs, not to exceed 10 hours per week, such as tutoring, grass cutting, baby or people sitting, newspaper delivery, etc. will be allowed.

(6) Financial Responsibility. A sponsor must guarantee return transportation for students in the event of a default by their organization. This may be done by the purchase of round trip charter tickets, the purchase of round trip tickets on regularly scheduled flights, or a combination of the two. Alternatively, a sponsor may arrange a surety bond or surety trust agreement with a bank to ensure return transportation.

(1) Sponsors are required to have available for review by the International Communication Agency an audited financial statement of their operations. The financial statement should include an itemized list of the salaries of the officers of the organization.

(7) Reports. Sponsors will furnish the International Communication Agency with an annual report on their programs at the end of each year. A questionnaire will be sent to sponsors each year to assist them in preparing the report.

(8) Suspension or Revocation of Exchange-Visitor Program Designation. Sponsors who are found to be in violation of the above criteria are subject to having program designations sus-

pended or revoked in accordance with § 514.17 of the regulations.

§ 514.14 Duties of Responsible Officer.

It is the duty of the Responsible Officer to:

(a) Conduct all correspondence relating to the program with the Agency, the Immigration and Naturalization Service or American consular officers. (Reference to the organization's Exchange-Visitor Program by its assigned serial number should always be made in such correspondence as required by § 514.16);

(b) Advise and assist all participants in the program or programs in their relations with the Agency, the Immigration and Naturalization Service or American consular officers;

(c) Execute, sign and control the issuance of Form IAP-66 in accordance with instructions of the Agency;

(d) Certify that the activity in which the exchange visitor will engage is one which is authorized under the terms of the official description of the program;

(e) Upon receiving a Form IAP-66, where Part I is completed by another sponsor to whose Exchange-Visitor Program the exchange visitor is transferring, complete Part III when the transfer to the other Exchange-Visitor Program is considered to be clearly within the objective for which the alien sought entry into the United States;

(f) Advise any exchange visitor whose program will extend beyond the authorized stay and/or who desires a transfer to another Exchange-Visitor Program as described in § 514.22 (b) and (c), that the visitor must apply to the Immigration and Naturalization Service for permission, presenting to that Service a newly completed and executed Form IAP-66 and the temporary entry permit Form I-94 (Arrival-Departure Record) inserted in the visitor's passport by that Service;

(g) Notify the District Director of the Immigration and Naturalization Service in accordance with paragraph (a) of § 514.12 if the sponsor terminates an alien's participation in the Exchange-Visitor Program or when a participant: (1) Remains in the United States beyond the period of stay authorized by the Immigration and Naturalization Service as shown on the alien's Form I-94; (2) has ceased to maintain exchange-visitor status (including the circumstances involved); or (3) has completed the activity and objective for which the visitor entered the United States and is due to depart. The notification should include the alien's full name, date and place of birth, and, if known, the date and port of departure, identity of the transportation medium, and the visitor's alien registration number;

Subpart C—Exchange Visitors

§ 514.21 Notification to Exchange Visitors: summary of instruction to apply for J visas and entries.

(a) The Responsible Officer or alternate shall execute a Form IAP-66, and furnish copies one through three to each selected participant for presentation to the American consular officer abroad in applying for a J-1 visa. Copy four of the form should be kept by the Responsible Officer for the records of the sponsoring institution or agency. The Responsible Officer or alternate is required to furnish in the Form IAP-66 the time and terms of the proposed exchange visit which must be demonstrably within the activities contained in the duly authorized description of the Exchange-Visitor Program concerned. The Responsible Officer or alternate should also instruct the alien to read and complete the participant's Certificate which is printed on the back of Form IAP-66 prior to presentation to a consular officer (or immigration officer, if exempt from visa requirements) and to sign and date it upon presentation to the officer.

(b) Copies one through three of the Form IPA-66 which are presented to the consular officer for a visa will be returned to the participant, and upon arrival at a U.S. port of entry, the participant must present and relinquish copies one, two, and three to the examining immigration inspector of the Immigration and Naturalization Service, who will indicate the authorized length of stay and return copy two to the participant to use for visa revalidation or reentry to the United States in the event that the participant should leave the country temporarily during the period of the program. The immigration inspector will retain copy one and forward copy three to the Agency.

(c) Members of the participant's immediate family accompanying the exchange visitor may apply for J-2 visas and entry into the United States on the basis of the Form IAP-66 issued to the participant. If members of the immediate family are following to join the participant, they must present to the American consular officer (unless exempt from visa requirements) and to the examining officer of the Immigration and Naturalization Service at the port of entry in the United States, a newly executed Form IAP-66 marked "To Permit the Visitor's Family to Enter the U.S. Separately" prepared and authenticated by the Responsible Officer or alternate Responsible Officer. Only one such marked form is required for each party of family members traveling separately from the exchange visitor. The form must contain all entries and information shown on the Form IAP-66 issued

cation Agency in any way with respect to the financial operation of the program or imply any financial responsibility by the Director of the International Communication Agency for participants in such a program.

§ 514.16 Assignment of serial number.

(a) If designation is made, the program will be assigned a number within one of the following series:

G-1 Programs sponsored by the International Communication Agency.

G-2 Programs sponsored by the Agency for International Development.

G-3 Programs sponsored by the Department of State.

G-4 Programs sponsored by international agencies or organizations in which the U.S. Government participates.

G-5 Programs sponsored by other national, State, or local government agencies.

P-1 Programs sponsored by educational institutions such as schools, colleges, universities, seminaries, libraries, museums, and institutions devoted to scientific and technological research.

P-2 Programs sponsored by hospitals and related institutions.

P-3 Programs sponsored by non-profit associations, foundations, and institutions.

P-4 Programs sponsored by business and industrial concerns.

(b) The sponsor will thereafter refer to the assigned serial number in any correspondence with the Director, consular officers, or the Immigration and Naturalization Service concerning its Exchange-Visitor Program or any participant in such program.

§ 514.17 Revocation of designation.

The designation of any Exchange-Visitor Program may be revoked at the discretion of the Director for any sufficient cause, including, but not limited to:

(a) Failure to maintain educational or training standards as established by competent professional agencies;

(b) Failure to submit complete and accurate reports on program operations when requested by the Director;

(c) Misuse of the Exchange-Visitor Program.

(d) Failure to comply with criteria referred to in § 514.12(f).

The designation of an Exchange-Visitor Program will be revoked if the Program remains inactive for a period of more than two years. Such revocation will not preclude the sponsoring organization from reapplying for a new designation at a later date.

(h) Submit requests for supplies of Form IAP-66 to the Agency and control supplies forwarded (requests from persons other than the Responsible Officer or the alternate will not be honored);

(i) Inform the Agency when the Responsible Officer or the alternate listed in the Agency's record will no longer act in this capacity and supply the name and title of the official who will henceforth assume such responsibility;

(j) Inform all interested personnel within the sponsoring organization concerning its sponsorship of an Exchange-Visitor Program, with particular reference to the functions of the Responsible Officer;

(k) Inform the Agency when the organization wishes to discontinue sponsorship of an Exchange-Visitor Program or when it wishes to amend its description, or when the address or telephone number of organization is changed;

(l) Prepare and submit the required reports as described in paragraph (e) of § 514.12;

(m) Respond to requests from the Agency and/or the Immigration and Naturalization Service for the views of the sponsor with regard to applications involving waivers of the two-year home-country physical presence requirement for exchange visitors who are or were sponsored by that institution.

§ 514.15 Action on applications for Exchange-Visitor Program Designation.

(a) An application for program designation on Form IAP-37 submitted to the Director shall be examined to ascertain the adequacy of the information furnished. If sufficient information has not been furnished, the intending sponsor shall be requested to supply information in which the application is deficient. In addition to the information furnished on Form IAP-37, the Director may require an intending sponsor to present any evidence of a documentary nature, such as program reports, institutional catalogues, letters of recognition, accreditation, certification or approval, which the Director may consider necessary in determining the eligibility of the program to be designated as an Exchange-Visitor Program.

(b) Upon receipt and consideration of the Form IAP-37, including any required additional evidence, the Director has the discretion to designate or deny, the sponsor's program as an Exchange-Visitor Program. The Director will notify the sponsor in writing of the decision. Any designation by the Director of an Exchange-Visitor Program other than a program sponsored by the Agency will not obligate the Director of the International Communi-

to the principal except for page 2 which need not be filled out.

§ 514.22 Applications for change or adjustment of status to or from Exchange Visitor, for extensions, and for program transfers.

(a) Change of status to Exchange Visitor. An application for change of status to Exchange Visitor shall be made by the prospective exchange visitor who has been admitted into the United States as a nonimmigrant and is eligible for change of status in accordance with the provisions of section 248 of the Immigration and Nationality Act, as amended, to the office of the Immigration and Naturalization Service having administrative jurisdiction over the participant's place of temporary residence. Such application must be accompanied by Form IAP-66 properly executed by the sponsor and the intending participant. Upon request of the Immigration and Naturalization Service officer to whom such application is made, the Agency will furnish its views in any case in which the officer (1) cannot determine from the evidence submitted that the program proposed for the participant is clearly within the scope of the designation of the Exchange-Visitor Program concerned, or (2) has doubt, considering among other factors the applicant's length of stay and previous activities in the United States, as to whether the best interests of the international educational and cultural exchange program would be served by this change of status. The application of the immediate family, if not made on the same occasion as the participant's, must be accompanied by a Form IAP-66 issued to the participant, authenticated by the Responsible Officer for the Exchange-Visitor Program or by the alternate Responsible Officer whose name has been recorded with the Agency, to show that the participant is still under that program and to show the authorized period of stay of the participant.

(b) Extension of stay. (1) Application for extension of stay shall be made between 15 and 60 days before the expiration of the exchange visitor's authorized stay to the District Director of the Immigration and Naturalization Service having administrative jurisdiction over the participant's place of temporary residence. The authorized period of stay is noted on Form I-94 (Arrival-Departure Record) inserted in the exchange visitor's passport by the Immigration and Naturalization Service.

(2) A participant applying for an extension of stay shall present Form IAP-66 properly completed and endorsed by the sponsor to show the time and terms of the extended stay for which application is made. As a

general rule, applications for extensions of stay should be requested only for continuation of the activity for which the participant obtained status as an exchange visitor, not for a new activity. When the application, if approved, would extend the participant's stay beyond the limitation specified in § 514.23, it must be strongly supported by the sponsor with evidence that there are exceptional circumstances or that additional time is required to complete highly specialized training, and that the participant's future intentions clearly involve the participant's departure from the United States in accordance with the objectives of the Exchange-Visitor Program. If the applicant is accompanied by applicant's immediate family, the sponsor should attach to Form IAP-66: (i) A statement on the sponsor's letterhead giving for each accompanying family member for whom extension is requested, the name, relationship to the exchange visitor, nationality, place and date of birth, passport number, passport expiration date and passport issuing country; and (ii) Form I-94 (Arrival-Departure Record) for each.

(3) Upon request of the Immigration and Naturalization Service, the Agency will furnish its views in all cases in which an extension is sought to enable the participant to carry out a new activity under the sponsor's program.

(4) The application of the immediate family, if not made simultaneously with the participant's application, must be accompanied by a newly executed Form IAP-66 identical to the one issued to the participant, properly endorsed by the sponsor to show the time and terms of the extended stay for which the participant has qualified. (See § 514.21(c).) The following should be attached to the Form IAP-66: (i) A statement on the sponsor's letterhead giving for each accompanying family member, the relationship to the exchange visitor, nationality, place and date of birth, passport number, issuing country and expiration date of the family member's passport; and (ii) Form I-94 (Arrival-Departure Record) for each.

(c) Program transfer. (1) An application for permission to transfer from one designated Exchange-Visitor Program to another must be submitted to the District Director, Immigration and Naturalization Service, having administrative jurisdiction over the participant's place of temporary residence in the United States, by the participant concerned between 15 and 60 days before participation in the program to which the participant wishes to transfer is scheduled to begin. A participant applying for a program transfer shall present a duly executed Form IAP-66,

Part I completed by the prospective sponsor, and Part III completed by the releasing sponsor. The reverse side must also be completed in accordance with the instructions which are printed on the form.

A request for a program transfer shall be denied unless the transfer is clearly consistent with the original or a closely related objective. Unless very unusual or extenuating circumstances exist, the following requests for program transfers shall not be authorized: nurse to doctor of medicine; student to research scholar or teacher; research scholar to student or teacher; teacher to research scholar or student. When the Form IAP-66 is signed by the Responsible Officers for both programs, the transfer is within the applicable general time limitation, and the transfer is routine in nature, the District Director of Immigration and Naturalization Service may grant the application without referral to the International Communication Agency. In unusual or questionable cases, an advisory opinion may be obtained from the International Communication Agency.

(2) Before acting on the participant's application for permission to transfer, the District Director may request the views of the Agency as to whether the best interests of the international educational and cultural exchange program will be served by the transfer in any case in which (i) the applicant is unable to present a Form IAP-66 with Part III duly executed by the current sponsor, (ii) it appears that the transfer is for the purpose of extending the stay of the participant in the United States beyond the completion of the objective for which the participant came, or (iii) the participant does not appear to be making clear progress toward a definite objective consistent with the intent and purposes of the Act.

(d) Adjustment of status from exchange visitor to permanent resident or change to another nonimmigrant category. (1) Adjustment of status from exchange visitor to permanent resident is possible only if the two-year home-country physical presence requirement of section 212(e) of the Immigration and Nationality Act, as amended, is inapplicable or waived. (See § 514.31 for a substantial quotation of section 212(e) and for regulations regarding waivers.) An application for adjustment of status must be made by the participant to the District Director, Immigration and Naturalization Service, having jurisdiction over the participant's place of temporary residence in the United States.

(2) An application for change of status from exchange visitor to another nonimmigrant category must be made to the District Director, Immigration and Naturalization Service,

having jurisdiction over the participant's place of temporary residence in the United States. The Immigration and Naturalization Service has directed that the District Director will not grant a change to nonimmigrant status under section 101(a)(15) (A) or (G) of the Immigration and Nationality Act unless the Department of State advises the District Director that the applicant is qualified for classification thereunder.

§ 514.23 General limitations of stay.

(a) To insure that exchange visitors remain in the United States only so long as is necessary to satisfy their stated objectives and the intent of the Act, the following general limits on the period of stay of exchange visitors are hereby established. Exceptions to these limitations will be permitted only in unusual circumstances.

(1) Participants. (i) Students—as long as they pursue substantial scholastic programs leading to recognized degrees or certificates. After receiving degrees or certificates from the U.S. institution, students whom the sponsor recommends for practical training may be permitted to remain for such purpose for an additional period of up to 18 months.

(ii) Teachers, professors, research scholars, and specialists—3 years.

(iii) International visitors—1 year.

(iv) Professional trainees—2 years for an alien who is a graduate of a medical school pursuing graduate medical education or training in the United States. A 1-year extension may be granted beyond 2 years only if the separately published criteria for aliens who are graduates of a medical school are met (See § 514.12(f)).

(v) Graduate nurses—2 years.

(vi) Medical technologists, medical record librarians, medical record technicians, radiologic technicians, nurse anesthetists, and other participants in similar categories—length of the approved training program plus a maximum of 18 months for practical training, not to exceed a total of 3 years.

(vii) Business and industrial trainees—18 months.

(2) The immediate family. As long as the participant remains.

(b) The limitations in this section prescribes, as a general rule, the maximum stays of exchange visitors in the categories cited. A participant who is able to complete the stated program objective in less than the maximum lengths of time will be expected to return abroad to comply with the purposes of the Act. These limitations apply regardless of the number of Exchange-Visitor Programs in which the visitor participates. Therefore, transfer from one Exchange-Visitor Program to another will not extend the stay of a participant beyond the limits

set for a particular category. These limitations should not be construed as extending or changing in any way the authorized period of stay specified in the official description of an Exchange-Visitor Program.

§ 514.24 Prohibition of employment not related to program; exception for students in certain circumstances; possible exception for immediate family.

(a) General. Except as provided in paragraph (b) of this section for students in certain circumstances, an exchange visitor who engages in activities that both produce income from U.S. sources and are unrelated to the participant's program ceases to maintain lawful status in the United States as an exchange visitor. (See paragraph (e) of this section for exception in regard to immediate family.)

(b) Exception for students. An exchange visitor student's status is not subject to curtailment as stated in paragraph (a) of this section if all the following conditions are met:

(1) Such employment is required by an urgent financial need which has arisen since acquiring Exchange Visitor status;

(2) It does not cause the participant to reduce preparation and studies below the full-time level; and

(3) It has the written approval of the sponsor signed by the Responsible Officer or alternate Responsible Officer.

(c) Limitation on workweek for students. No full-time employment (40 hours per week) or employment approaching the nature of full-time employment may be approved for an exchange visitor student by the sponsor, except during periods of school vacation.

(d) Certain student employment exempted from paragraph (b)(1). Remunerative employment of an exchange visitor student who is otherwise taking a full course of study pursuant to the terms of a scholarship, fellowship, or assistantship is considered to be a part of the individual's academic program if the employment is both on campus and is related to the participant's course of study. Such employment is not subject to the provision of paragraph (b)(1) of this section.

(e) Possible exception for immediate family. Immediate family members may accept employment in the United States only if authorized to do so by the District Director of the Immigration and Naturalization Service having jurisdiction over the place where the participant is sojourning temporarily. (See 8 CFR 214.2(j)(1).)

Subpart D—Waiver Procedures in Certain Cases

§ 514.31 Requests for waivers of the home-country physical presence requirement of the Immigration and Nationality Act, as amended.

(a) General provisions. Section 212(e) of the Immigration and Nationality Act, as amended, provides substantially in part that:

(1) No person admitted under section 101(a)(15)(J) of the Immigration and Nationality Act, as amended, or acquiring such status after admission (i) whose participation in the program was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of the participant's nationality or his or her last legal permanent residence, or (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Director of the International Communication Agency, pursuant to regulations prescribed by the Director, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the participant was engaged, or (iii) who came to the United States under section 101(a)(15)(J) or acquired such status after entry in order to receive graduate medical education or training, shall be eligible for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of such person's nationality or last legal permanent residence for an aggregate of at least two years following departure from the United States.

(2) Upon the favorable recommendation of the Director of the International Communication Agency, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after the latter has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child who is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of the alien's nationality or last legal permanent residence because the alien would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest.

(3) The Attorney General may, upon the favorable recommendation of the Director of the International Communication Agency, waive such two-year foreign residence requirement in the case of any participant (except an alien who is a graduate of a medical school pursuing a program in graduate medical education or training) if the foreign country of the alien's nationality or the country of his or her last legal permanent residence has furnished the Director of the International Communication Agency a statement in writing that it has no objection to such waiver in the case of the alien.

(b) Exceptional hardship to United States citizen or lawfully resident alien spouse or child or probable persecution for enumerated reasons.

(1) An application for waiver on the basis that a two-year period of residence abroad would impose exceptional hardship upon the exchange visitor's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or, on the basis that return to the country of nationality or last legal permanent residence would subject the exchange visitor to persecution on account of race, religion, political opinion, nationality, or membership of a particular social group, shall be submitted by the exchange visitor to the office of the Immigration and Naturalization Service having administrative jurisdiction over the exchange visitor's place of temporary residence in the United States, or if the exchange visitor is abroad, over the visitor's last legal place of residence in the United States.

(2) If the Commissioner of Immigration and Naturalization determines that compliance with the home-country physical presence requirement would impose exceptional hardship upon the spouse or child who is an American citizen or permanent resident alien, or, would subject the alien to persecution on account of race, religion, political opinion, nationality, or membership of a particular social group, the finding showing such determination together with a summary of the details of the expected hardship or persecution will be submitted to the Waiver Review Branch in the Office of the General Counsel of the Agency for the Director's recommendation.

(c) Interested U.S. Government agency or statement of no objection by home-country. Applications for the favorable recommendation of the Director for a waiver on the basis of a request from an interested United States Government agency, or on the basis of a statement from the exchange visitor's country of nationality or which the visitor had a legal permanent residence to the Director that it has no objection to a waiver, shall be initiated

with the Waiver Review Branch in the Office of the General Counsel of the Agency in the following manners:

(1) Interested U.S. Government agency. When the application is supported by an interested U.S. Government agency other than the International Communication Agency, the head of such agency or duly appointed designee must submit a statement in writing to the Office of the General Counsel of the Agency, in which the agency head or designee determines and attests that, from the point of view of the agency, (i) the granting of the waiver would be in the public interest and (ii) the exchange visitor's compliance with the two-year home-country physical presence requirement would be clearly detrimental to a program or activity of official interest to the agency. Further, the statement shall identify by name and location the organization which will use the exchange visitor's service, and indicate the participant's place of residence in the United States. If deemed appropriate the Agency may request the views of each of the exchange visitor's sponsors concerning the waiver application.

(2) No objection by home-country. When the application is to be supported by a statement of no objection by the exchange visitor's country of nationality or last legal permanent residence, this statement shall be directed to the Director through official channels, i.e., from the country's foreign office to the Agency through the U.S. mission in the foreign country concerned, or through the country's head of mission or duly appointed designee to the Director in the form of a diplomatic note. In addition to the statement indicating that the country concerned has no objection to the waiver, the exchange visitor must, upon request, submit the following information to the Waiver Review Branch, Office of the General Counsel: (i) Full name; (ii) place and date of birth; (iii) present address in the United States or last address in the United States prior to departure; (iv) list of Exchange-Visitor Programs (or Program) in which the individual participated; (v) Alien Registration Number, if known; (vi) name of foreign government official with whom the case can be discussed if necessary; (vii) specific reasons for not wishing to fulfill the two-year home-country physical presence requirement; and (viii) the views of each of the visitor's sponsors concerning the waiver application.

§ 514.32 Action by the Director on requests for waivers.

Upon receipt of a request for a recommendation of waiver of the home-country physical presence requirement of section 212(e) of the Immigration and Nationality Act, as amended, the

Director will review the policy, program, and foreign relations aspects of the case and will transmit a recommendation to the Attorney General for decision. The exchange visitor will be advised of the decision in the case by the Immigration and Naturalization Service.

It is the general policy of the International Communication Agency to allow time for interested parties to take part in the rulemaking process.

However, the addition of the new part is administrative in nature and was mandated by law. Therefore, the rulemaking process involving comment and public procedure is waived, and this new part will become effective on March 26, 1979.

Issued at Washington, D.C.

JOHN E. REINHARDT,
Director, International
Communication Agency.

[FR Doc. 79-9022 Filed 3-23-79; 8:45 am]

[8230-01-M]

PART 515—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Addition of a New Part to Chapter V

AGENCY: International Communication Agency.

ACTION: Final Rule.

SUMMARY: This rule adds a new part to Chapter V to reflect the transfer of functions to the International Communication Agency. The transfer was legislatively mandated by Reorganization Plan No. 2 of 1977 which provides for the transfer of the functions established in the United States Information and Educational Exchange Act of 1948, as amended, and the functions established in the Mutual Educational and Cultural Exchange Act of 1961, as amended, to the Director of the International Communication Agency.

EFFECTIVE DATE: March 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert R. Gaudian, Deputy Executive Director, Associate Directorate for Educational and Cultural Affairs, International Communication Agency, Washington, D.C., AC 202-724-9717.

SUPPLEMENTARY INFORMATION: As a result of the establishment of the International Communication Agency, the functions formerly delegated to the Secretary of State in the cultural exchange area have been transferred to the Director of the International Communication Agency (USICA).

USICA has assumed overall responsibility for payments to and on behalf of participants in the International Educational and Cultural Exchange Program, and all related procedures.

Part 515 is added to read as set forth below:

PART 515—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Sec.

515.1 Definitions.

515.2 Applicability of this part under special circumstances.

515.3 Grants to foreign participants to observe, consult, demonstrate special skills, or engage in specialized programs.

515.4 Grants to foreign participants to lecture, teach, and engage in research.

515.5 Grants to foreign participants to study.

515.6 Assignment of United States Government employees to consult, lecture, teach, engage in research, or demonstrate special skills.

515.7 Grants to United States participants to consult, lecture, teach, engage in research, demonstrate special skills, or engage in specialized programs.

515.8 Grants to United States participants to study.

515.9 General provisions.

AUTHORITY: Sec. 4, 63 Stat. 111, as amended, 75 Stat. 527-538; 22 U.S.C. 2658, 2451 note; Reorganization Plan No. 2 of 1977; Executive Order 12048 of March 27, 1978.

§ 515.1 Definitions.

For the purpose of this part the following terms shall have the meaning here given:

(a) *International educational and cultural exchange program of the International Communication Agency.* A program to promote mutual understanding between the people of the United States and those of other countries and to strengthen cooperative international relations in connection with which payments are made direct by the International Communication Agency, as well as similar programs carried out by other Government departments and agencies and by private organizations with funds appropriated or allocated to the International Communication Agency when the regulations in this part apply under the provisions of § 515.2 (a) and (b).

(b) *Program and Agency.* For convenience, the international educational and cultural exchange program of the International Communication Agency will hereinafter be referred to as the "program," and the International Communication Agency will hereinafter be referred to as the "Agency."

(c) *Participant.* Any person taking part in the program for purposes listed in § 515.3 through § 515.8 includ-

ing both citizens of the United States and citizens and nationals of the other countries with which the program is conducted.

(d) *Transportation.* All necessary travel on railways, airplanes, steamships, buses, streetcars, taxicabs, and other usual means of conveyance.

(e) *Excess baggage.* Baggage in excess of the weight or size carried free by public carriers on first class service.

(f) *Per diem allowance.* Per diem in lieu of subsistence includes all charges for meals and lodging; fees and tips; telegrams and telephone calls reserving hotel accommodations; laundry, cleaning and pressing of clothing; transportation between places of lodging or business and places where meals are taken.

§ 515.2 Applicability of this part under special circumstances.

(a) *Funds administered by another department or agency.* The regulations in this part shall apply to payments made to or on behalf of participants from funds appropriated or allocated to the Agency and transferred by the Agency to some other department, agency or independent establishment of the Government unless the terms of the transfer provide that such regulations shall not apply in whole or in part or with such modification as may be prescribed in each case to meet the exigencies of the particular situation.

(b) *Funds administered by private organizations.* The regulations in this part shall apply to payments made to or on behalf of participants from funds appropriated or allocated to the Agency and administered by an institution, facility, or organization in accordance with the terms or a contract or grant made by the Agency with or to such private organizations, unless the terms of such contract or grant provide that the regulations in this part are not to be considered applicable or that they are to be applied with such modifications as may be prescribed in each case to meet the exigencies of the particular situation.

(c) *Appropriations or allocations.* The regulations in this part shall apply to payments made by the Agency with respect to appropriations or allocations which are or may hereafter be made available to the Agency for the program so far as the regulations in this part are not inconsistent therewith.

§ 515.3 Grants to foreign participants to observe, consult, demonstrate special skills, or engage in specialized programs.

A citizen or national of a foreign country who has been awarded a grant to observe, consult with colleagues, demonstrate special skills, or engage in

specialized programs, may be entitled to any or all of the following benefits when authorized by the Agency.

(a) *Transportation.* Accommodations, as authorized, on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be in accordance with the provisions of the Federal Travel Regulations.

(b) *Excess baggage.* Excess baggage as deemed necessary by the Agency.

(c) *Per diem allowance.* Per diem allowances in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions and while traveling within or between the United States, its territories or possessions shall be established by the Director from time to time, within limitations prescribed by law. The participant shall be considered as remaining in a travel status during the entire period covered by his or her grant unless otherwise designated.

(d) *Allowance.* A special allowance in lieu of per diem while traveling to and from the United States may be established by the Director, within limitations prescribed by law.

(e) *Tuition and related expenses.* Tuition and related expenses in connection with attendance at seminars and workshops, professional meetings, or other events in keeping with the purpose of the grant.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Advance of funds.* Advance of funds including per diem.

§ 515.4 Grants to foreign participants to lecture, teach, and engage in research.

A citizen or national of a foreign country who has been awarded a grant to lecture, teach, and engage in research may be entitled to any or all of the following benefits when authorized by the Agency:

(a) *Transportation.* Accommodations, as authorized on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be in accordance with the provisions of the Federal Travel Regulations.

(b) *Excess baggage.* Excess baggage as deemed necessary by the Agency.

(c) *Per diem allowance.* Per diem allowance in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions and while traveling within or between the United States, its territories or possessions shall be established by the Director from time to time, within limitations prescribed by law.

(d) *Allowance.* A special allowance in lieu of per diem while traveling to and from the United States may be estab-

lished by the Director, within limitations prescribed by law.

(e) *Tuition and related expenses.* Tuition and related expenses in connection with attendance at educational institutions, seminars and workshops, professional meetings or other events in keeping with the purpose of the grant.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Advance of funds.* Advance of funds including per diem.

§ 515.5 Grants to foreign participants to study.

A citizen or national of a foreign country who has been awarded a grant to study may be entitled to any or all of the following benefits when authorized by the Agency:

(a) *Transportation.* Accommodations, as authorized, on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be accordance with the provisions of the Federal Travel Regulations.

(b) *Excess baggage.* Excess baggage as deemed necessary by the Agency.

(c) *Per diem allowance.* Per diem allowance in lieu of subsistence expenses while traveling (i) from point of entry in the United States, its territories or possessions to orientation centers and while in attendance at such centers for purposes of orientation, not to exceed 30 days, (ii) to educational institutions of affiliation, and (iii) to point of departure and while participating in authorized field trips or conferences, shall be established by the Director from time to time, within limitations prescribed by law.

(d) *Allowances.* (1) A maintenance allowance while present and in attendance at an educational institution, facility or organization, and

(2) A travel allowance in lieu of per diem while traveling to and from the United States may be established by the Director, within limitations prescribed by law.

(e) *Tuition.* Tuition and related fees for approved courses of study.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Tutoring assistance.* Special tutoring assistance in connection with approved courses of study.

(h) *Advance of funds.* Advance of funds including per diem.

§ 515.6 Assignment of United States Government employees to consult, lecture, teach, engage in research, or demonstrate special skills.

An employee of the United States Government who has been assigned for service abroad to consult, lecture, teach, engage in research, or demon-

strate special skills, may be entitled to any or all of the following benefits when authorized by the Agency.

(a) *Transportation.* Transportation and miscellaneous expenses in the United States and abroad, including baggage charges, and per diem in lieu of subsistence at the maximum rates allowable while in a travel status in accordance with the provisions of the Federal Travel Regulations. The participant shall be considered as remaining in a travel status during the entire period covered by his or her assignment unless otherwise designated.

(b) *Advance of funds.* Advances of per diem as provided by law.

(c) *Compensation.* Compensation in accordance with Civil Service rules; or in accordance with the grade in which the position occupied may be administratively classified; or Foreign Service Act, as amended.

(d) *Allowances for cost of living and living quarters.* Allowances for living quarters, heat, fuel, light, and to compensate for the increased cost of living in accordance with the Federal Travel Regulations (Government Civilians, Foreign Areas), when not in a travel status as provided in paragraph (a) of this section.

(e) *Books and educational materials allowance.* A reasonable allowance for books and educational materials. Such books and materials, unless otherwise specified, shall be selected by the employee and purchased and shipped by the Agency or its agent. At the conclusion of the assignment, the books and educational materials shall be transferred to and become the property of an appropriate local institution or be otherwise disposed of as directed by the Agency.

(f) *Families and effects.* Cost of transportation of immediate family and household goods and effects when going to and returning from posts of assignment in foreign countries in accordance with the provisions of the Foreign Service Regulations of the United States of America.

§ 515.7 Grants to United States participants to consult, lecture, teach, engage in research, demonstrate special skills, or engage in specialized programs.

A citizen or resident of the United States who has been awarded a grant to consult, lecture, teach, engage in research, demonstrate special skills, or engage in specialized programs may be entitled to any or all of the following benefits when authorized by the Agency.

(a) *Transportation.* Transportation in the United States and abroad, including baggage charges.

(b) *Subsistence and miscellaneous travel expenses.* Per diem, in lieu of subsistence while in a travel status, at the maximum rates allowable in ac-

cordance with the provisions of the Federal Travel Regulations, unless otherwise specified, and miscellaneous travel expenses, in the United States and abroad. Alternatively, a travel allowance may be authorized to cover subsistence and miscellaneous travel expenses. The participant shall be considered as remaining in a travel status during the entire period covered by his or her grant unless otherwise designated.

(c) *Orientation and debriefing within the United States.* For the purpose of orientation and debriefing within the United States, compensation, travel, and per diem at the maximum rates allowable in accordance with the provisions of the Federal Travel Regulations, unless otherwise specified. Alternatively, a travel allowance may be authorized to cover subsistence and miscellaneous travel expenses.

(d) *Advance of funds.* Advance of funds, including allowance for books and educational materials and per diem, or alternatively, the allowance to cover subsistence and miscellaneous travel expenses.

(e) *Compensation.* Compensation at a rate to be specified in each grant.

(f) *Allowances.* Appropriate allowance as determined by the Agency.

(g) *Books and educational materials allowance.* Where appropriate, an allowance for books and educational materials. Such books and materials, unless otherwise specified, shall be selected by the grantee and purchased and shipped either by the grantee, or the Agency or its agent. At the conclusion of the grant, the books and materials shall be transferred to and become the property of an appropriate local institution or be otherwise disposed of as directed by the Agency.

§ 515.8 Grants to United States participants to study.

A citizen of the United States who has been awarded a grant to study may be entitled to any or all of the following benefits when authorized by the Agency.

(a) *Transportation.* Transportation and miscellaneous expenses in the United States and abroad, including baggage charges, and per diem in lieu of subsistence while in a travel status. Per diem at the maximum rates allowable in accordance with the provisions of the Federal Travel Regulations, unless otherwise specified. Travel status shall terminate upon arrival at the place of study designated in the grant and shall recommence upon departure from the place to return home.

(b) *Orientation and debriefing within the United States.* For the purpose of orientation and debriefing within the United States travel and

per diem at the maximum rates allowable in accordance with the provisions of the Federal Travel Regulations, unless otherwise specified.

(c) *Advance of funds.* Advance of funds including per diem.

(d) *Maintenance allowance.* A maintenance allowance at a rate to be specified in each grant.

(e) *Tuition.* Tuition and related fees for approved courses of study.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Tutoring assistance.* Special tutoring assistance in connection with approved courses of study.

§ 515.9 General provisions.

The following provisions shall apply to the foregoing regulations:

(a) *Health and accident insurance.* Payment for the costs of health and accident insurance for United States and foreign participants while such participants are enroute or absent from their homes for purposes of participation in the program when authorized by the Agency.

(b) *Transportation of remains.* Payments for 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 the program are authorized.

(c) *Marima not controlling.* Payments and allowances may be made at the rate or in the amount provided in the regulations in this part unless an individual grant or travel order specifies that less than the maximum will be allowed under any part of the regulation in this part. In such case, the grant or travel order will control.

(d) *Individual authorization.* Where the regulations in this part provide for compensation, allowance, or other payment, no payment shall be made therefor unless a definite amount or basis of payment is authorized in the individual case, or is approved as provided in paragraph (f) of this section.

(e) *Computation of per diem and allowance.* In computing per diem and allowance payable while on a duty assignment, except for travel performed under the Federal Travel Regulations, fractional days shall be counted as full days, the status at the end of the calendar day determining the status for the entire day.

(f) *Subsequent approval.* Whenever without prior authority expense has been incurred by a participant, or an individual has commenced his or her participation in the program as contemplated by the regulations in this part, the voucher for payments in connection therewith may be approved by an official designated for this purpose, such approval constituting the author-

ity for such participation or the incurring of such expense.

(g) *Additional authorization.* Any emergency, unusual or additional payment deemed necessary under the program if allowable under existing authority, may be authorized whether or not specifically provided for by this part.

(h) *Biweekly payment.* Unless otherwise specified in the grant, all compensation and allowance for United States participants shall be payable biweekly and shall be computed as follows: an annual rate shall be derived by multiplying a monthly rate by 12; a biweekly rate shall be derived by dividing an annual rate by 26; and a calendar day rate shall be derived by dividing an annual rate by 364. If any maximum compensation or allowance authorized by these regulations or by the terms of any grant is exceeded by this method of computation and payment, such excess payment is hereby authorized. This paragraph may apply to payments made to participants from funds administered as provided in § 515.2(a) and (b) in the discretion of the department, agency, independent establishment, institution, facility, or organization concerned.

(i) *Payments.* Payments of benefits authorized under any part of the regulations in this part may be made either by the International Communication Agency or by such department, agency, institution, or facility as may be designated by the Agency.

(j) *Duration.* The duration of the grant shall be specified in each case.

(k) *Cancellation.* If a recipient of a grant under this program fails to maintain a satisfactory record or demonstrates unsuitability for furthering the purposes of the program as stated in § 515.1(a), his or her grant shall, in the discretion of the Director of the International Communication Agency or such officer as he or she may designate, be subject to cancellation.

(l) *Outstanding grant authorization.* Grants and other authorizations which are outstanding and in effect on the date the present regulations become effective, and which do not conform to this part, shall nevertheless remain in effect and be governed by the regulations under which they were originally issued, unless such grants or other authorizations are specifically amended and made subject to the present regulations in which case the individual concerned will be notified.

It is the general policy of the International Communication Agency to allow time for interested parties to take part in the rulemaking process.

However, the addition of the new part is administrative in nature and was mandated by law. Therefore, the rulemaking process, involving com-

ment and public procedure, is waived, and this new part will become effective upon publication.

Issued at Washington, D.C.

JOHN E. REINHARDT,
Director, International
Communication Agency.

[FR Doc. 79-9018 Filed 3-23-79; 8:45 am]

[8230-01-M]

PART 517—FOREIGN STUDENTS

Addition of a New Part to Chapter V

AGENCY: International Communication Agency.

ACTION: Final Rule.

SUMMARY: This rule adds a new part to Chapter V to reflect the transfer of certain functions from the Secretary of State to the International Communication Agency. The transfer was legislatively mandated by Reorganization Plan No. 2 of 1977 which provides for the transfer of the functions of the United States Information and Educational Exchange Act of 1948, as amended, and the functions of the Mutual Educational and Cultural Exchange Act of 1961, as amended, to the Director of the International Communication Agency. The particular functions covered by this Part pertain to admission, attendance and instruction of students from other American republics at educational institutions and schools maintained and administered by executive departments and agencies of the Government.

EFFECTIVE DATE: March 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert R. Gaudian, Deputy Executive Director, Associate Directorate for Educational and Cultural Affairs, International Communication Agency, Washington, D.C., AC 202-724-9717.

SUPPLEMENTAL INFORMATION: As a result of the establishment of the International Communication Agency, the functions formerly vested in, or delegated to, the Secretary of State in the cultural exchange area have been transferred to the Director of the International Communication Agency (USICA). USICA has assumed overall responsibility for the foreign student programs, and all related procedures.

Part 517 is added to read as set forth below:

PART 517—FOREIGN STUDENTS

Sec.

517.1 Regulations to be drafted.

517.2 Applications.

517.3 Reference of applications.

517.4 Copies of regulations to International Communication Agency.

517.5 Granting of application.