

DEVELOPMENT OF DEPARTMENT OF HEALTH, EDUCATION, AND  
WELFARE POSITIONS REGARDING FOREIGN POLICY MATTERS

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- 20-10-10 Purpose and Scope
  - 20 Development of United States Foreign Policy
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  - 40 Interdepartmental Committees and Formal Working Parties
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**20-10-10** PURPOSE AND SCOPE

This chapter prescribes policies and procedures for developing and coordinating Department positions regarding foreign policy matters. The policies set forth in this chapter apply to operating agencies which engage in international activities paralleling their domestic program responsibilities. They also apply to the conduct of Departmental representatives serving on interdepartmental committees in the international field.

**20-10-20** DEVELOPMENT OF UNITED STATES FOREIGN POLICY

- A. The President is responsible for the formulation, execution, and coordination of foreign policies. As Chief Executive, as Commander-in chief, and as Chairman of the National Security Council, he presides over the process of defining United States objectives in the world, and coordinating foreign affairs to achieve those objectives. In directing U.S. participation in international organizations, the President, acting through the Department of State, determines policy and designates representatives and agencies for its execution.
- B. The heads of Executive Departments **and** Agencies cooperate with the Department of State in the formulation, development and implementation of foreign policy. The Secretary of Health, Education, and Welfare is responsible for developing HEW positions.

- C. The Department of state utilizes interdepartmental committees, formal working parties and other consultative methods in the establishment of foreign policies and programs in the international field. Representatives of HEW participate in these activities at the direction of the Secretary of Health, Education, and Welfare.

20-10-30 DEVELOPMENT OF HEW POSITIONS

- A. The Secretary of Health, Education, and Welfare is responsible for developing HEW positions on foreign policy. He has delegated to the Office of International Affairs Management the responsibility to serve as the focal point in the Department for the development and coordination of position papers.
- B. The approval of official HEW positions on matters of foreign policy is reserved to the Secretary, and is exercised on his behalf by the Special Assistant to the Secretary for International Affairs. Representatives of the Department officially serving on interdepartmental committees or working parties may not approve, on behalf of the Department, foreign policy positions without prior consultation with the Office of International Affairs Management.
- C. Representatives of the Department serving as members of interagency groups concerned with technical matters may give Departmental clearance without prior consultation provided:
1. The matter is technical in nature only;
  2. Is in accordance with approved policy; and
  3. Has been cleared with other agencies of the Department when the substantive comments refer to their technical areas.

20-10-40 INTERDEPARTMENTAL COMMITTEES AND FORMAL WORKING PARTIES

- A. A designated Departmental representative on an official interdepartmental committee or formal working party has the following responsibilities:
1. Participates in the discussions and deliberations on behalf of the Department.

CHAPTER 20-15  
DEPARTMENT WORKING AGREEMENT WITH  
AGENCY FOR INTERNATIONAL DEVELOPMENT

- 20-15-00 Purpose and Scope
  - 10 Policy
  - 20 Planning, Coordination and Consultation
  - 30 Service Agreements and Types of Assistance
  - 40 Professional Development
  - 50 operating Relationships
  - 60 Reporting and Evaluation
  - 70 Financing
  - 80 Termination of Amendment of Agreement and Appendices
  - 90 Supplementary Agreements

20-15-00 PURPOSE AND SCOPE

The Department and the Agency for International Development concluded a joint general agreement, effective, March 3, 1966, that establishes a framework for cooperative relationships in carrying out the provision of Section 632(b) of the Foreign Assistance Act of 1961, as amended. The full text of this agreement and the several supplements have been distributed to the executive officers of the operating agencies. The salient features are summarized below.

20-15-10 POLICY

The Department in concluding this agreement recognizes its responsibilities to contribute toward United States Foreign policy by participation in foreign assistance programs designed to build and strengthen human and institutional resources essential to sustained national development of the less developed societies.

20-15-20 PLANNING, COORDINATION, AND CONSULTATION

The agreement establishes an administrative framework to effect close planning, coordination, and consultation between Agency for International Development and the Department. The Deputy Assistant Secretary for International Affairs is the Department's senior officer responsible for coordinating basic negotiations and matters of general policy. Joint Agency for International Development-Department of Health, Education, and Welfare arrangements may extend to examining total country development plans, reviewing actual or proposed Department activities and surveys, and evaluating the effectiveness of current and completed Department activities.

20-15-30 SERVICE AGREEMENTS AND TYPES OF ASSISTANCE

A. **Services** rendered by the Department either in the United States or overseas will be governed by individual Participating Agency Service Agreements (PASA's). The Department agrees to provide to Agency For International Development a variety of services:

1. Project services - Those which can be defined specifically in terms of planned end results, estimated costs, and locations of implementation, and duration. The project may be short or long-range, and may be performed in the United States or overseas. The project will be accomplished with the Department assuming the operating responsibility for it.
2. Technical consultation and support services - Those services other than a project service or a staff service that normally are performed in the United States.
3. Staff services - The detail or assignment of an individual officer in the uniformed service to fill an Agency for International Development staff position overseas.

20-15-40 PROFESSIONAL DEVELOPMENT

The Department considers foreign service for its employees of such importance that it will assure that such service will be fully recognized in their career development and promotion within the Department.

20-15-50 OPERATING RELATIONSHIPS

The Department will carry out general, technical, and project services in the United States in accordance with its established procedures. Department personnel assigned overseas as members of an Agency for International Development mission will receive support, benefits, and privileges as do Agency for International Development direct-hire personnel. such Department personnel will be administratively responsible to the United States Agency for International Development Director, or his designee, on matters of personal conduct, public relations, and general program and policy direction. Official communications on technical, professional, and personnel matters related to project services may be direct or through Agency for International Development at the option of the Department, provided that copies of communications sent directly will be simultaneously provided to Agency for International Development mission and Agency for International Development/Washington headquarters. Official communications dealing with Agency for International Development program and policy matters will be transmitted through Agency for International Development. With respect to staff services, all communications except personnel matters are through Agency for International Development.

20-15-60 REPORTING AND EVALUATION

The Department will provide Agency for International Development with **project** progress and administrative reports as required.

20-15-70 FINANCING

Agency for International Development will provide the Department with timely forecasts of **general requirements for guidance in planning** and will provide **financial support** for its **project** or staff **services**.

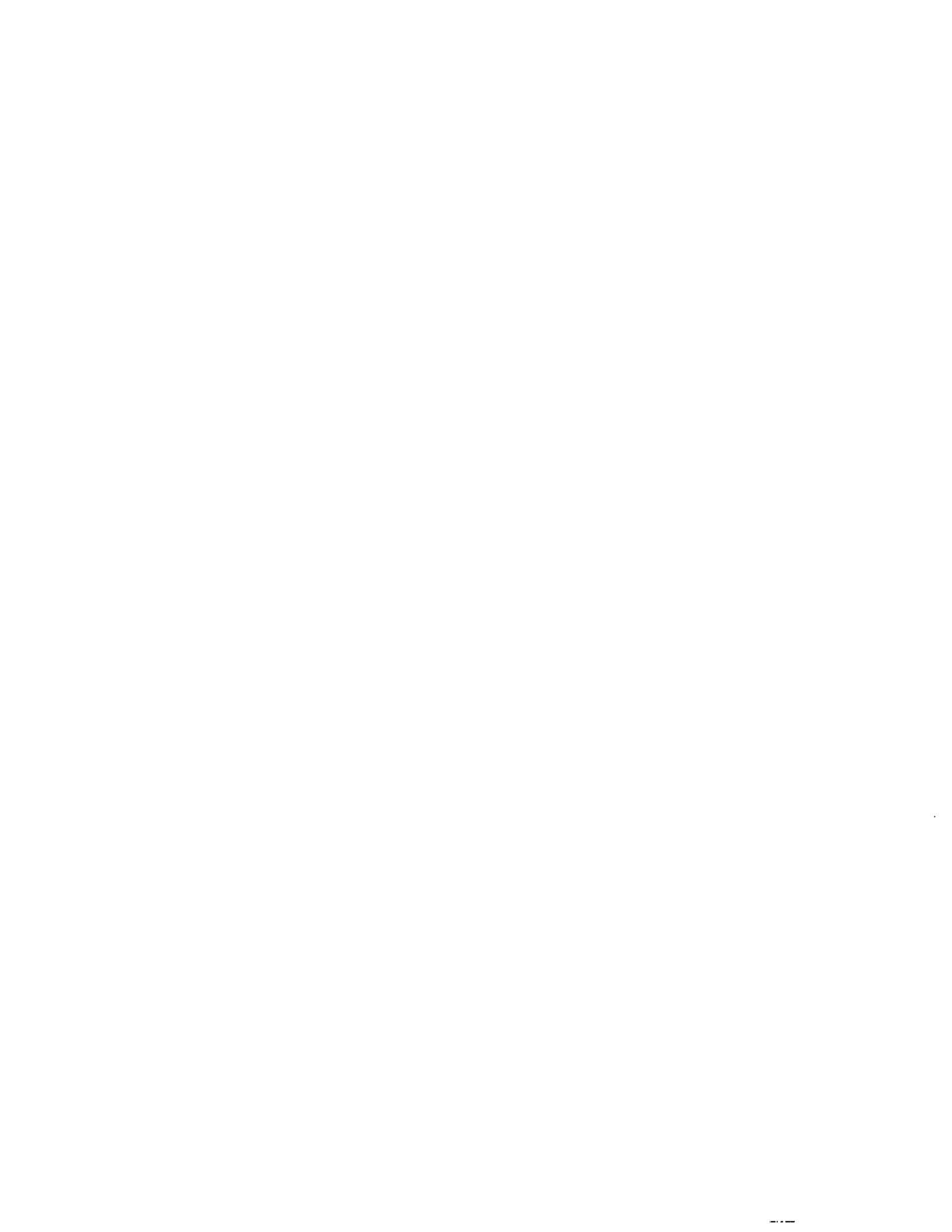
20-15-80 TERMINATION OR AMENDMENT OF AGREEMENT AND APPENDICES

The **Agreement and Appendices** will continue in force until **termination** notice by either party. **Subsequent amendments normally will be** executed for **DHEW** by the Assistant Secretary (Health and Scientific Affairs). Within three **years** from the effective date of the agreement, the Department and Agency for International Development will conduct a **Joint review** to **determine** if the Agreement **will remain** in force, be modified, or **cancelled**.

20-15-90 SUPPLEMENTARY AGREEMENTS

Detailed arrangements between the Department and the Agency for International Development are specified in supplementary agreements as follows:

- Appendix I - Participating agency **service agreements**.
- Appendix IS - personnel **arrangements**.
- Appendix III - Technical **consultation and support services**.
- Appendix IV - **Procurement** of commodities incidental to the functioning of services.
- Appendix V - **Training** of foreign nationals.



**INTERAGENCY AGREEMENTS FOR INTERNATIONAL ACTIVITIES**

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- 20-20-00 Purpose
  - 10 Definition of Formal Agreements
  - 20 Coordination Prior to Signature
  - 30** Formal Agreements File

20-20-00 PURPOSE

This Chapter sets forth Department procedures **for** coordinating the negotiation of formal agreements with other Federal agencies related to HEW participation in international activities, **and** provides for a central file of such agreements,.

20-20-10 DEFINITION OF FORMAL AGREEMENTS

"Formal agreements" as used herein includes both basic agreements which contain general statements of policies and procedures by which the Department agrees with other specified Federal agencies to **perform** certain international activities, and more narrowly specific agreements which detail particular projects or services to be performed by HEW for another Federal agency.

20-20-20 COORDINATION PRIOR TO SIGNATURE

All formal agreements shall be sent to the Office of International Affairs Management (**OIAM**), and reviewed by **OIAM** before final commitments are made and they are signed. The Office of International Affairs Management will provide coordination, as needed, of such agreements among HFW **operating** agencies and within the Office of the Secretary.

20-20-30 FORMAL AGREEMENTS FILE

**HEW agencies** will furnish a copy of each signed formal agreement to the Office of International Affairs Management, which shall maintain a file **of** formal agreements.





Subject: FOREIGN GIFTS AND DECORATIONS

20-25-00 Purpose  
    10 Definitions  
    20 Responsibility and Policy  
    30 Procedures for Reporting Foreign Gifts  
    **40** Annual Report to Secretary of State

20-25-00 PURPOSE

To provide policy and procedures for the acceptance of gifts and decorations from foreign governments by HHS employers, including members of their families, as authorized by the Foreign Gifts and Decorations Act of 1966, **P.L.** 89-673, as amended by **p.L.** 95-105 (**5** USC 7342).

20-25-10 DEFINITIONS

As used in this chapter:

- A. The term "employee" includes every person who occupies an office or a position in the government of the United States, its territories and possessions: who is an expert or consultant under contract with the United States or any agency thereof: or who is the spouse or dependent of such person.
- B. The term "foreign government" includes every foreign government and every official, agent, or representative of such government: and any international or multinational organization whose membership is composed of any unit of foreign government.
- c. The term "gift" includes any tangible or intangible present, other than a decoration, tendered by or received from a foreign government.
- D. The term "decoration" includes any order, device, medal, badge, insignia, emblem, or award tendered by or received from a foreign government.
- E. The term "minimal value" means a retail value in the United States of \$200 or less.

20-25-20 RESPONSIBILITY AND POLICY

- A. Responsibility. The Office of International Affairs (**OIA**), OS, is responsible for ensuring that HHS employees are acquainted with the requirements of P.L. **95-105**, and for giving effect to this chapter and implementing the requirements of the law relating to the deposit of gifts and decorations for disposal and their retention for official use. OIA will also provide advice and assistance to employees on any question relating to the application or implementation of the policy and procedures outlined below.
- B. General Policy. No employee shall request or otherwise encourage the offer of a gift or decoration; nor shall they accept a gift or decoration, other than in accordance with the provisions below.
- C. Gifts of Minimal Value. With the exception of an education scholarship, medical treatment, or, under conditions stated below, travel or expenses for travel, an employee may not accept a gift or more than minimal value unless it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. If an employee accepts a tangible gift of more than minimal value, such a gift is deemed to have been accepted on behalf of the United States and, upon acceptance, becomes the property of the United States. The donee must deposit the gift with the Office of International Affairs, OS, within 60 days for:  
(1) return to the donor; (2) official use within the Department; or (3) disposal as surplus property.
- E. Gifts of Travel or **Travel Expenses.**
1. An employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value, if in the employee's opinion such acceptance is appropriate, consistent with the interests of the United States, and is approved on a Form HHS-348 in accordance with the provisions of Chapter 1-70, Acceptance of Payment in Cash or Services in Kind to Cover Travel Expenses, HHS Travel Manual.
  2. Employees traveling on official duty may accept plane tickets on behalf of the U.S. Government for

travel originating and/or terminating in a U.S. city. HHS travel orders must reflect that payment of travel expenses, including per diem and similar expenses, by a foreign government or international organization is accepted by the traveler on behalf of the U.S. Government.

3. For private travel, **HHS** employees may accept gifts of travel or expenses for travel only when such travel takes place entirely outside the United States and is approved in accordance with paragraph 1 above. Article I, Section 9 of the Constitution of the United States prohibits **an** employee from receiving reimbursement directly from a foreign government **or** international organization without the consent of Congress.

- F. Decorations. Employees may accept, keep, and wear decorations tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the Assistant Secretary for Management and Budget. Without this approval, the **decoration** is considered to have been accepted on **behalf** of the United States, shall become the property of the United States, and shall **be** deposited by the employee, within 60 days of acceptance, with the Office of International Affairs, OS, for official use or disposal.
- G. Use or Disposal of Gifts and Decorations which Become the Property of the United States. Any gift or decoration that becomes the property of the United States under the provisions of this-chapter may be kept for official use by the Department of Health and Human Services. The decision whether or not to keep gifts and decorations for official use will be made by the Assistant Secretary for Management and Budget. With respect to gifts and decorations not so retained, the Office of International Affairs will either (1) return them to the donor, or (2) forward them to the Administrator of General Services.
- H. Civil Actions Against Employees. The Attorney General may bring a civil action against any employee: **(1)** who knowingly solicits or accepts a gift from a foreign government not consented to by this Department, or **(2)** who fails to deposit or report such gift to the Office of International Affairs, OS. The court in which such

action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus \$5,000. Cases in which there exists evidence of failure of an employee to comply with the deposit and reporting requirements of this chapter will be referred to the Inspector General for review and action.

- I. Purchase of Gifts for Foreign Individuals. No HHS office can use appropriated funds to purchase a tangible gift of more than minimal value for a foreign individual unless the Congress has approved such purchase.

20-25-30 PROCEDURES FOR REPORTING FOREIGN GIFTS

- A. **For Tangible Gifts of More Than Minimal Value.** When an employee deposits a tangible gift **of** more than minimal value for disposal or for official use pursuant to Paragraph **20-25-20D**, the employee shall file a statement with the Office of International Affairs, OS, containing the following information:
  1. the name and title of the employee;
  2. a brief description of the gift and the circumstances justifying acceptance;
  3. the identity, if known, of the foreign government and the name and title of the individual who presented the gift;
  4. the date of acceptance of the gift: and
  5. the estimated retail value in the United States of the gift at the time of acceptance.
- B. **For Gifts of Travel or Travel Expenses.** Within 30 days after accepting travel or travel expenses as provided in Paragraph 20-25-203, unless acceptance of such travel or travel expenses is approved in advance in accordance with the provisions of Chapter 1-70, **HHS** Travel Manual, the employee shall file a statement with the Office of International Affairs, OS, containing the following information:
  1. the name and title of the employee;
  2. a brief description of the gift and the circumstances justifying acceptance: and

3. the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

**C.** For Decorations. Employees who are to receive decorations, or who receive them without advance knowledge, shall request permission to accept, retain, and wear such decoration from the Assistant Secretary for Management and Budget, through the Office of International Affairs, OS. The request must contain the following information:

1. the name and title of the employee;
2. the title of the decoration;
3. the exact wording of the citation: and
4. the circumstances under which the decoration is to be received (or was accepted).

20-25-40 ANNUAL REPORT TO THE SECRETARY OF STATE

Not later than January 31 of each year, the Office of International Affairs, OS, will compile a listing of all statements filed during the preceding year by HHS employees pursuant to this chapter and shall send such listing to the Secretary for State, who is required by law to make an annual U.S. Government report to Congress.



CHAPTER 20-30  
REQUESTS FOR WAIVER OF FOREIGN RESIDENCE REQUIREMENT  
EXCHANGE VISITOR PROGRAM

- 20-30-00 Background
  - 10 Authority of DHEW
  - 20 Exchange Visitor Waiver Review Board
  - 30 Policy
  - 40 Procedure
  - 50** Personal Hardship, Persecution and Visa Extension Considerations
  - 60 Release from Foreign Government

20-30-00 BACKGROUND

A. The Educational and Cultural Exchange Program

The Educational and Cultural Exchange Program is authorized by The Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256 (75 Stat. **527-538**), enacted by the 87th Congress on September 21, 1961, as amended by Public Law 91-225, (84 Stat. **116-117**), enacted by the **91st** Congress on April 7, 1970. This Act supersedes earlier legislation (The United States Information and Educational Exchange Act of 1948, and its amendment, P.L. 555, 1956).

The Exchange Visitor Program provide6 for educational and cultural exchange6 between the United States and other countries, including, among other things, visits to the United States by citizens and nationals of foreign countries, who are **students**, trainees, teachers, professors, or leader6 in field6 of specialized knowledge of skill.

The objective6 of the Act and program are stated **as follows:**

"Sec. 101. Statement of Purpose.--The purpose of this Act is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments,

(20-30-00 A continued;

and **achievements** of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and **thus** to assist in the development of **friendly, sympathetic,** and peaceful relations between the United States and the other countries of the world."

B. Provisions of P.L. 87-256, as mended, Regarding Foreign Residence and Waivers Thereof

1. Section **101(a)(15)(J)** of the Immigration and Nationality Act defines an exchange visitor as follows:

"(J) **an alien** having a residence in a foreign country which he has no intention of abandoning who is a bona **fide** student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Secretary of State, for the purpose **of** teaching, instructing or lecturing, studying, observing., conducting research, consulting, **demonstrating** special skills, or receiving training," and the **alien** spouse and minor children of any such alien if accompanying him or following to join him."

2. Sec. 2. Section 212(e) of the Immigration and Nationality Act (8 **U.S.C.** 1182(b)) **is** amended to read as follows:

" No person admitted under section **101(a)(15)(J)** or acquiring such status after admission whose (i) participation in the program for which he came to the United States 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 his nationality or his last 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 Secretary of State, pursuant to regulations



prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, shall be eligible to apply 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 his nationality or his last residence for an aggregate of at least two years following departure from the United States: Provided, That upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he 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: And provided further, That the Attorney General may, upon the favorable recommendation of the Secretary of State, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Secretary of State a statement in writing that it has no objection to such waiver in the case of such alien."

20-30-10 AUTHORITY OF DHEW

Under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527) and the Immigration and Nationality Act as amended (84 Stat. **116**), the Department of Health, Education, and Welfare is an "interested United States Government agency" with the authority to submit **requests** through the Department of State to the Attorney General for a waiver of the two-year

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20-30-10 (continued)

foreign residence requirement for exchange visitors under the Mutual Educational and Cultural Exchange Program.

20-30-20 EXCHANGE VISITOR WAIVER REVIEW BOARD

- A. Establishment. The Exchange Visitor Waiver Review Board is established for the purpose of carrying out the Department's responsibilities under the Exchange Visitor Program.
- B. Functions. The Exchange Visitor Waiver Review Board is responsible for making thorough and equitable evaluations of applications for waiver submitted to the Department and for rendering recommendations to the Department of State on such applications on behalf of the Secretary.
- C. Membership. The Exchange Visitor Waiver Review Board consists of not less than five members, of whom no less than three shall consider any particular application. The Special Assistant to the Secretary for International Affairs is an ex officio member of the Board and serves as Chairman of the Board. He may designate a staff member of the Office of the Secretary to serve as member and Chairman in his absence. Two regularly assigned members are appointed by the Assistant Secretary for Health to consider applications concerning health and related fields and two regularly assigned members are appointed by the Assistant Secretary for Education to consider applications concerning education or training and related fields. The Board may be expanded to include members from other appropriate operating components of the Department when necessary in order to consider an application in other fields of interest to the Department (e.g., welfare, social security or rehabilitation). When, in the Board's judgment, it is required, the Board may obtain expert advisory opinion from other sources.

20-30-30 POLICYA. Criteria and Information Pertaining to Waivers.

The Department of Health, Education, and Welfare has a stringent and restrictive policy with respect to requesting waivers for foreign visitors under the exchange visitor program. Each case is evaluated individually on the basis of the facts available. The general criteria which are applied are:

1. The program or activity of the applicant institution or organization in which the exchange visitor is employed must be of high priority and significance in an area of interest to the Department. The Waiver Review Board will not request a waiver when the documentation clearly demonstrates that the problem is primarily one of recruitment in order to overcome a local community or institutional manpower shortage, however serious.
2. The exchange visitor must be needed as an integral part of the program or activity, or of an essential component thereof. The Board will not request a waiver when the principal problem appears to be one of administrative or program inconvenience to the institution or other employer.
3. The exchange visitor must possess outstanding qualifications, training, and experience. The Board will not request a waiver simply because an individual has specialized training or experience or is occupying a senior staff position in a university, hospital, or other institution.

B. Waivers for Members of Exchange Visitor's Family

1. Where a decision is made to request a waiver for an exchange visitor, a waiver will **also** be requested for the spouse and children, if any, if they are also subject to the foreign residence requirement.

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20-30-30 (continued)

2. In cases of married couples where one spouse is an exchange visitor, the subject of a waiver application, and the other is a citizen of the United States or **resident** alien, a waiver will be requested for the exchange visitor if either spouse is found to meet the strict criteria given above.

20-30-40 PROCEDURE

A. Procedure for Submission of Application to DHEW

1. The applicant institution (educational institution, hospital, laboratory, corporation, etc.) should send a completed application (HEW Form 426, Exhibit X20-30-1) to the Executive Secretary, Exchange Visitor Waiver Review Board, Department of Health, Education, and Welfare, Washington, D.C. 20201. **Application** forms and information may be obtained from the Executive Secretary. The application must be signed by an authorized official of the applicant institution. The information given in the application should describe in detail the circumstances of the case involved. This should include but not be limited to:
  - a. A complete description of the program or activity in which the exchange visitor is engaged; including factual evidence of the way in which the program or activity serves the national or international public interest.
  - b. His or her relationship to the program, particular contribution, and other responsibilities, if any.
  - c. The probable future of the program if the waiver is not granted: including specific evidence showing how the loss of the exchange visitor's services would seriously restrain the initiation, continuation, completion, or success of the program or activity, or a major part thereof.

- d. The applicant institution's long-range plans for the exchange visitor, and ways in which the visitor will contribute in the future to the activities in which he or she is employed.
  - e. Specific evidence of a demonstrated unique capability of the exchange visitor to make essential contributions to the program or activity over a long period of time.
  - f. The exchange visitor's curriculum vitae, bibliography, date and place of birth, present citizenship, date and port of entry and current address.
  - g. Any other facts considered germane.
2. Since the formal filing of an application for waiver with the Immigration and Naturalization Service automatically terminates the applicant's exchange visitor status, it is permissible to **obtain the** decision of the Exchange Visitor Waiver Review Board before filing with the Immigration and Naturalization Service.

B. Procedure After Board Decision

1. If the Exchange Visitor Waiver Review Board disapproves an application, the applying institution is informed of the decision.
2. If the Board approves an application, the Chairman of the Board sends the Department of State a request for a waiver for the exchange visitor', and also for spouse and children if applicable. The applying institution is also informed of the decision. The Department of State reviews the request from the standpoint of policy, exchange **program**, and foreign relations implications. A favorable review results in a State Department recommendation to the appropriate District Office of the Immigration and Naturalization Service that it grant a waiver. If the District Office accepts the recommendation, it notifies the exchange visitor that the waiver is granted, and also informs the visitor of further steps which should be taken to clarify his/her status.

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20-30-50 PERSONAL HARDSHIP, PERSECUTION AND VISA  
EXTENSION CONSIDERATIONS

- A. The Department is not responsible for considering applications for waivers based on:
1. Exceptional **hardship** to the exchange visitor's American or legally resident alien spouse or child; or
  2. The alien's unwillingness to return to the country of his/her nationality or last residence on the grounds that he/she or family members would be subject to persecution on account of race, religion or political opinion.
- B. Likewise, this Department is not responsible for considering requests for extension of visa.
- C. Inquiries concerning the above should be directed to the District Office of the Immigration and Naturalization Service which has jurisdiction over the exchange visitor's place of residence in the U.S.

20-30-60 RELEASE FROM FOREIGN GOVERNMENT

The Department of **State** has the responsibility to consider applications for waivers which are based on a notification from the exchange visitor's country that it has no objection to a waiver (22 CFR 63.31).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON, D.C.  
APPLICATION FOR WAIVER OF THE TWO-YEAR FOREIGN  
RESIDENCE REQUIREMENT OF THE EXCHANGE VISITOR PROGRAM

SECTION 1. APPLYING INSTITUTION AND PROGRAM

1. NAME OF INSTITUTION	2. TELEPHONE, AREA - NUMBER
3. COMPLETE ADDRESS	
4. NAME AND POST OF RESPONSIBLE ADMINISTRATIVE OFFICER WHO CERTIFIES THIS APPLICATION AND THE DATA IT CONTAINS	
5. PROGRAM (Department or Division) IN WHICH EXCHANGE VISITOR IS ENGAGED	
6. PRINCIPAL PROGRAM OFFICER, RANK AND POSITION	
7. SOURCE OF PROGRAM FUNDS (If supported by HEW or other public funds, identify grants by source, title, number, and amount and terminal dates.)	

On a separate sheet of paper please provide detailed and specific information about the program and its essentiality.

SECTION 2. RELATION OF EXCHANGE VISITOR TO INSTITUTION AND PROGRAM

8. PRESENT POSITION CLASSIFICATION AND SALARY

(1) HOW LONG HAS HE BEEN EMPLOYED IN THE INSTITUTION? (2) IN THE PROGRAM?

(3) WHAT EFFORTS HAVE BEEN MADE TO REPLACE HIM? (4) AT WHAT SALARY? (5) WITH WHAT RESULTS?

On a separate sheet please specify the activities of the exchange visitor as they support the program. What are his unique related functions? How would his departure affect the program?

9. IF WAIVER IS GRANTED: (1) WHAT WILL BE HIS STATUS IN THE PROGRAM AND IN THE INSTITUTION? (2) HOW LONG DO YOU BELIEVE HE WILL REMAIN WITH THE PROGRAM?

SECTION 3. EXCHANGE VISITOR FOR WHOM WAIVER IS REQUESTED

10. NAME (Surname) (Given names) (Maiden name, if married female)		
11. RESIDENTIAL ADDRESS (No., Street, City, State or Province, Country)		
12. CURRENT ADDRESS OF SPOUSE, IF DIFFERENT		
13. OCCUPATION TITLE		
14. DATE OF BIRTH (Month, Day, Year)	15. BIRTHPLACE (City, State, Country)	
16. SEX: MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>	17. MARITAL STATUS: MARRIED <input type="checkbox"/> SINGLE <input type="checkbox"/>	
18. CITIZENSHIP	19. COUNTRY OF LAST RESIDENCE BEFORE ENTERING U.S.A.	20. IF NO LONGER IN U.S.A., STATE LAST PLACE OF U.S. RESIDENCE (City & State)
21. ALIEN REGISTRATION NO.		
22. LOCAL IMMIGRATION OFFICE WHERE REGISTERED	23. DATE OF ENTRY INTO U.S.A. AS EXCHANGE VISITOR	24. EXPIRATION DATE OF CURRENT PERMIT (1-94)

25. WHAT FUNDS WERE USED TO FINANCE THE EXCHANGE VISIT?  
 U.S. GOV'T.  U.N. OR AFFILIATE  PRIVATE AGENCY  VISITOR'S GOV'T.  VISITOR'S PERSONAL  OTHER   
 (If government agency, please identify)

26. OTHER APPLICATIONS, IF ANY, FOR FOREIGN RESIDENCE WAIVER FOR THIS VISITOR

DATE OF APPLICATION	TO FEDERAL AGENCY	BY INSTITUTION

27. FAMILY (If married, list dependents)

NAME	BIRTHDATE	BIRTHPLACE	VISA TYPE
(Spouse)			
(Children)			

28. EDUCATION (College, postgraduate, other)

NAME AND LOCATION OF INSTITUTION	DATES ATTENDED		YEARS COMPLETED	DEGREES RECEIVED	EXCHANGE VISITOR PROGRAM # (If any)
	FROM	TO			

29. EXPERIENCE

NAME AND LOCATION OF ORGANIZATION	PERIOD OF SERVICE		NATURE OF ASSIGNMENT (Start with current assignment and work back)	EXCHANGE VISITOR PROGRAM # (If any)
	FROM	TO		

If additional space is needed, use separate sheets. Attach a list of publications, if any, as well as letters of recommendation. Extracts or reprints of publications may also be submitted.

SECTION 4. CERTIFICATION OF ACCURACY OF INFORMATION AND APPLICATION

Signature of Principal Program Officer \_\_\_\_\_ DATE \_\_\_\_\_

Signature of Responsible Administrative Officer \_\_\_\_\_ DATE \_\_\_\_\_

Note: Where the main ground for a waiver application is the work of the exchange visitor's spouse who is a U.S. citizen or resident alien, all of the information listed in sections 1 through 4 should be given for the spouse and also for the exchange visitor, to the extent possible. In such cases, use two separate forms. Where both husband and wife are exchange visitors in their own right (i.e., each has J-1 visa status and neither has J-2 status), a separate application should be submitted for each of them.



- h:20-50-00 Purpose
  - 10 Policy
  - 20 Definition
  - 30 Procedure

h:  
20-50-00 PURPOSE

To provide policy and procedure for the negotiation of international agreements, including the submission to the Department of State of information and documents in fulfillment of the provisions of the Case Act. (P.L. 92-403, 92nd Congress, S. 596, August 22, 1972.)

h:  
20-50-10 POLICY

- A. All international agreements to which the United States becomes a party are to be cleared, prior to signature, with the Department of State and copies are to be submitted, after signature, to the Department of State for transmittal to the Congress, as required by the Case Act.
- B. All international agreements to which HEW will be a party are to be reported to the DHEW Office of International Affairs Management during negotiation. The Office of International Affairs Management will inform the State Department of the negotiations.
- C. The fact that an agency reports fully on its activities to a given Committee or Committees of Congress, including a discussion of agreements it has entered into, does not exempt the agreements concluded by such agency from transmission to the Congress by the Department of State under the Case Act.

h:

20-50-20 DEFINITIONS

- A. The determination whether an instrument or a series of instruments constitutes an international agreement that is required to be transmitted to the Congress is based upon the substance of that agreement, not upon its form or its character as a principal agreement or as a subordinate or implementing agreement.
- B. Although it is not practicable to enumerate every type of agreement that the Department of State should receive from HEW, agreements should be transmitted that: have political significance, involve a substantial grant of funds, constitute a commitment of funds that extends beyond a fiscal year, or would be a basis for requesting new appropriations, involve continuing or substantial cooperation in the conduct of a particular program or activity - or other cooperation, including the exchange or receipt of information, materials and/or services. Note: Individual project grant agreements under P.L. 480 are not included, but an overall agreement for the conduct of such projects is included. In case of doubt about the application of the Case Act to any particular agreement, appropriate information should be submitted to the State Department for decision as to appropriate action.

h:

20-50-30 PROCEDURE

## A. Conduct of negotiations

The Office or officer responsible for any negotiations must ensure that during the negotiations no position is communicated to a foreign government or to an international organization as a United States position that goes beyond any existing authorization or instructions.

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(20-50-30 continued)

B. Reporting

1. The Office or officer of the agency contemplating the possibility of an agreement with another country will supply, through channels, in duplicate, to the Office of International Affairs Management, the information requested on the DHEW International Agreement form, and a copy of the draft of the agreement when the draft has been prepared.
2. The Office of International Affairs Management will forward the DHEW International Agreement form to the Department of State for its information and comment.
3. The Office of International Affairs Management will report to the agency any comments that State may have with regard to the proposed agreement.

C. Transmission of Signed Texts to the State Department

When it is determined that the Case Act applies, the officer responsible for the negotiation of the agreement will transmit, through appropriate channels, a copy of the signed original text to the Office of International Affairs Management for transmission to the Department of State and if requested by State, the signed original of the text.

D. DHEW International Agreement Records

1. The Office of International Affairs Management will maintain a current listing of all international agreements signed by the Department or by an agency within the Department. This will be accomplished by keeping a file of the DHEW International Agreement forms submitted to it supplemented by memoranda of subsequent action.

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(20-50-30 continued)

2. The agency concerned will keep, except when requested by State, the signed agreement and all accompanying papers such as agreed minutes, exchanges of notes, agreed interpretations, plans, etc.

This part of form to be completed when negotiations are initiated  
TITLE OF AGREEMENT:

COUNTRY

ORGANIZATION

HEW AGENCY

CONTACT FOR INFORMATION

PURPOSE, GENERAL DESCRIPTION OF ACTIVITY

HEW RESPONSIBILITIES (FUNDS, PERSONNEL, EQUIPMENT, ETC.)

ADVANTAGE TO HEW

LEGAL BASIS FOR AGREEMENT

This part of form to be completed when signed  
PERIOD OF AGREEMENT: FROM TO

HEW SIGNATORY, NAME AND TITLE

OTHER SIGNATORY, NAME AND TITLE

PROCEDURE FOR TERMINATION

DATE SIGNED

HEW FORM 618 rev. 3/74

Subject: **REVIEW AND CLEARANCE OF FOREIGN AFFAIRS RESEARCH  
SUPPORTED BY HHS GRANTS AND CONTRACTS**

20-60-00 Purpose

- 10 Review and Clearance Policy
- 20 Review and Clearance Procedures

20-60-00 **PURPOSE**

To provide policy and procedures for review and clearance by the Department of State of proposed HHS-financed grants and contracts for potentially sensitive research programs and studies in the social, behavioral and medical sciences dealing with international relations or with foreign areas and peoples conducted **abroad or** in the United States.

20-60-10 **REVIEW AND CLEARANCE POLICY**

- A. The President has **determined** that no **Government** sponsorship of foreign area research **should** be undertaken which in the **judgment** of the Secretary of State would adversely affect United **States** foreign relations (Presidential letter of August 2, 1965, Vol. 1, Weekly **Comp. Pres. Docs.** 43).
- B. In **compliance** with this policy, all grants and contracts for potentially sensitive (as defined below) research dealing with foreign areas and peoples conducted abroad or in the United States, and **financed by HHS funds, will be reviewed and cleared by the Department** of State for consistency with U.S. foreign policy objectives.

Exceptions: Grants of the National Institutes of Health and the Alcohol, **Drug Abuse, and Mental Health Administration** are exempt from these provisions. Grants and contracts that are routinely **cleared with a policy bureau** in the **Department** of State (such as Special Foreign Currency **Program projects cleared by the Bureau of Oceans** and International **Environmental** and Scientific Affairs) are also **exempt from these provisions.**

20-60-20 **REVIEW AND CLEARANCE PROCEDURES**

- A. Prospective research projects are either "non-sensitive" or "potentially sensitive." The definition of **"potentially sensitive"** projects is given in paragraph B.3 below. Operating Divisions (**OPDIVs**) should review each **proposed** project **and** make an initial **determination** as to whether it is non-sensitive or potentially sensitive.

For prospective projects which are non-sensitive, OPDIVs should follow existing clearance procedures, such as transmittal of the project **agreement for host country signature through Department of State (OES) channels.**

For proposed projects which fit the definition of "potentially sensitive", the procedures described in paragraph B below apply. OPDIVs should **send** information on such projects to the Office of International Affairs (OIA), OS, through designated channels, for review and transmission to State for clearance (do not send the information directly to State).

In respect to all such prospective projects, OPDIVs should not, if practicable, enter **into** contract or grant negotiations until **Department** of State clearance has been given. In all cases, no firm **commitments** should be made until such clearance is **given.**

B. Clearance of Potentially Sensitive Projects

1. Information on potentially sensitive projects, as defined in paragraph 3 below, must be submitted through official **channels to** OIA for submission to the Department of State Research Council for review in accordance with Department of State requirements (Policies and Procedures for **Department of State Review** and Coordination of **Government-sponsored Research on Foreign Affairs**, dated January, 1982).
2. The **Secretary of State has created the Department of State Research Council** to assist him in formulating policies for State **Department review and clearance of project proposals.**
3. Project Sensitivity
  - a. Potentially sensitive projects are those which involve **foreign** travel or contact with foreign nationals and which:
    - (1) Deal with the authority, effectiveness, or policies of a foreign **government**, with the nature and relationships of politically significant internal institutions, or with the attitude of the people toward the government (especially if the **government** is characterized by instability);
    - (2) Involve large-scale or formalized surveys or interviews:  
or
    - (3) Are conducted by large teams or which cover **extensive** or **remote** areas of a foreign country.

- b. Projects which involve neither foreign travel nor contact with foreign nationals may also be sensitive if they deal with subjects under active negotiation or **currently** in dispute.
- c. Projects less likely to be sensitive are those which:
  - (1) **Deal** with historical rather than **contemporary** subjects unless **there are contemporary** implications;
  - (2) Gather information in the host country through documentary investigation rather than **interviews** or questionnaires;
  - (3) Have the approval of interested agencies of the host country **government**;
  - (4) Involve professional participation by host country nationals as researchers; or
  - (5) Are not designed to contribute specifically to the operating mission of an agency of the **U.S. Government**.
- 4. It is the responsibility of the sponsoring OPDIV to determine according to the criteria in paragraph 3 above, which proposed **projects may be potentially sensitive and, with respect to these projects, to provide the Office of International Affairs with the following information:**
  - a. Title of the proposed project, and a brief description, including the objectives of the research, and, when not otherwise obvious, the reasons for involving the foreign **country**, and any benefit of the research to that country.
  - b. **Sponsoring** agency or agencies and name and **telephone number** of contact.
  - c. Name of grantee or contractor, estimated cost (including information of any funding by other agencies), and principal researchers, including foreign researchers, if any.
  - d. Detailed **information on the proposed project:** questions to be investigated, methods, schedules, types of findings anticipated, countries or regions covered.



- e. If the project involves field **work** abroad, names of researchers and indication of time of proposed field **work** and extent and types of contact with foreign nationals.
  - f. Extent to which discussion with a U.S. **diplomatic** mission has already **been** held in the formulation of the project proposal.
  - g. Security classification, **if any, of project and proposed** disposition of reports.
5. **The Director, OIA, is the HHS focal point for clearance of** potentially sensitive projects with the **Department** of State Research Council, and is responsible within **HHS** for: making a further review of foreign affairs research projects **submitted to OIA for potential foreign relations** sensitivity, in accordance with paragraph above: **deciding which projects need State Department** clearance: and submitting the latter to State for review.
6. When OIA has received indication of clearance or **non-**clearance **from the Department of State, OIA will so** inform the appropriate OPDIV.