

retary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

### (c) Exceptions

This section shall not apply to any overseas public diplomacy post closed—

(1) because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

(2) where there is a real and present threat to United States diplomats in the city where the post is located and where a travel advisory warning against travel by United States citizens to the city has been issued by the Department of State.

(Jan. 27, 1948, ch. 36, title VIII, §812, as added Pub. L. 102-138, title II, §206(a), Oct. 28, 1991, 105 Stat. 693; amended Pub. L. 105-277, div. G, subd. A, title XIII, §1335(a)(5), Oct. 21, 1998, 112 Stat. 2681-787.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in Pub. L. 100-204, title II, §204, Dec. 22, 1987, 101 Stat. 1373, which was set out as a note under section 1461 of this title prior to repeal by Pub. L. 102-138, title II, §206(c), Oct. 28, 1991, 105 Stat. 693.

#### AMENDMENTS

1998—Pub. L. 105-277, §1335(a)(5)(D), substituted “Overseas public diplomacy” for “USIA” in section catchline.

Subsec. (a). Pub. L. 105-277, §1335(a)(5)(A), (B), substituted “Department of State” for “United States Information Agency” and “overseas public diplomacy post” for “United States Information Agency post”.

Subsec. (b). Pub. L. 105-277, §1335(a)(5)(A), (C), substituted “overseas public diplomacy post” for “United States Information Agency post” and “Secretary of State” for “Director of the United States Information Agency”.

Subsec. (c). Pub. L. 105-277, §1335(a)(5)(A), substituted “overseas public diplomacy post” for “United States Information Agency post” in introductory provisions.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

#### REDUCTIONS IN AMERICAN EMPLOYEES

Pub. L. 102-138, title II, §206(b), Oct. 28, 1991, 105 Stat. 693, which provided that reductions could not be made in number of American employees of United States Information Agency stationed abroad until number of such employees was same percentage of total number of American employees of Agency as number of American employees of Agency stationed abroad in 1981 was to total number of American employees at Agency at same time in 1981, was repealed by Pub. L. 105-277, div. G, subd. A, title XIII, §1336(4), Oct. 21, 1998, 112 Stat. 2681-790.

## § 1475h. Overseas public diplomacy grants

### (a) Competitive grant procedures

Except as provided in subsection (b), the Department of State shall work to achieve full and open competition in the award of grants for carrying out its overseas public diplomacy functions.

### (b) Exceptions

The Department of State may award an overseas public diplomacy grant under procedures other than competitive procedures when—

(1) such a grant is made under the Mutual Educational and Cultural Exchange Act of 1961 (commonly known as the Fulbright-Hays Act) [22 U.S.C. 2451 et seq.] or any statute which expressly authorizes or requires that a grant be made with a specified entity;

(2) the terms of an international agreement or treaty between the United States Government and a foreign government or international organization have the effect of requiring the use of procedures other than competitive procedures;

(3) a recipient organization has developed particular expertise in the planning and administration of longstanding exchange programs important to United States foreign policy; or

(4) introducing competition would increase costs.

### (c) Compliance with grant guidelines

(1) After October 1, 1991, overseas public diplomacy grants awarded by the Department of State shall substantially comply with Department of State grant guidelines and applicable circulars of the Office of Management and Budget.

(2) If the Agency<sup>1</sup> determines that a grantee has not satisfied the requirement of paragraph (1), the Department of State shall notify the grantee of the suspension of payments under a grant unless compliance is achieved within 90 days of such notice.

(3) The Agency<sup>1</sup> shall suspend payments under any such grant which remains in noncompliance 90 days after notification under paragraph (2).

(Pub. L. 102-138, title II, §212, Oct. 28, 1991, 105 Stat. 695; Pub. L. 105-277, div. G, subd. A, title XIII, §1335(b), Oct. 21, 1998, 112 Stat. 2681-787.)

#### REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (b)(1), is Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§2451 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, §1335(b)(1), (2), substituted “Department of State” for “United States Information Agency” and inserted “for carrying out its overseas public diplomacy functions” after “grants”.

Subsec. (b). Pub. L. 105-277, §1335(b)(1), (3)(A), in introductory provisions, substituted “Department of State” for “United States Information Agency” and “an overseas public diplomacy grant” for “a grant”.

Subsec. (b)(1). Pub. L. 105-277, §1335(b)(3)(B), inserted “such” after “(1)”.

<sup>1</sup> So in original. Probably should be “Department”.

Subsec. (c)(1). Pub. L. 105-277, § 1335(b)(1), (4), inserted “overseas public diplomacy” before “grants” and substituted “Department of State” for “United States Information Agency” in two places.

Subsec. (c)(2). Pub. L. 105-277, § 1335(b)(1), substituted “Department of State” for “United States Information Agency”.

Subsec. (c)(3). Pub. L. 105-277, § 1335(b)(5), inserted “such” before “grant”.

Subsec. (d). Pub. L. 105-277, § 1335(b)(6), struck out heading and text of subsec. (d). Text read as follows: “Not later than 90 days after October 28, 1991, the Director of the United States Information Agency shall submit a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on United States Information Agency action to comply with subsection (a) of this section.”

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

### SUBCHAPTER VIII—APPROPRIATIONS AND OTHER FUNDS

#### § 1476. Repealed. Pub. L. 105-277, div. G, subd. A, title XIII, § 1336(1), Oct. 21, 1998, 112 Stat. 2681-790

Section, acts Jan. 27, 1948, ch. 36, title VII, § 701, 62 Stat. 11; Pub. L. 92-226, pt. IV, § 407(d), Feb. 7, 1972, 86 Stat. 35; Pub. L. 92-352, title II, § 203, July 13, 1972, 86 Stat. 494; Pub. L. 93-168, § 3, Nov. 29, 1973, 87 Stat. 688; Pub. L. 93-475, § 6, Oct. 26, 1974, 88 Stat. 1440; 1977 Reorg. Plan No. 2, §§ 5, 7(a)(1), 42 F.R. 62461, 91 Stat. 1636, 1637; Pub. L. 97-241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 102-499, § 2, Oct. 24, 1992, 106 Stat. 3264; Pub. L. 103-415, § 1(q), Oct. 25, 1994, 108 Stat. 4301; Pub. L. 105-277, div. G, subd. B, title XXIV, § 2419, Oct. 21, 1998, 112 Stat. 2681-835, limited appropriations to carry out chapter to amounts previously authorized and prohibited appropriations in excess of such amounts.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

#### § 1477. Transfer of funds

The Secretary shall authorize the transfer to other Government agencies for expenditure in the United States and in other countries, in order to carry out the purposes of this chapter, any part of any appropriations available to the Department for carrying out the purposes of this chapter, for direct expenditure or as a working fund, and any such expenditures may be made under the specific authority contained in this chapter or under the authority governing the activities of the Government agency to which a part of any such appropriation is transferred, provided the activities come within the scope of this chapter.

(Jan. 27, 1948, ch. 36, title VII, § 702, 62 Stat. 11.)

#### § 1477a. Omitted

Section, act Jan. 27, 1948, ch. 36, title VII, § 703, as added Mar. 30, 1972, Pub. L. 92-264, 86 Stat. 114; amended Aug. 20, 1972, Pub. L. 92-394, 86 Stat. 577; July 6, 1973, Pub. L. 93-59, 87 Stat. 142; 1977 Reorg. Plan No. 2, § 7(a)(1), 42 F.R. 62461, 91 Stat. 1637, which authorized appropriations for Radio Free Europe and Radio Liberty for fiscal year 1973 in an amount of \$38,520,000, and

also authorized an additional \$1,150,000 for non-discretionary costs, has been omitted in view of the authorization not being extended later than fiscal year 1973.

#### § 1477b. Repealed. Pub. L. 105-277, div. G, subd. A, title XIII, § 1336(1), Oct. 21, 1998, 112 Stat. 2681-790

Section, act Jan. 27, 1948, ch. 36, title VII, § 704, as added Pub. L. 96-60, title II, § 204(e), Aug. 15, 1979, 93 Stat. 400; amended Pub. L. 97-241, title I, § 112(b), title III, § 303(b), Aug. 24, 1982, 96 Stat. 278, 291; Pub. L. 103-236, title II, § 224, Apr. 30, 1994, 108 Stat. 422, related to nondiscretionary personnel costs and currency fluctuations.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

#### § 1477c. Notification and award of grants

The Department of State may award grants for overseas public diplomacy programs only if the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of the proposed grant.

(Jan. 27, 1948, ch. 36, title VII, § 705, as added Pub. L. 98-164, title II, § 214, Nov. 22, 1983, 97 Stat. 1035; amended Pub. L. 99-93, title II, § 214(a), Aug. 16, 1985, 99 Stat. 434; Pub. L. 100-204, title II, § 202, Dec. 22, 1987, 101 Stat. 1372; Pub. L. 102-138, title II, § 202, Oct. 28, 1991, 105 Stat. 692; Pub. L. 105-277, div. G, subd. A, title XIII, § 1335(a)(3), Oct. 21, 1998, 112 Stat. 2681-787.)

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, § 1335(a)(3)(A), struck out subsec. (a) which read as follows: “Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of a proposed reprogramming, funds appropriated for the United States Information Agency shall not be available for obligation or expenditure through any such reprogramming of funds—

- “(1) which creates new programs;
- “(2) which eliminates a program, project, or activity;
- “(3) which increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by the Congress;
- “(4) which relocates an office or employees;
- “(5) which reorganizes offices, programs, or activities;
- “(6) which involves contracting out functions which had been performed by Federal employees; or
- “(7) which involves a reprogramming in excess of \$500,000 or 10 per centum, whichever is less, and which (A) augments existing programs, projects, or activities, (B) reduces by 10 per centum or more the funding for any existing program, project, or activity, or personnel approved by the Congress, or (C) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects approved by the Congress.”

Subsec. (b). Pub. L. 105-277, § 1335(a)(3)(B), struck out subsec. (b) designation and substituted “The Department of State” for “In addition, the United States Information Agency” and “grants for overseas public diplomacy programs” for “program grants”.

Subsec. (c). Pub. L. 105-277, § 1335(a)(3)(A), struck out subsec. (c) which read as follows: “Funds appropriated