

Services Act of 1949'' on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

1979—Pub. L. 96-60 substituted "shall be available" for "are authorized to be made available".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, and applicable only with respect to funds appropriated after Aug. 15, 1979, where new authorities provide for expenditures of appropriated funds, see section 209 of Pub. L. 96-60, set out as a note under section 1471 of this title.

§§ 1475b, 1475c. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1336(1), Oct. 21, 1998, 112 Stat. 2681-790

Section 1475b, act Jan. 27, 1948, ch. 36, title VIII, §807, as added Pub. L. 95-426, title II, §204(c), Oct. 7, 1978, 92 Stat. 974; amended Pub. L. 97-241, title III, §303(b), Aug. 24, 1982, 96 Stat. 291, related to seal of the United States Information Agency.

Section 1475c, act Jan. 27, 1948, ch. 36, title VIII, §808, as added Pub. L. 97-241, title III, §304(e), Aug. 24, 1982, 96 Stat. 293, provided for Acting Associate Director in the event of death, resignation, illness, or absence of Associate Director.

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.

§ 1475d. Compensation for disability or death

A cultural exchange, international fair or exposition, or other exhibit or demonstration of United States economic accomplishments and cultural attainments, provided for under this chapter or the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.] shall not be considered a "public work" as that term is defined in section 1651 of title 42.

(Jan. 27, 1948, ch. 36, title VIII, §809, as added Pub. L. 97-241, title III, §304(e), Aug. 24, 1982, 96 Stat. 293.)

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in text, 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.

§ 1475e. Use of English-teaching program fees

(a) In general

Notwithstanding section 3302 of title 31 or any other law or limitation of authority, fees and receipts described in subsection (b) are authorized to be credited each fiscal year for authorized purposes to the appropriate appropriations of the United States Information Agency to such extent as may be provided in advance in appropriations acts.

(b) Fees and receipts described

The fees and receipts described in this subsection are fees and payments received by or for the use of the United States Information Agency from or in connection with—

- (1) English-teaching and library services,
 - (2) educational advising and counseling,
 - (3) Exchange Visitor Program Services,
 - (4) advertising and business ventures of the Voice of America and the International Broadcasting Bureau,
 - (5) cooperating international organizations, and¹
 - (6) Agency-produced publications,¹
- (7) an amount not to exceed \$100,000 of the payments from motion picture and television programs produced or conducted by or on behalf of the Agency under the authority of this chapter or the Mutual Education and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.].

(Jan. 27, 1948, ch. 36, title VIII, §810, as added Pub. L. 97-241, title III, §304(e), Aug. 24, 1982, 96 Stat. 293; amended Pub. L. 100-204, title II, §203, Dec. 22, 1987, 101 Stat. 1373; Pub. L. 101-246, title II, §208, Feb. 16, 1990, 104 Stat. 53; Pub. L. 105-277, div. G, subdiv. B, title XXIV, §2412, Oct. 21, 1998, 112 Stat. 2681-832.)

REFERENCES IN TEXT

The Mutual Education and Cultural Exchange Act of 1961, referred to in subsec. (b)(7), probably means the Mutual Educational and Cultural Exchange Act of 1961, 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.

AMENDMENTS

1998—Pub. L. 105-277 amended section catchline and text generally. Prior to amendment, text read as follows:

"(a) Notwithstanding section 3302 of title 31 or any other law or limitation of authority, fees received by or for the use of the United States Information Agency from or in connection with English-teaching and library services, and Agency-produced publications, and not to exceed \$100,000 of payments from motion picture and television programs, produced or conducted by or on behalf of the Agency under the authority of this chapter or the Mutual Educational and Cultural Exchange Act of 1961 is authorized to be credited each fiscal year to the appropriate appropriation of the United States Information Agency to such extent as may be provided in advance in an appropriation Act."

1990—Pub. L. 101-246 amended section catchline and text generally. Prior to amendment, section read as follows: "Notwithstanding the provisions of section 3302(b) of title 31 or any other law or limitation of authority, all payments received by or for the use of the United States Information Agency from or in connection with English-teaching and library services conducted by or on behalf of the Agency under the authority of this chapter or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation to such extent as may be provided in advance in an appropriation Act."

1987—Pub. L. 100-204 amended section generally, changing structure of section from one consisting of subsections (a) and (b) to one consisting of one paragraph.

TRANSFER OF FUNCTIONS

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

¹ So in original. The word "and" probably should appear at end of par. (6).

§ 1475f. 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 VIII, § 811, as added Pub. L. 101-246, title II, § 209, Feb. 16, 1990, 104 Stat. 53, related to recovery of indebtedness owed by person to United States arising out of activities of United States Information Agency.

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.

§ 1475g. Overseas public diplomacy posts and personnel overseas

(a) Limitation

Except as provided under this section no funds authorized to be appropriated to the Department of State may be used to pay any expense associated with the closing of any overseas public diplomacy post abroad.

(b) Notification

Not less than 45 days before the closing of any overseas public diplomacy post abroad the Secretary 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 Agency¹ 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 Agency¹ 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.)

¹ So in original. Probably should be “Department”.