

Mar. 12, 1996, 110 Stat. 814, which enacted subchapter III of this chapter and sections 1643l and 1643m of this title and amended section 1611 of Title 28, Judiciary and Judicial Procedure. For complete classification of title III to the Code, see Tables.

REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT

Pub. L. 105-277, div. G, subdiv. B, title XXVIII, §2802, Oct. 21, 1998, 112 Stat. 2681-845, as amended by Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §209(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-423; Pub. L. 107-228, div. A, title II, §216(b), Sept. 30, 2002, 116 Stat. 1366, provided that:

“(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act [Oct. 21, 1998] and every 3 months thereafter during the period ending September 30, 2003, the Secretary of State shall submit to the appropriate congressional committees [Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate] a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

“(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

“(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

“(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to that section;

“(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

“(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act—

“(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

“(B) in the preceding 3-month period, in the case of each subsequent report.

“(b) PROTECTION OF IDENTITY OF CONCERNED ENTITIES.—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).”

CHAPTER 70—MANSFIELD FELLOWSHIP PROGRAM

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§ 6101. Establishment of Fellowship Program

(a) Establishment

(1) There is hereby established the “Mike Mansfield Fellowship Program” pursuant to which the Director of the United States Information Agency will make grants, subject to the availability of appropriations, to the Mansfield Center for Pacific Affairs to award fellowships to eligible United States citizens for periods of 2 years each (or, pursuant to section 6102(5)(C) of this title, for such shorter period of time as the Center may determine based on a Fellow’s level of proficiency in the Japanese language or knowledge of the political economy of Japan) as follows:

(A) During the first year each fellowship recipient will study the Japanese language as well as Japan’s political economy.

(B) During the second year each fellowship recipient will serve as a fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, and the agency of the United States Government from which the fellow originated, consistent with the purposes of this chapter.

(2) Fellowships under this chapter may be known as “Mansfield Fellowships”, and individuals awarded such fellowships may be known as “Mansfield Fellows”.

(b) Eligibility of Center for grants

Grants may be made to the Center under this section only if the Center agrees to comply with the requirements of section 6102 of this title.

(c) International agreement

The Director of the United States Information Agency should enter into negotiations for an agreement with the Government of Japan for the purpose of placing fellows in the Government of Japan.

(d) Private sources

The Center is authorized to accept, use, and dispose of gifts or donations of services or property in carrying out the fellowship program, subject to the review and approval of the Director of the United States Information Agency.

(e) Use of Federal facilities

The George P. Shultz National Foreign Affairs Training Center is authorized and encouraged to assist, on a reimbursable basis, in carrying out Japanese language training by the Center through the provision of teachers, classroom space, teaching materials, and facilities, to the extent that such provision is not detrimental to the Institute’s carrying out its other responsibilities under law.

(Pub. L. 103-236, title II, §252, Apr. 30, 1994, 108 Stat. 428; Pub. L. 107-132, §1(b), Jan. 16, 2002, 115 Stat. 2412.)

AMENDMENTS

2002—Subsec. (e). Pub. L. 107-132 substituted “George P. Shultz National Foreign Affairs Training Center” for “National Foreign Affairs Training Center”.

SHORT TITLE

Pub. L. 103-236, title II, §251, Apr. 30, 1994, 108 Stat. 428, provided that: “This part [part C (§§251-257) of title II of Pub. L. 103-236, enacting this chapter] may be cited as the ‘Mike Mansfield Fellowship Act’.”

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.

§ 6102. Program requirements

The program established under this chapter shall comply with the following requirements:

(1) United States citizens who are eligible for fellowships under this chapter shall be employees of the Federal Government having at least two years experience in any branch of the Government, a strong career interest in United States-Japan relations, and a demonstrated commitment to further service in the Federal Government, and such other qualifications as are determined by the Center.

(2) Not more than 10 fellowships may be awarded each year of which not more than 3 shall be awarded to individuals who are not detailed employees of the Government.

(3)(A) Fellows shall agree to maintain satisfactory progress in language training and appropriate behavior in Japan, as determined by the Center, as a condition of continued receipt of Federal funds.

(B) Fellows who are not detailees shall agree to return to the Federal Government for further employment for a period of at least 2 years following the end of their fellowships, unless, in the determination of the Center, the fellow is unable (for reasons beyond the fellow's control and after receiving assistance from the Center as provided in paragraph (8)) to find reemployment for such period.

(4) During the period of the fellowship, the Center shall provide—

(A) to each fellow who is not a detailee a stipend at a rate of pay equal to the rate of pay that individual was receiving when he or she entered the program, plus a cost-of-living adjustment calculated at the same rate of pay, and for the same period of time, for which such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship; and

(B) to each fellow (including detailees) certain allowances and benefits as that individual would have been entitled to, but for his or her separation from Government service, as a United States Government civilian employee overseas under the Standardized Regulations (Government Civilians, Foreign Areas) of the Department of State, as follows: a living quarters allowance to cover the higher cost of housing in Japan, a post allowance to cover the significantly higher costs of living in Japan, an education allowance to assist parents in providing their children with educational services ordinarily provided without charge by United States public schools, moving expenses of up to \$1,000 for personal belongings of fellows and their families in their move to Japan and one-round-trip economy-class airline ticket to Japan for each fellow and the fellow's immediate family.

(5)(A) For the first year of each fellowship, the Center shall provide fellows with intensive Japanese language training in the Washington, D.C., area, as well as courses in the political economy of Japan.

(B) Such training shall be of the same quality as training provided to Foreign Service officers before they are assigned to Japan.

(C) The Center may waive any or all of the training required by subparagraph (A) to the extent that a fellow has Japanese language

skills or knowledge of Japan's political economy, and the 2-year fellowship period shall be shortened to the extent such training is less than one year.

(6) Any fellow who is not a detailee who does not comply with the requirements of this section shall reimburse the United States Information Agency for the Federal funds expended for the Fellow's participation in the fellowship, together with interest on such funds (calculated at the prevailing rate), as follows:

(A) Full reimbursement for noncompliance with paragraph (3)(A) or (9).

(B) Pro rata reimbursement for noncompliance with paragraph (3)(B) for any period the fellow is reemployed by the Federal Government that is less than the period specified in paragraph (3)(B), at a rate equal to the amount the fellow received during the final year of the fellowship for the same period of time, including any allowances and benefits provided under paragraph (4).

(7) The Center shall select fellows based solely on merit. The Center shall make positive efforts to recruit candidates reflecting the cultural, racial, and ethnic diversity of the United States.

(8) The Center shall assist, to the extent possible, any fellow who is not a detailee in finding employment in the Federal Government if such fellow was not able, at the end of the fellowship, to be reemployed in the agency from which he or she separated to become a fellow.

(9) No fellow may engage in any intelligence or intelligence-related activity on behalf of the United States Government.

(10) The financial records of the Center shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the financial records of the Center are normally kept. All books, financial records, files, and other papers, things, and property belonging to or in use by the Center and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(11) The Center shall provide a report of the audit to the Director of the United States Information Agency no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Center's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Center's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of \$5,000 and any payments of compensation, salaries, or fees at a rate in excess of \$5,000 per year. The report

shall be produced in sufficient copies for the public.

(Pub. L. 103-236, title II, §253, Apr. 30, 1994, 108 Stat. 428.)

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.

§ 6103. Separation of Government personnel during fellowships

(a) Separation

Under such terms and conditions as the agency head may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts a fellowship under the program established by this chapter and is not detailed under section 6104 of this title.

(b) Reemployment

Any fellow who is not a detailee, at the end of the fellowship, is entitled to be reemployed in the same manner as if covered by section 3582 of title 5.

(c) Rights and benefits

Notwithstanding section 8347(o), 8713, or 8914 of title 5 and in accordance with regulations of the Office of Personnel Management, an employee, while serving as a fellow who is not a detailee, is entitled to the same rights and benefits as if covered by section 3582 of title 5. The Center shall reimburse the employing agency for any costs incurred under section 3582 of title 5.

(d) Compliance with Budget Act

Funds are available under this section to the extent and in the amounts provided in appropriation Acts.

(Pub. L. 103-236, title II, §254, Apr. 30, 1994, 108 Stat. 430.)

§ 6104. Mansfield Fellows on detail from Government service

(a) In general

(1) An agency head may detail, for a period of not more than 2 years, an employee of the agency who has been awarded a Mansfield Fellowship, to the Center.

(2) Each fellow who is detailed under this section shall enter into a written agreement with the Federal Government before receiving a fellowship that the fellow will—

(A) continue in the service of the fellow's agency at the end of the fellowship for a period of at least 2 years unless the fellow is involuntarily separated from the service of such agency; and

(B) pay to the United States Information Agency any additional expenses incurred by the Federal Government in connection with the fellowship if the fellow is voluntarily separated from service with the fellow's agency before the end of the period for which the fellow has agreed to continue in the service of such agency.

(3) The payment agreed to under paragraph (2)(B) may not be required of a fellow who leaves the service of such agency to enter into the service of another agency in any branch of the United States Government unless the head of the agency that authorized the fellowship notifies the employee before the effective date of entry into the service of the other agency that payment will be required under this section.

(b) Status as Government employee

A fellow detailed under subsection (a) is deemed, for the purpose of preserving allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed, and is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of such allowances and other benefits from appropriations available therefore¹ is deemed to comply with section 5536 of title 5.

(c) Reimbursement

Fellows may be detailed under subsection (a) without reimbursement to the United States by the Center.

(d) Allowances and benefits

A fellow detailed under subsection (a) may be paid by the Center for allowances and benefits listed in section 6102(4)(B) of this title.

(Pub. L. 103-236, title II, §255, Apr. 30, 1994, 108 Stat. 431.)

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.

§ 6105. Liability for repayments

If any fellow fails to fulfill the fellow's agreement to pay the United States Information Agency for the expenses incurred by the United States Information Agency in connection with the fellowship, a sum equal to the amount of the expenses of the fellowship shall be recoverable by the United States Information Agency from the fellow (or a legal representative) by—

(1) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the fellow from the Federal Government; and

(2) such other method as is provided by law for the recovery of amounts owing to the Federal Government.

(Pub. L. 103-236, title II, §256, Apr. 30, 1994, 108 Stat. 432.)

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.

§ 6106. Definitions

For purposes of this chapter—

¹ So in original. Probably should be "therefor".