

is closed or staff is co-located in accordance with such Act.

“(3) A process by which assessments and recommendations under paragraph (2) are considered by the Secretary and the appropriate Under Secretaries and Assistant Secretaries of the Department.

“(4) Notification to the appropriate congressional committees, prior to the initiation of a new embassy compound or new consulate compound design, of the intent to close any such public diplomacy facility or co-locate public diplomacy staff in accordance with such Act.

“(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the guidelines required under subsection (a) and any recommendations for any modifications to such guidelines.”

[For definitions of “Department” and “appropriate congressional committees” as used in section 5606 of Pub. L. 117–81, set out above, see section 5002 of Pub. L. 117–81, set out as a note under section 263c 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of Agency stationed abroad in 1981 was to total number of American employees at Agency at same time in 1981, was repealed by Pub.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.)

#### Editorial Notes

##### 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, 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)”.

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.”

#### Statutory Notes and Related Subsidiaries

##### 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

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