

Pub. L. 102-325, title XV, §1554(a), July 23, 1992, 106 Stat. 839; Pub. L. 103-208, §2(k)(14), Dec. 20, 1993, 107 Stat. 2486; Pub. L. 105-244, title IX, §931(2), Oct. 7, 1998, 112 Stat. 1834.)

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105-244 substituted “1999” for “1993” and “4” for “6”.

1993—Subsec. (a)(1). Pub. L. 103-208 substituted “6” for “4” before “succeeding fiscal years”.

1992—Subsec. (a). Pub. L. 102-325 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

“(1) For the purpose of carrying out this chapter (except for paragraph (9) of section 4604(b) of this title), there are authorized to be appropriated \$10,000,000 for fiscal year 1989; \$10,000,000 for fiscal year 1990; \$10,000,000 for fiscal year 1991; \$15,000,000 for fiscal year 1992; and \$15,000,000 for fiscal year 1993.

“(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.”

1988—Subsec. (a). Pub. L. 100-569 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “For the purpose of carrying out this chapter (except for paragraph (9) of section 4604(b) of this title), there are authorized to be appropriated \$6,000,000 for the fiscal year 1987 and \$10,000,000 for the fiscal year 1988. Amounts appropriated under this section are authorized to remain available to the Institute until expended.”

1986—Subsec. (a). Pub. L. 99-498 substituted “fiscal year 1987” for “fiscal year 1985”, “fiscal year 1988” for “fiscal year 1986”, and “Amounts appropriated under this section are authorized to remain available to the Institute until expended” for “Moneys appropriated for the fiscal year 1985 shall remain available to the Institute through the fiscal year 1986”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of Title 20, Education.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 1601(a)(2) of Pub. L. 99-498 provided that: “The amendments made by paragraph (1) [amending this section] shall take effect on October 1, 1986.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4604 of this title.

§ 4610. Dissolution or liquidation

Upon dissolution or final liquidation of the Institute or of any legal entity created pursuant to this chapter, all income and assets of the Institute or other legal entity shall revert to the United States Treasury.

(Pub. L. 98-525, title XVII, §1711, Oct. 19, 1984, 98 Stat. 2659.)

§ 4611. Biennial reports to President and Congress; comments, findings, and recommendations; Congressional Committee hearings

Beginning two years after October 19, 1984, and at intervals of two years thereafter, the Chair-

man of the Board shall prepare and transmit to the Congress and the President a report detailing the progress the Institute has made in carrying out the purposes of this chapter during the preceding two-year period. The President may prepare and transmit to the Congress within a reasonable time after the receipt of such report the written comments and recommendations of the appropriate agencies of the United States with respect to the contents of such report and their recommendations with respect to any legislation which may be required concerning the Institute. After receipt of such report by the Congress, the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate may hold hearings to review the findings and recommendations of such report and the written comments received from the President.

(Pub. L. 98-525, title XVII, §1712, Oct. 19, 1984, 98 Stat. 2659; Pub. L. 105-244, title IX, §931(3), Oct. 7, 1998, 112 Stat. 1834.)

AMENDMENTS

1998—Pub. L. 105-244 substituted “President may prepare” for “President shall prepare” and “may hold hearings” for “shall hold hearings”.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives and Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

CHAPTER 57—UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES

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§ 4701. Statement of purpose

The purpose of this chapter is to establish an undergraduate scholarship program designed to bring students of limited financial means from developing countries to the United States for study at United States institutions of higher education.

(Pub. L. 99-93, title VI, §601, Aug. 16, 1985, 99 Stat. 439.)

§ 4702. Congressional findings and declaration of policy

The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide a stable source of financial support to give students in developing countries the opportunity to study in the United States, in order to improve the range and quality of educational alternatives, increase mutual understanding, and build lasting links between those countries and the United States;

(2) providing scholarships to foreign students to study in the United States has proven over time to be an effective means of creating strong bonds between the United States and the future leadership of developing countries and, at the same time, assists countries substantially in their development efforts;

(3) study in United States institutions by foreign students enhances trade and economic relationships by providing strong English language skills and establishing professional and business contacts;

(4) students from families of limited financial means have, in the past, largely not had the opportunity to study in the United States, and scholarship programs sponsored by the United States have made no provision for identifying, preparing, or supporting such students for study in the United States;

(5) it is essential that the United States citizenry develop its knowledge and understand-

ing of the developing countries and their languages, cultures, and socioeconomic composition as these areas assume an ever larger role in the world community;

(6) an undergraduate scholarship program for students of limited financial means from developing countries to study in the United States would complement current assistance efforts in the areas of advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities;

(7) the National Bipartisan Commission on Central America has recommended a program of 10,000 United States Government-sponsored scholarships to bring Central American students to the United States, which program would involve careful targeting to encourage participation by young people from all social and economic classes, would maintain existing admission standards by providing intensive English and other training, and would encourage graduates to return to their home countries after completing their education; and

(8) it is also in the interest of the United States, as well as peaceful cooperation in the Western Hemisphere, that particular attention be given to the students of the Caribbean region.

(Pub. L. 99-93, title VI, §602, Aug. 16, 1985, 99 Stat. 439; Pub. L. 103-199, title III, §305, Dec. 17, 1993, 107 Stat. 2324.)

AMENDMENTS

1993—Pars. (6) to (10). Pub. L. 103-199 redesignated pars. (8) to (10) as (6) to (8), respectively, and struck out former pars. (6) and (7) which read as follows:

“(6) the number of United States Government-sponsored scholarships for students in developing countries has been exceeded as much as twelve times in a given year by the number of scholarships offered by Soviet-bloc governments to students in developing countries, and this disparity entails the serious long-run cost of having so many of the potential future leaders of the developing world educated in Soviet-bloc countries;

“(7) from 1972 through 1982 the Soviet Union and Eastern European governments collectively increased their education exchange programs to Latin America and the Caribbean by 205 percent while those of the United States declined by 52 percent;”.

§ 4703. Scholarship program authority

(a) In general

The President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for undergraduate study at United States institutions of higher education by citizens and nationals of developing countries who have completed their secondary education and who would not otherwise have an opportunity to study in the United States due to financial limitations.

(b) Form of scholarship; forgiveness of loan repayment

To encourage students to use their training in their countries of origin, each scholarship pursuant to this section shall be in the form of a loan with all repayment to be forgiven upon the student's prompt return to his or her country of origin for a period which is at least one year

longer than the period spent studying in the United States. If the student is granted asylum in the United States pursuant to section 1158 of title 8 or is admitted to the United States as a refugee pursuant to section 1157 of title 8, half of the repayment shall be forgiven.

(c) Consultation

Before allocating any of the funds made available to carry out this chapter, the President shall consult with United States institutions of higher education, educational exchange organizations, United States missions in developing countries, and the governments of participating countries on how to implement the guidelines specified in section 4704 of this title.

(d) “Institution of higher education” defined

For purposes of this chapter, the term “institution of higher education” has the same meaning as given to such term by section 1001 of title 20.

(Pub. L. 99-93, title VI, §603, Aug. 16, 1985, 99 Stat. 440; Pub. L. 105-244, title I, §102(a)(7)(D), Oct. 7, 1998, 112 Stat. 1619.)

AMENDMENTS

1998—Subsec. (d). Pub. L. 105-244 substituted “section 1001” for “section 1141(a)”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

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.

§ 4704. Guidelines

The scholarship program under this chapter shall be carried out in accordance with the following guidelines:

(1) Consistent with section 2460(b)¹ of this title, all programs created pursuant to this chapter shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity.

(2) United States missions shall design ways to identify promising students who are in secondary educational institutions, or who have completed their secondary education, for study in the United States. In carrying out this paragraph, the United States mission in a country shall consult with Peace Corps volunteers and staff assigned to that country and with private and voluntary organizations with a proven record of providing development assistance to developing countries.

(3) United States missions shall develop and strictly implement specific economic need criteria. Scholarships under this chapter may only be provided to students who meet the economic need criteria.

(4) The program shall utilize educational institutions in the United States and in develop-

ing countries to help participants in the programs acquire necessary skills in English and other appropriate education training.

(5) Each participant from a developing country shall be selected on the basis of academic and leadership potential and the economic, political, and social development needs of such country. Such needs shall be determined by each United States mission in consultation with the government of the respective country. Scholarship opportunities shall emphasize fields that are critical to the development of the participant’s country, including agriculture, civil engineering, communications, social science, education, public and business administration, health, nutrition, environmental studies, population and family planning, and energy.

(6) The program shall be flexible in order to take advantage of different training and educational opportunities offered by universities, postsecondary vocational training schools, and community colleges in the United States.

(7) The program shall be flexible with respect to the number of years of undergraduate education financed but in no case shall students be brought to the United States for a period less than one year.

(8) Adequate allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide adequate opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The United States Information Agency shall recommend to each student, who receives a scholarship under this chapter for study at a college or university, that the student enroll in a course on the classics of American political thought or which otherwise emphasizes the ideas, principles, and documents upon which the United States was founded.

(Pub. L. 99-93, title VI, §604, Aug. 16, 1985, 99 Stat. 440.)

REFERENCES IN TEXT

Section 2460(b) of this title, referred to in par. (1), was redesignated section 2460(c) of this title by Pub. L. 101-246, title II, §204(a)(2)(A), Feb. 16, 1990, 104 Stat. 50.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4703, 4706, 4708, 4710 of this title.

§ 4705. Authority to enter into agreements

The President may enter into agreements with foreign governments in furtherance of the pur-

¹ See References in Text note below.

poses of this chapter. Such agreements may provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purposes of administering programs under this chapter.

(Pub. L. 99-93, title VI, §605, Aug. 16, 1985, 99 Stat. 441.)

§ 4706. Policy regarding other international educational programs

(a) AID-funded programs

The Congress urges the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], in implementing programs authorized under that part, to increase assistance for undergraduate scholarships for students of limited financial means from developing countries to study in the United States at United States institutions of higher education. To the maximum extent practicable, such scholarship assistance shall be furnished in accordance with the guidelines contained in section 4704 of this title.

(b) USIA-funded postgraduate study in the United States

The Congress urges the Director of the United States Information Agency to expand opportunities for students of limited financial means from developing countries to receive financial assistance for postgraduate study at United States institutions of higher education.

(c) Study by Americans in developing countries

The Congress urges the President to take such steps as are necessary to expand the opportunities for Americans from all economic classes to study in developing countries.

(Pub. L. 99-93, title VI, §606, Aug. 16, 1985, 99 Stat. 442.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of chapter 32, see section 202(b) of Pub. L. 92-228, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

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.

§ 4707. Establishment and maintenance of counseling services

(a) Counseling services abroad

For the purpose of assisting foreign students in choosing fields of study, selecting appropriate institutions of higher education, and preparing for their stay in the United States, the President may make suitable arrangements for counseling and orientation services abroad.

(b) Counseling services in the United States

For the purposes of assisting foreign students in making the best use of their opportunities while attending United States institutions of higher education, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the President may make suitable arrangements (by contract or otherwise) for the establishment and maintenance of adequate counseling services at United States institutions of higher education which are attended by foreign students.

(Pub. L. 99-93, title VI, §607, Aug. 16, 1985, 99 Stat. 442.)

§ 4708. J. William Fulbright Foreign Scholarship Board

The J. William Fulbright Foreign Scholarship Board shall advise and assist the President in the discharge of the scholarship program carried out pursuant to this chapter, in accordance with the guidelines set forth in section 4704 of this title. The President may provide for such additional secretarial and staff assistance for the Board as may be required to carry out this chapter.

(Pub. L. 99-93, title VI, §608, Aug. 16, 1985, 99 Stat. 442; Pub. L. 101-246, title II, §204(c), Feb. 16, 1990, 104 Stat. 50.)

AMENDMENTS

1990—Pub. L. 101-246 substituted “J. William Fulbright Foreign Scholarship Board” for “Board of Foreign Scholarships” in section catchline and in text.

§ 4709. General authorities

(a) Public and private sector contributions

The public and private sectors in the United States and in the developing countries shall be encouraged to contribute to the costs of the scholarship program financed under this chapter.

(b) Utilization of returning program participants

The President shall seek to engage the public and private sectors of developing countries in programs to maximize the utilization of recipients of scholarships under this chapter upon their return to their own countries.

(c) Promotion abroad of scholarship program

The President may provide for publicity and promotion abroad of the scholarship program provided for in this chapter.

(d) Increasing United States understanding of developing countries

The President shall encourage United States institutions of higher education, which are attended by students from developing countries who receive scholarships under this chapter, to provide opportunities for United States citizens attending those institutions to develop their knowledge and understanding of the developing countries, and the languages and cultures of those countries, represented by those foreign students.

(e) Other activities to promote improved understanding

Funds allocated by the United States Information Agency, or the agency primarily respon-

sible for carrying out part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], for scholarships in accordance with this chapter shall be available to enhance the educational training and capabilities of the people of Latin America and the Caribbean and to promote better understanding between the United States and Latin America and the Caribbean through programs of cooperation, study, training, and research. Such funds may be used for program and administrative costs for institutions carrying out such programs.

(Pub. L. 99-93, title VI, § 609, Aug. 16, 1985, 99 Stat. 442.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (e), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of chapter 32, see section 202(b) of Pub. L. 92-228, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

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.

§ 4710. English teaching, textbooks, and other teaching materials

Wherever adequate facilities or materials are not available to carry out the purposes of paragraph (4) of section 4704 of this title in the participant's country and the President determines that the purposes of this chapter are best served by providing the preliminary training in the participant's country, the President may (by purchase, contract, or other appropriate means) provide the necessary materials and instructors to achieve such purpose.

(Pub. L. 99-93, title VI, § 610, Aug. 16, 1985, 99 Stat. 443.)

§ 4711. Repealed. Pub. L. 103-236, title I, § 139(13), Apr. 30, 1994, 108 Stat. 398

Section, Pub. L. 99-93, title VI, § 611, Aug. 16, 1985, 99 Stat. 443, required annual report to Congress on activities and expenditures pursuant to this chapter.

§ 4712. Funding of scholarships for fiscal year 1986 and fiscal year 1987

(a) Central American undergraduate scholarship program

The undergraduate scholarship program financed by the United States Information Agency for students from Central America for fiscal year 1986 and fiscal year 1987 shall be conducted in accordance with this chapter.

(b) Scholarships for students from other developing countries

Any funds appropriated to the United States Information Agency for fiscal year 1986 or fiscal

year 1987 for any purpose (other than funds appropriated for educational exchange programs under section 2452(a)(1) of this title¹) may be used to carry out this chapter with respect to students from developing countries outside Central America.

(Pub. L. 99-93, title VI, § 612, Aug. 16, 1985, 99 Stat. 443.)

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.

§ 4713. Latin American exchanges

Of any funds authorized to be appropriated for activities authorized by this chapter, not less than 25 percent shall be allocated to fund grants and exchanges to Latin America and the Caribbean.

(Pub. L. 99-93, title VI, § 613, Aug. 16, 1985, 99 Stat. 444.)

§ 4714. Feasibility study of training programs in sizable Hispanic populations

No later than December 15, 1985, the Director of the United States Information Agency and the Administrator of the Agency for International Development shall report jointly, to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives, on the feasibility of greater utilization in those two agencies' scholarship and participant training programs of the United States universities in States bordering Latin American and Caribbean¹ which are located in areas characterized by the presence of sizable Hispanic populations.

(Pub. L. 99-93, title VI, § 614, Aug. 16, 1985, 99 Stat. 444.)

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

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.

§ 4715. Compliance with Congressional Budget Act

Any authority provided by this chapter to enter into contracts shall be effective only—

- (1) to the extent that the budget authority for the obligation to make outlays, which is created by the contract, has been provided in advance by an appropriation Act; or

¹So in original. Probably should be followed by a closing parenthesis.

¹So in original. Probably should be "Latin America and the Caribbean".

(2) to the extent or in such amounts as are provided in advance in appropriation Acts. (Pub. L. 99-93, title VI, §615, Aug. 16, 1985, 99 Stat. 444.)

REFERENCES IN TEXT

The Congressional Budget Act, referred to in section catchline, probably means the Congressional Budget Act of 1974, titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

CHAPTER 58—DIPLOMATIC SECURITY

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 - (g) Limitation of subcontracting.

SUBCHAPTER I—GENERALLY

§ 4801. Findings and purposes

(a) Findings

The Congress finds and declares that—
 (1) the United States has a crucial stake in the presence of United States Government personnel representing United States interests abroad;

(2) conditions confronting United States Government personnel and missions abroad are fraught with security concerns which will continue for the foreseeable future; and

(3) the resources now available to counter acts of terrorism and protect and secure United States Government personnel and missions abroad, as well as foreign officials and missions in the United States, are inadequate to meet the mounting threat to such personnel and facilities.

(b) Purposes

The purposes of this chapter are—

(1) to set forth the responsibility of the Secretary of State with respect to the security of diplomatic operations in the United States and abroad;

(2) to maximize coordination by the Department of State with Federal, State, and local