

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103-236, set out as a note under section 2651a of this title.

CHAPTER 59—FASCELL FELLOWSHIP PROGRAM

- Sec.
4901. Fellowship program for temporary service at United States missions abroad.
 (a) Establishment.
 (b) Designation of fellowships.
 (c) Purpose of fellowships.
 (d) Individuals who may receive a fellowship.
 (e) Women and members of minority groups.
4902. Fellowship Board.
 (a) Establishment and function.
 (b) Membership.
 (c) Meetings.
 (d) Compensation and per diem.
4903. Fellowships.
 (a) Number.
 (b) Remuneration and period.
 (c) Training.
 (d) Housing and transportation.
 (e) Effective date.
4904. Secretary of State.
 (a) Determinations.
 (b) Authorities.
 (c) Funding.

§ 4901. Fellowship program for temporary service at United States missions abroad

(a) Establishment

There is hereby established a fellowship program pursuant to which the Secretary of State will provide fellowships to United States citizens while they serve, for a period of between one and two years, in positions which would otherwise be held by foreign national employees at United States diplomatic or consular missions abroad.

(b) Designation of fellowships

Fellowships under this chapter shall be known as "Fascell Fellowships".

(c) Purpose of fellowships

Fellowships under this chapter shall be provided in order to allow the recipient (hereafter in this chapter referred to as a "Fellow") to serve on a short-term basis at a United States diplomatic or consular mission abroad in order to obtain first hand exposure to that country, including (as appropriate) independent study in that country's area studies or languages.

(d) Individuals who may receive a fellowship

To receive a fellowship under this chapter, an individual must be a United States citizen who is an undergraduate or graduate student, a teacher, scholar, or other academic, or an other individual, who has expertise in international affairs, foreign languages, or career and professional experience or interest in international affairs, and who has a working knowledge of the principal language of the country in which he or she would serve.

(e) Women and members of minority groups

In carrying out this section, the Secretary of State shall actively recruit women and members of minority groups.

(Pub. L. 99-399, title X, § 1002, Aug. 27, 1986, 100 Stat. 893; Pub. L. 101-454, § 9(b), Oct. 24, 1990, 104 Stat. 1065; Pub. L. 103-199, title III, § 303, Dec. 17, 1993, 107 Stat. 2323.)

AMENDMENTS

1993—Pub. L. 103-199 substituted "abroad" for "in the Soviet Union and Eastern Europe" in section catchline.

1990—Subsec. (a). Pub. L. 101-454, § 9(b)(1), substituted "which would otherwise be" for "formerly" and "abroad" for "in the Soviet Union or Eastern European countries".

Subsec. (c). Pub. L. 101-454, § 9(b)(2), substituted "abroad" for "in the Soviet Union or an Eastern European country" and "that country's" for "Soviet or Eastern European".

Subsec. (d). Pub. L. 101-454, § 9(b)(3), substituted "international affairs, foreign languages, or career and professional experience or interest in international affairs," for "Soviet or Eastern European area studies or languages".

SHORT TITLE OF 1990 AMENDMENT

Section 9(a) of Pub. L. 101-454 provided that: "This section [amending this section and sections 4902 and 4904 of this title, and enacting provisions set out as a note under section 4902 of this title] may be cited as the 'Fascell Fellowship Amendments Act of 1990'."

SHORT TITLE

Section 1001 of title X of Pub. L. 99-399 provided that: "This title [enacting this chapter] may be cited as the 'Fascell Fellowship Act'."

§ 4902. Fellowship Board

(a) Establishment and function

There is hereby established a Fellowship Board (hereafter in this chapter referred to as the "Board"), which shall select the individuals who will be eligible to serve as Fellows.

(b) Membership

The Board shall consist of 7 members as follows:

(1) A senior official of the Department of State (who shall be the chair of the Board), designated by the Secretary of State.

(2) An officer or employee of the Department of Commerce, designated by the Secretary of Commerce.

(3) Five academic specialists in international affairs or foreign languages, appointed by the Secretary of State (in consultation with the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority¹ of the Committee on Foreign Relations of the Senate).

(c) Meetings

The Board shall meet at least once each year to select the individuals who will be eligible to serve as Fellows.

(d) Compensation and per diem

Members of the Board shall receive no compensation on account of their service on the

¹ So in original. Probably should be followed by "member".

Board, but while away from their homes or regular places of business in the performance of their duties under this chapter, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

(Pub. L. 99-399, title X, §1003, Aug. 27, 1986, 100 Stat. 893; Pub. L. 101-454, §9(c)(1), Oct. 24, 1990, 104 Stat. 1066; Pub. L. 105-277, div. G, subd. A, title XIII, §1335(f), Oct. 21, 1998, 112 Stat. 2681-788.)

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-277, §1335(f)(1), substituted “7 members” for “9 members” in introductory provisions.

Subsec. (b)(3), (4). Pub. L. 105-277, §1335(f)(2)-(4), redesignated par. (4) as (3), substituted “Five” for “Six”, and struck out former par. (3) which read as follows: “An officer or employee of the United States Information Agency, designated by the Director of that Agency.”

1990—Subsec. (b)(4). Pub. L. 101-454 substituted “international affairs or foreign languages,” for “Soviet or Eastern European area studies or languages.”

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.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective on earlier of Oct. 1, 1999, or date of abolition of the United States Information Agency pursuant to reorganization plan described in section 6601 of this title, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 9(c)(2) of Pub. L. 101-454 provided that: “The amendment made by paragraph (1) [amending this section] shall apply only to appointments to the Fassel Fellowship Board after the date of the enactment of this section [Oct. 24, 1990] and shall not affect the service of members of such board on the date of the enactment of this section.”

§ 4903. Fellowships

(a) Number

Up to 100 fellowships may be provided under this chapter each year. Not less than 15 shall be provided during fiscal year 1993.

(b) Remuneration and period

The Board shall determine, taking into consideration the position in which each Fellow will serve and his or her experience and expertise—

(1) the amount of remuneration the Fellow will receive for his or her service under this chapter, and

(2) the period of the fellowship, which shall be between one and two years.

(c) Training

Each Fellow may be given appropriate training at the Foreign Service Institute or other appropriate institution.

(d) Housing and transportation

The Secretary of State shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including (where appropriate) housing for family members; and

(2) pay the costs and expenses incurred by each Fellow in traveling between the United States and the country in which the Fellow serves, including (where appropriate) travel for family members.

(e) Effective date

Subsection (d) of this section shall not take effect until October 1, 1986.

(Pub. L. 99-399, title X, §1004, Aug. 27, 1986, 100 Stat. 894; Pub. L. 102-511, title VIII, §804(a), Oct. 24, 1992, 106 Stat. 3353.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-511 inserted at end “Not less than 15 shall be provided during fiscal year 1993.”

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103-236, set out as a note under section 2651a of this title.

FUNDING

Section 804(b) of Pub. L. 102-511 provided that: “In addition to the funds made available pursuant to section 1005(c) of that Act [22 U.S.C. 4904(c)], funds authorized to be appropriated by chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] may be used in carrying out the amendment made by subsection (a) [amending this section] with respect to missions in the independent states of the former Soviet Union.”

§ 4904. Secretary of State

(a) Determinations

The Secretary of State shall determine which of the individuals selected by the Board will serve at each United States diplomatic or consular mission abroad and the position in which each will serve.

(b) Authorities

Fellows may be employed—

(1) under a temporary appointment in the civil service;

(2) under a limited appointment in the Foreign Service; or

(3) by contract under the provisions of section 2669(c) of this title.

(c) Funding

Funds appropriated to the Department of State for “Salaries and Expenses” shall be used for the expenses incurred in carrying out this chapter.

(Pub. L. 99-399, title X, §1005, Aug. 27, 1986, 100 Stat. 894; Pub. L. 100-204, title I, §187, Dec. 22, 1987, 101 Stat. 1368; Pub. L. 101-454, §9(d), Oct. 24, 1990, 104 Stat. 1066.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-454 substituted “abroad” for “in the Soviet Union or Eastern Europe”.

1987—Subsec. (b). Pub. L. 100-204 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as fol-

laws: “Such service shall be in accordance with the relevant authorities of the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956, and title 5.”

CHAPTER 60—ANTI-APARTHEID PROGRAM

§ 5001. Repealed. Pub. L. 103-149, § 4(a)(2), Nov. 23, 1993, 107 Stat. 1505

Section, Pub. L. 99-440, § 3, Oct. 2, 1986, 100 Stat. 1087; Pub. L. 99-631, § 1(a)(2), Nov. 7, 1986, 100 Stat. 3515; Pub. L. 103-149, § 4(a)(3)(A), Nov. 23, 1993, 107 Stat. 1505, defined terms for purposes of this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective June 8, 1994, date on which President certified to Congress that interim government, elected on nonracial basis through free and fair elections, had taken office in South Africa, see section 4(a)(2) of Pub. L. 103-149, set out in a Repeal of Chapter; South African Democratic Transition Support note below.

SHORT TITLE

Section 1 of Pub. L. 99-440 provided that Pub. L. 99-440, which enacted this chapter and sections 2151o and 2346d of this title, amended sections 2151c and 2151n of this title and section 635 of Title 12, Banks and Banking, and enacted provisions set out as a note under section 2346d of this title, could be cited as the “Comprehensive Anti-Apartheid Act of 1986”, prior to repeal by Pub. L. 103-149, § 4(a)(2), Nov. 23, 1993, 107 Stat. 1505.

REPEAL OF CHAPTER; SOUTH AFRICAN DEMOCRATIC TRANSITION SUPPORT

Pub. L. 103-149, Nov. 23, 1993, 107 Stat. 1503, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘South African Democratic Transition Support Act of 1993’.

“SEC. 2. FINDINGS.

“The Congress makes the following findings:

“(1) After decades of apartheid, South Africa has entered a new era which presents a historic opportunity for a transition to a peaceful, stable, and democratic future.

“(2) The United States policy of economic sanctions toward the apartheid government of South Africa, as expressed in the Comprehensive Anti-Apartheid Act of 1986 [22 U.S.C. 5001 et seq.], helped bring about reforms in that system of government and has facilitated the establishment of a nonracial government.

“(3) Through broad and open negotiations, the parties in South Africa have reached a landmark agreement on the future of their country. This agreement includes the establishment of a Transitional Executive Council and the setting of a date for nonracial elections.

“(4) The international community has a vital interest in supporting the transition from apartheid toward nonracial democracy.

“(5) The success of the transition in South Africa is crucial to the stability and economic development of the southern African region.

“(6) Nelson Mandela of the African National Congress and other representative leaders in South Africa have declared that the time has come when the international community should lift all economic sanctions against South Africa.

“(7) In light of recent developments, the continuation of these economic sanctions is detrimental to persons disadvantaged by apartheid.

“(8) Those calling for the lifting of economic sanctions against South Africa have made clear that they do not seek the immediate termination of the United Nations-sponsored special sanctions relating to arms transfers, nuclear cooperation, and exports of oil. The

Ad Hoc Committee on Southern Africa of the Organization of African Unity, for example, has urged that the oil embargo established pursuant to a 1986 General Assembly resolution be lifted after the establishment and commencement of the work of the Transitional Executive Council.

“SEC. 3. UNITED STATES POLICY.

“It is the sense of the Congress that—

“(1) the United States should—

“(A) strongly support the Transitional Executive Council in South Africa,

“(B) encourage rapid progress toward the establishment of a nonracial democratic government in South Africa, and

“(C) support a consolidation of democracy in South Africa through democratic elections for an interim government and a new nonracial constitution;

“(2) the United States should continue to provide assistance to support the transition to a nonracial democracy in South Africa, and should urge international financial institutions and other donors to also provide such assistance;

“(3) to the maximum extent practicable, the United States should consult closely with international financial institutions, other donors, and South African entities on a coordinated strategy to support the transition to a nonracial democracy in South Africa;

“(4) in order to provide ownership and managerial opportunities, professional advancement, training, and employment for disadvantaged South Africans and to respond to the historical inequities created under apartheid, the United States should—

“(A) promote the expansion of private enterprise and free markets in South Africa,

“(B) encourage the South African private sector to take a special responsibility and interest in providing such opportunities, advancement, training, and employment for disadvantaged South Africans,

“(C) encourage United States private sector investment in and trade with South Africa,

“(D) urge United States investors to develop a working partnership with representative organs of South African civil society, particularly churches and trade unions, in promoting responsible codes of corporate conduct and other measures to address the historical inequities created under apartheid;

“(5) the United States should urge the Government of South Africa to liberalize its trade and investment policies to facilitate the expansion of the economy, and to shift resources to meet the needs of disadvantaged South Africans;

“(6) the United States should promote cooperation between South Africa and other countries in the region to foster regional stability and economic growth; and

“(7) the United States should demonstrate its support for an expedited transition to, and should adopt a long term policy beneficial to the establishment and perpetuation of, a nonracial democracy in South Africa.

“SEC. 4. REPEAL OF APARTHEID SANCTIONS LAWS AND OTHER MEASURES DIRECTED AT SOUTH AFRICA.

“(a) COMPREHENSIVE ANTI-APARTHEID ACT.—

“(1) IN GENERAL.—All provisions of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5001 and following) are repealed as of the date of enactment of this Act [Nov. 23, 1993], except for the sections specified in paragraph (2).

“(2) EFFECTIVE DATE OF REPEAL OF CODE OF CONDUCT REQUIREMENTS.—Sections 1, 3, 203(a), 203(b), 205, 207, 208, 601, 603, and 604 of the Comprehensive Anti-Apartheid Act of 1986 [22 U.S.C. 5001 note, 5001, 5031(a), (b), 5032, 5034, 5035, 5111, 5113, 5114] are repealed as of the date on which the President certifies to the Congress that an interim government, elected on a nonracial basis through free and fair elections, has taken office in South Africa. [A Presidential message to Congress