

“(A) The United States Government has devoted inadequate resources to security against terrorist attacks.

“(B) The United States Government places too low a priority on security concerns.

“(8) The result has been a failure to take adequate steps to prevent tragedies such as the bombings in Kenya and Tanzania.

“(9) The Crowe panels found that there was an institutional failure on the part of the Department of State to recognize threats posed by transnational terrorism and vehicular bombs.

“(10) Responsibility for ensuring adequate resources for security programs is widely shared throughout the United States Government, including Congress. Unless the vulnerabilities identified by the Crowe panels are addressed in a sustained and financially realistic manner, the lives and safety of United States employees in diplomatic facilities will continue to be at risk from further terrorist attacks.

“(11) Although service in the Foreign Service or other United States Government positions abroad can never be completely without risk, the United States Government must take all reasonable steps to minimize security risks.”

AUTHORIZATIONS OF APPROPRIATIONS

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title VI, §604], Nov. 29, 1999, 113 Stat. 1536, 1501A-453, as amended by Pub. L. 107-228, div. A, title I, §111(a)(3)(B), Sept. 30, 2002, 116 Stat. 1356; Pub. L. 108-447, div. B, title VI, §629, Dec. 8, 2004, 118 Stat. 2920; Pub. L. 112-74, div. I, title VII, §7004(e), Dec. 23, 2011, 125 Stat. 1194, provided that:

“(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated by this or any other Act, there are authorized to be appropriated for ‘Embassy Security, Construction and Maintenance’—

“(1) for fiscal year 2000, \$900,000,000;

“(2) for fiscal year 2001, \$900,000,000;

“(3) for fiscal year 2002, \$900,000,000;

“(4) for fiscal year 2003, \$1,000,000,000; and

“(5) for fiscal year 2004, \$900,000,000.

“(b) PURPOSES.—Funds made available under the ‘Embassy Security, Construction, and Maintenance’ account may be used only for the purposes of—

“(1) the acquisition of United States diplomatic facilities and, if necessary, any residences or other structures located in close physical proximity to such facilities, or

“(2) the provision of major security enhancements to United States diplomatic facilities, to the extent necessary to bring the United States Government into compliance with all requirements applicable to the security of United States diplomatic facilities, including the relevant requirements set forth in section 606 [22 U.S.C. 4865].

“(c) AVAILABILITY OF AUTHORIZATIONS.—Authorizations of appropriations under subsection (a) shall remain available until the appropriations are made.

“(d) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

“(e) CAPITAL SECURITY COST SHARING.—

“(1) AUTHORITY.—Notwithstanding any other provision of law, all agencies with personnel overseas subject to chief of mission authority pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) shall participate and provide funding in advance for their share of costs of providing, maintaining, repairing, and renovating safe, secure United States diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined annually by the Secretary of State in consultation with such agency. Amounts advanced by such agencies to the Department of State shall be credited to the Embassy Security, Construction and Maintenance account, and remain available until expended.

“(2) IMPLEMENTATION.—Implementation of this subsection shall be carried out in a manner that encourages right-sizing of each agency’s overseas presence.

“(3) EXCLUSION.—For purposes of this subsection ‘agency’ does not include the Marine Security Guard.”

OBLIGATIONS AND EXPENDITURES

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title VI, §605], Nov. 29, 1999, 113 Stat. 1536, 1501A-453, as amended by Pub. L. 112-74, div. I, title VII, §7034(n), Dec. 23, 2011, 125 Stat. 1217, provided that:

“(a) REPORT AND PRIORITY OF OBLIGATIONS.—

“(1) REPORT.—Not later than February 1 of the year 2000 and each of the four subsequent years, the Secretary of State shall submit a classified report to the appropriate congressional committees identifying each diplomatic facility or each diplomatic or consular post composed of such facilities that is a priority for replacement or for any major security enhancement because of its vulnerability to terrorist attack (by reason of the terrorist threat and the current condition of the facility). The report shall list such facilities in groups of 20. The groups shall be ranked in order from most vulnerable to least vulnerable to such an attack.

“(2) PRIORITY ON USE OF FUNDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), funds authorized to be appropriated by section 604 [set out as a note above] for a particular project may be used only for those facilities which are listed in the first four groups described in paragraph (1).

“(B) EXCEPTION.—Funds authorized to be made available by section 604 may only be used for facilities which are not in the first 4 groups described in paragraph (1), if the Congress authorizes or appropriates funds for such a diplomatic facility or the Secretary of State notifies the appropriate congressional committees that such funds will be used for a facility in accordance with the procedures applicable to a reprogramming of funds under section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(a)).

“(b) PROHIBITION ON TRANSFER OF FUNDS.—None of the funds authorized to be appropriated by section 604 may be transferred to any other account.”

DEFINITIONS

For definitions of the terms “Secretary” and “appropriate congressional committees” used in this section and in section 1000(a)(7) [div. A, title VI, §605] of Pub. L. 106-113, set out as a note above, see section 1000(a)(7) [§3] of Pub. L. 106-113, set out as a note under section 2651 of this title.

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title VI, §603], Nov. 29, 1999, 113 Stat. 1536, 1501A-452, provided that: “In this title [enacting this section, amending section 4831 of this title, and enacting provisions set out as notes above], the terms ‘United States diplomatic facility’ and ‘diplomatic facility’ mean any chancery, consulate, or other office notified to the host government as diplomatic or consular premises in accordance with the Vienna Conventions on Diplomatic and Consular Relations, or otherwise subject to a publicly available bilateral agreement with the host government (contained in the records of the United States Department of State) that recognizes the official status of the United States Government personnel present at the facility.”

CHAPTER 59—FASCELL FELLOWSHIP PROGRAM

Sec. 4901.	Fellowship program for temporary service at United States missions abroad.
4902.	Fellowship Board.
4903.	Fellowships.
4904.	Secretary of State.

§ 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

Pub. L. 101-454, §9(a), Oct. 24, 1990, 104 Stat. 1065, 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

Pub. L. 99-399, title X, §1001, Aug. 27, 1986, 100 Stat. 893, 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 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, subdiv. 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,".

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.

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-454, §9(c)(2), Oct. 24, 1990, 104 Stat. 1066, provided that: "The amendment made by paragraph (1) [amending this section] shall apply only to appointments to the Fascell Fellowship Board after the date of the enactment of this section [Oct. 24, 1990] and shall

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