

ATTACHMENT A

STATUTES AND REGULATIONS

- The Higher Education Act of 1965, as amended, Title VI Part A, section 601 (as well as the amendments contained in the Higher Education Opportunity Act of August 2008).
- Department of Education 34 CFR Parts 655, 656, 657, et al. International Education Programs; Final Rule, Federal Register July 17, 2009.
- The GPRA of 1993.
- The Higher Education Act of 1965, as amended, Title VI Part A – International and Foreign Language Studies, section 602(a) National Language and Area Centers and Programs; section 602(b) Graduate Fellowships for Foreign Language and Area or International Studies.
- 34 CFR part 656 National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies, sections 656.1 through 656.7, 656.10, 656.20 through 656.23 and 656.30.
- 34 CFR Part 657 Foreign Language and Area Studies Fellowships Program, sections 657.1 through 657.5, 657.10, 657.11, 657.20 through 657.22, and 657.31 through 657.34.
- The Higher Education Act of 1965, as amended, Title VI Part A – International and Foreign Language Studies, section 603, Language Resource Centers.
- 34 CFR Part 669 Language Resource Center Program, sections 669.1 through 669.5, 669.20 through 669.22, and section 669.30.
- The Higher Education Act of 1965, as amended, Title VI Part A – International and Foreign Language Studies, section 604, Undergraduate International Studies and Foreign Language Program.
- 34 CFR Part 658 Undergraduate International Studies and Foreign Language Program, sections 658.1 through 658.4, 658.10 through 658.12, 658.30 through 658.35, and 658.40 and 658.41.
- The Higher Education Act of 1965, as amended, Title VI Part A – International and Foreign Language Studies, section 605, International Research and Studies.

- 34 CFR Part 660 International Research and Studies Program, sections 655.1 through 655.4, 655.10, and 655.30 through 655.32.
- The Higher Education Act of 1965, as amended, Title VI Part A – International and Foreign Language Studies, section 606, Technological Innovation and Cooperation for Foreign Information Access.
- The Higher Education Act of 1965, as amended, Title VI Part A – International and Foreign Language Studies, section 609, American Overseas Research Centers.
- The Higher Education Act of 1965, as amended, Title VI Part B – Centers for International Business Education Program sections 611 and 612.
- The Higher Education Act of 1965, as amended, Title VI Part B - Business and International Education Programs sections 611 and 613.
- The Higher Education Act of 1965, as amended, Title VI Part C – Institute for International Public Policy, section 1131 Minority Foreign Service Professional Development Program.
- The Mutual Educational and Cultural Exchange Act (The Fulbright-Hays Act), 1961, section 102 (b)(6), DDRA, FRA, GPA, and SA programs.
- 34 CFR Part 662, Fulbright-Hays Doctoral Dissertation Research Abroad Program.
- 34 CFR Part 663, Fulbright-Hays Faculty Research Abroad Program.
- 34 CFR Part 664, Fulbright-Hays Group Projects Abroad Program.
- 34 Code of Federal Regulations (CFR) part 655, General Provisions for International Education Programs, section 655.1 through 655.4, 655.10, 655.30 through 655.32.
- Education Department General Administrative Regulation (EDGAR), 34 CFR Part 74, section 74.51 and 34 CFR Part 75, sections 75.118, 75.253, 75.720.

Note: EDGAR citations include the requirements for the submission of annual and final performance reports and ED responsibilities for reviewing performance information to make continuation awards.

The Higher Education Act of 1965, as amended, Title VI Part A, section 601 (as well as the amendments contained in the Higher Education Opportunity Act of August 2008).

HIGHER EDUCATION
1998 Amendments to the Higher Education Act of 1965
P.L. 105-244

TITLE VI--INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

Part A of title VI (20 U.S.C. 1121 et seq.) is amended to read as follows:

PART A--INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

SEC. 601. FINDINGS AND PURPOSES.

(a) FINDINGS- Congress finds as follows:

(1) The security, stability, and economic vitality of the United States in a complex global era depend upon American experts in and citizens knowledgeable about world regions, foreign languages, and international affairs, as well as upon a strong research base in these areas.

(2) Advances in communications technology and the growth of regional and global problems make knowledge of other countries and the ability to communicate in other languages more essential to the promotion of mutual understanding and cooperation among nations and their peoples.

(3) Dramatic post-Cold War changes in the world's geopolitical and economic landscapes are creating needs for American expertise and knowledge about a greater diversity of less commonly taught foreign languages and nations of the world.

(4) Systematic efforts are necessary to enhance the capacity of institutions of higher education in the United States for--

(A) producing graduates with international and foreign language expertise and knowledge; and

(B) research regarding such expertise and knowledge.

(5) Cooperative efforts among the Federal Government, institutions of higher education, and the private sector are necessary to promote the generation and dissemination of information about world regions, foreign languages, and international affairs throughout education, government, business, civic, and nonprofit sectors in the United States.

(b) PURPOSES- The purposes of this part are--

(1)(A) to support centers, programs, and fellowships in institutions of higher education in the United States for producing increased numbers of trained personnel and research in foreign languages, area studies, and other international studies;

(B) to develop a pool of international experts to meet national needs;

(C) to develop and validate specialized materials and techniques for foreign language acquisition and fluency, emphasizing (but not limited to) the less commonly taught languages;

(D) to promote access to research and training overseas; and

`(E) to advance the internationalization of a variety of disciplines throughout undergraduate and graduate education;

`(2) to support cooperative efforts promoting access to and the dissemination of international and foreign language knowledge, teaching materials, and research, throughout education, government, business, civic, and nonprofit sectors in the United States, through the use of advanced technologies; and

`(3) to coordinate the programs of the Federal Government in the areas of foreign language, area studies, and other international studies, including professional international affairs education and research.

Department of Education 34 CFR Parts
655, 656, 657, et al. International
Education Programs; Final Rule, Federal
Register July 17, 2009.



Federal Register

**Friday,
July 17, 2009**

Part IV

Department of Education

**34 CFR Parts 655, 656, 657, et al.
International Education Programs; Final
Rule**

DEPARTMENT OF EDUCATION**34 CFR Parts 655, 656, 657, 658, 660, and 661**

[Docket ID ED-2009-OPE-0002]

RIN 1840-AC97

International Education Programs**AGENCY:** Office of Postsecondary Education, Department of Education.**ACTION:** Final regulations.

SUMMARY: The Secretary amends the regulations for the National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies (NRC Program), Foreign Language and Area Studies Fellowships (FLAS) Program, Undergraduate International Studies and Foreign Language (UISFL) Program, International Research and Studies (IRS) Program, and the Business and International Education (BIE) Program to ensure that these regulations reflect the changes made to title VI of the Higher Education Act of 1965, as amended (HEA) by the Higher Education Opportunity Act of 2008 (HEOA).

DATES: *Effective Date:* These regulations are effective on August 17, 2009.

FOR FURTHER INFORMATION CONTACT: Jessica Finkel, U.S. Department of Education, 1990 K Street, NW., Room 8031, Washington, DC 20006-8502. Telephone: (202) 502-7647 or via the Internet at: Jessica.Finkel@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION: These final regulations incorporate changes made to the HEA by the HEOA. These changes align the program regulations with the changes made to the programs by the HEOA, including revised program descriptions, eligibility criteria, and activities.

The following discussion describes each of the changes made to the regulations and the specific statutory change in the HEA on which the regulatory change is based.

General

Statute: The HEOA amended numerous sections of the HEA to refer to “consortia” of institutions of higher education rather than “combinations” of

institutions of higher education. Specifically, section 610 of the HEOA amended sections 603(a) and 604(a)(5) of the HEA by replacing the word “combination” with the word “consortium” each time it appears. Similarly, section 602(1) of the HEOA amended section 602(a)(1) of the HEA by replacing the word “combination” with the word “consortium.” Finally, section 604(1) of the HEOA amended section 604(a)(1) of the HEA by replacing references to the words “combination” and “combinations” with the words “consortium” and “consortia,” respectively.

Regulatory Change: To better reflect the language in the statute, we have revised the following regulatory sections to refer to “consortium” and “consortia” (as appropriate) rather than “combination” and “combinations”: 34 CFR 655.4(b), 34 CFR 656.1 and 656.2, 34 CFR 657.2, and 34 CFR 658.1, 658.2, 658.10, 658.30, 658.32, and 658.35.

International Education Programs—General Provisions

Statute: None.

Regulatory Change: We have corrected two errors in part 655. First, in § 655.4(b), we have replaced the words “definition applies” with the words “definitions apply” because that paragraph provides definitions for multiple terms. Second, we have corrected the language in § 655.10 to identify the appropriate subparts of 34 CFR parts 656, 657, 658, 660, 661 and 669 that describe the kinds of projects that the Secretary assists under the International Education Programs.

NRC Program

Statute: Section 602(1)(B)(iii) of the HEOA amended section 602(a)(2) of the HEA by expanding the types of activities for which grantees may use funds under the National Language and Area Centers and Programs authority. The Department operates the NRC Program under this authority.

Regulatory Change: In the NRC Program regulations, we have expanded § 656.3 to include the activities added to section 602(a)(2) of the HEA by the HEOA. As amended, § 656.3 now states that a comprehensive or undergraduate National Resource Center (i) supports instructors of the less commonly taught languages, and (ii) encourages projects that support students in the science, technology, engineering, and mathematics fields to achieve foreign language proficiency.

Statute: Section 602(1)(C) of the HEOA expanded section 602(a)(4) of the HEA, which describes the outreach and summer institute grants that the

Secretary may make to centers and programs under the NRC Program.

Regulatory Change: We have amended § 656.5 to incorporate the new activities that may be funded by an outreach or summer institute grant under section 602(a)(4) of the HEA. Consistent with the statutory changes made, we have added a new § 656.5(b)(3) to clarify that the Secretary may support a center for the purpose of linkage or outreach between or among postsecondary programs or departments in foreign language, area studies, or other international fields, and State educational agencies and local educational agencies.

Statute: Section 607(2) of the HEOA amended section 607(b) of the HEA to add two factors to be considered by the Secretary when awarding grants under section 602 of the HEA, governing the NRC and FLAS programs. Specifically, section 607(2) directs the Secretary to (1) take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education address national needs, and generate information for and disseminate information to the public and (2) consider an applicant’s record of placing students into post-graduate employment, education, or training in areas of national need and an applicant’s stated efforts to increase the number of such students that go into such placements.

Regulatory Change: In the NRC Program regulations, we have added the two new selection criteria as paragraphs (3) and (4) in §§ 656.21(c) and 656.22(c). We have also added the two new criteria as paragraphs (3) and (4) in § 657.21(c) in the FLAS Program regulations.

FLAS Program

Statute: Section 602(2)(B) of the HEOA amended section 602(b)(2) of the HEA to provide that undergraduate students, in addition to graduate students, may be eligible for fellowships under the FLAS Program.

Regulatory Change: Consistent with the statutory changes made to section 602(b)(2) of the HEA, we have amended §§ 657.1(a), 657.3, and 657.21 to clarify that both graduate students and undergraduate students are eligible for fellowships under the FLAS Program. The changes made to § 657.3 (Who is eligible to receive a fellowship?) incorporate the statutory language reflected in section 602(b)(2) of the HEA and describe the respective activities in which an undergraduate student and graduate student must engage in order to be eligible for a FLAS fellowship.

Statute: Section 602(3) of the HEOA amended section 602(d) of the HEA,

which describes the allowances that may be included in a fellowship to an undergraduate or graduate student under the FLAS Program.

Regulatory Change: We have revised § 657.31(a)(4) to better align the regulatory language regarding allowances for stipends awarded to graduate level recipients with the statutory language describing these allowances. We also have added a new § 657.31(a)(5) to provide, consistent with section 602(d)(2) of the HEA, that a stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that meet certain criteria.

UISFL Program

Statute: Section 604(2) of the HEOA amended section 604(a)(2) of the HEA by adding a new allowed use of funds under the (UISFL) Program and by amending an existing allowed use of funds.

Regulatory Change: We have amended § 658.11 to reflect the additional activities for which funds may be used under the Undergraduate International Studies and Foreign Language Program. Specifically, we have revised the language in § 658.11(b)(5) to better align with the statutory language describing the pre-service teacher training and in-service teacher professional development that can be conducted under the program. Also, in new § 658.11(j), consistent with the additions made to section 604(a)(2) of the HEA, we have added as an allowable activity the provision of grants for educational programs abroad that are closely linked to the UISFL Program's goals and that promote foreign language fluency and knowledge of world regions.

Statute: Section 604(6) of the HEOA amended section 604 of the HEA by adding a new paragraph (c)(2) to specify that UISFL Program grantees may not use more than ten percent of the funds received under a UISFL Program grant for the purpose described in section 604(a)(2)(I) of the HEA (*i.e.*, providing grants for educational programs abroad that are closely linked to the UISFL Program's goals and that promote foreign language fluency and knowledge of world regions).

Regulatory Change: We have amended § 658.40 by adding a new paragraph (b) to incorporate this restriction on the use of funds.

Statute: Section 604(3) of the HEOA amended section 604(a)(4)(B) of the HEA to require institutions seeking a waiver or reduction of their non-Federal share to demonstrate, in their grant

applications, their need for a waiver or reduction.

Regulatory Change: We have revised § 658.41(d)(2) to clarify that the Secretary may waive or reduce a UISFL Program grantee's non-Federal share for the project, but that the grantee's application must demonstrate a need for a waiver or reduction.

IRS Program

Statute: Section 605 of the HEOA amended section 605(a) of the HEA by expanding the activities authorized under the IRS Program. Research and studies supported under the IRS Program now include: (i) Evaluations of the extent to which programs assisted under title VI of the HEA reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, as described in the grantee's application; (ii) the systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of title VI, part A of the HEA; and (iii) support for programs or activities to make data collected, analyzed, or disseminated under this part publicly available and easy to understand.

Regulatory Change: We have amended §§ 660.1 and 660.10 to include these newly authorized activities. The new activities are listed in paragraphs (j), (k), and (l) of § 660.1 (What is the International Research and Studies Program?) and in paragraphs (k), (l), and (m) of § 660.10 (What activities does the Secretary assist?).

BIE Program

Statute: Section 611(b) of the HEOA amended section 613(c) of the HEA to require applicants to provide an assurance that, where applicable, the activities funded by a grant made under the BIE Program will reflect diverse perspectives and a wide range of views on world regions and international affairs.

Regulatory Change: We have amended § 661.20 by adding a new paragraph (c) to require applicants to make this assurance in their applications for funding under the BIE Program.

Executive Order 12866

Under Executive Order 12866, the Secretary must determine whether this regulatory action is "significant" and therefore subject to the requirements of the Executive order and review by OMB. Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may (1) have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy,

productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments, or communities in a material way (also referred to as an "economically significant" rule); (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) create novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order. The Secretary has determined that this regulatory action is not significant under the Executive order.

Potential Costs and Benefits

Under Executive Order 12866, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with these final regulations are those resulting from statutory requirements for these discretionary grant programs. However, because the Secretary has chosen to regulate only to the extent necessary to reflect changes made to the HEA by the HEOA, the potential costs associated with the regulations are minimal. The benefits of these final regulations will be clarification of the requirements governing these programs that will facilitate future competitions for awards under these programs. In assessing these costs and benefits we have determined that the benefits justify the costs.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Waiver of Proposed Rulemaking

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department is generally required to publish a notice of proposed rulemaking and provide the public with an opportunity to comment on proposed regulations prior to issuing final regulations. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking when the agency for good cause finds that notice and comment are impracticable, unnecessary or contrary to the public interest. These regulations reflect statutory changes made to the HEA by the HEOA that are already effective and do not establish or affect existing policy. Therefore, under 5 U.S.C. 553(b)(B), the Secretary has determined that a notice of proposed rulemaking is unnecessary and contrary

to the public interest and thus not required with regard to these regulations.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The regulations impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1995

These regulations do not contain any information collection requirements.

Intergovernmental Review

The National Resource Centers Program, Foreign Language and Area Studies Fellowships Program, Undergraduate International Studies and Foreign Language Program, and Business and International Education Program are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

Assessment of Educational Impact

In accordance with section 411 of the General Education Provisions Act, 20 U.S.C. 1221e-4, and based on our own review, we have determined that these regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

Electronic Access to This Document

You can view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/legislation/FedRegister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll-free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html>.

(Catalog of Federal Domestic Assistance Numbers: 84.015 National Resource Centers

Program for Foreign Language and Area Studies or Foreign Language and International Studies Program and Foreign Language and Area Studies Fellowships Program; 84.016 Undergraduate International Studies and Foreign Language Program; 84.017 The International Research and Studies Program; 84.153 Business and International Education Program)

List of Subjects

34 CFR Part 655

Colleges and universities, Cultural exchange programs, Educational research, Educational study programs, Grant programs—education, Scholarships and fellowships.

34 CFR Part 656

Colleges and universities, Cultural exchange programs, Educational study programs, Grant programs—education, Reporting and recordkeeping requirements.

34 CFR Part 657

Colleges and universities, Cultural exchange programs, Educational study programs, Grant programs—education, Reporting and recordkeeping requirements, Scholarships and fellowships.

34 CFR Part 658

Colleges and universities, Cultural exchange programs, Educational study programs, Grant programs—education.

34 CFR Part 660

Colleges and universities, Cultural exchange programs, Educational research, Educational study programs, Grant programs—education.

34 CFR Part 661

Business and industry, Colleges and universities, Educational study programs, Grant programs—education, Student aid.

Dated: July 13, 2009.

Arne Duncan,

Secretary of Education.

■ For the reasons discussed in the preamble, the Secretary amends parts 655, 656, 657, 658, 660, and 661 of title 34 of the Code of Federal Regulations as follows:

PART 655—INTERNATIONAL EDUCATION PROGRAMS—GENERAL PROVISIONS

■ 1. The authority citation for part 655 continues to read as follows:

Authority: 20 U.S.C. 1121-1130b, unless otherwise noted.

§ 655.4 [Amended]

■ 2. Section 655.4(b) is amended by:

■ A. In the introductory text, removing the words “definition applies” and adding, in their place, the words “definitions apply”.

■ B. In the definition for “Combination of institutions,” removing the word “Combination” and adding, in its place, the word “Consortium”.

■ 3. Section 655.10 is revised to read as follows:

§ 655.10 What kinds of projects does the Secretary assist?

Subpart A of 34 CFR parts 656, 657, and 669 and subpart B of 34 CFR parts 658, 660, 661 describe the kinds of projects that the Secretary assists under the International Education Programs.

(Authority: 20 U.S.C. 1121-1127)

PART 656—NATIONAL RESOURCE CENTERS PROGRAM FOR FOREIGN LANGUAGE AND AREA STUDIES OR FOREIGN LANGUAGE AND INTERNATIONAL STUDIES

■ 4. The authority citation for part 656 continues to read as follows:

Authority: 20 U.S.C. 1122, unless otherwise noted.

§ 656.1 [Amended]

■ 5. Section 656.1 is amended in the introductory text by removing the word “combinations” and adding, in its place, the word “consortia”.

§ 656.2 [Amended]

■ 6. Section 656.2 is amended by removing the word “combination” and adding, in its place, the word “consortium”.

■ 7. Section 656.3 is amended by:

- A. Removing the word “and” at the end of paragraph (g).
- B. Removing the punctuation “.” at the end of paragraph (h) and adding, in its place, the punctuation “;”.
- C. Adding new paragraphs (i) and (j).
The additions read as follows:

§ 656.3 What activities define a comprehensive or undergraduate National Resource Center?

* * * * *

- (i) Supports instructors of the less commonly taught languages; and
 - (j) Encourages projects that support students in the science, technology, engineering, and mathematics fields to achieve foreign language proficiency.
- * * * * *

■ 8. Section 656.5 is amended by:

- A. Redesignating paragraphs (b)(3), (b)(4), and (b)(5) as paragraphs (b)(4), (b)(5), and (b)(6), respectively.
- B. Adding a new paragraph (b)(3).
- C. Revising newly redesignated paragraph (b)(4).

■ D. Revising newly redesignated paragraph (b)(6).

The revisions and additions read as follows:

§ 656.5 What activities may be carried out?

* * * * *

(b) * * *

(3) Linkage or outreach between or among—

(i) Postsecondary programs or departments in foreign language, area studies, or other international fields; and

(ii) State educational agencies or local educational agencies.

(4) Partnerships or programs of linkage and outreach with departments or agencies of Federal and State governments, including Federal or State scholarship programs for students in related areas.

* * * * *

(6) Summer institutes in area studies, foreign language, and other international fields designed to carry out the activities in paragraphs (b)(1) through (b)(5) of this section.

■ 9. Section 656.21 is amended by:

■ A. Removing the word “and” at the end of paragraph (c)(1).

■ B. Removing the punctuation “.” at the end of paragraph (c)(2) and adding, in its place, the punctuation “;”.

■ C. Adding new paragraphs (c)(3) and (c)(4).

The additions read as follows:

§ 656.21 What selection criteria does the Secretary use to evaluate an application for a comprehensive Center?

* * * * *

(c) * * *

(3) The degree to which activities of the Center address national needs, and generate information for and disseminate information to the public; and

(4) The applicant’s record of placing students into post-graduate employment, education, or training in areas of national need and the applicant’s stated efforts to increase the number of such students that go into such placements.

* * * * *

■ 10. Section 656.22 is amended by:

■ A. Removing the word “and” at the end of paragraph (c)(1).

■ B. Removing the punctuation “.” at the end of paragraph (c)(2), and adding, in its place, the punctuation “;”.

■ C. Adding new paragraphs (c)(3) and (c)(4).

The additions read as follows:

§ 656.22 What selection criteria does the Secretary use to evaluate an application for an undergraduate Center?

* * * * *

(c) * * *

(3) The degree to which activities of the Center address national needs, and generate information for and disseminate information to the public; and

(4) The applicant’s record of placing students into post-graduate employment, education, or training in areas of national need and the applicant’s stated efforts to increase the number of such students that go into such placements.

* * * * *

PART 657—FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS PROGRAM

■ 11. The authority citation for part 657 continues to read as follows:

Authority: 20 U.S.C. 1122, unless otherwise noted.

§ 657.1 [Amended]

■ 12. Section 657.1 is amended by adding the words “undergraduate or” before the word “graduate” in paragraph (a).

§ 657.2 [Amended]

■ 13. Section 657.2 is amended by removing the word “combination” in paragraph (a) introductory text and adding, in its place, the word “consortium”.

■ 14. Section 657.3 is amended by:

■ A. Removing the word “and” at the end of paragraph (c).

■ B. Removing the punctuation “.” at the end of paragraph (d) and adding, in its place, the punctuation “;”.

■ C. Adding new paragraphs (e) and (f).
The additions read as follows:

§ 657.3 Who is eligible to receive a fellowship?

* * * * *

(e) In the case of an undergraduate student, is in the intermediate or advanced study of a less commonly taught language; or

(f) In the case of a graduate student, is engaged in—

(1) Predissertation level study;

(2) Preparation for dissertation

research;

(3) Dissertation research abroad; or

(4) Dissertation writing.

* * * * *

■ 15. Section 657.21 is amended by:

■ A. Adding the words “undergraduate and” before the word “graduate” in paragraph (c)(1).

■ B. Removing the word “and” at the end of paragraph (c)(1).

■ C. Removing the punctuation “.” at the end of paragraph (c)(2), and adding, in its place, the punctuation “;”.

■ D. Adding new paragraphs (c)(3) and (c)(4).

■ E. Removing the word “graduate” from paragraphs (d)(2), (e)(1), (f)(4) and (h)(1).

The additions read as follows:

§ 657.21 What criteria does the Secretary use in selecting institutions for an allocation of fellowships?

* * * * *

(c) * * *

(3) The degree to which fellowships awarded by the applicant address national needs; and

(4) The applicant’s record of placing students into post-graduate employment, education, or training in areas of national need and the applicant’s stated efforts to increase the number of such students that go into such placements.

* * * * *

■ 16. Section 657.31 is amended by:

■ A. Revising paragraph (a)(4).

■ B. Adding a new paragraph (a)(5).

The revisions and addition read as follows:

§ 657.31 What is the amount of a fellowship?

(a) * * *

(4) If permitted by the Secretary, a stipend awarded to a graduate level recipient may include allowances for dependents and travel for research and study in the United States and abroad.

(5) A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—

(i) Are closely linked to the overall goals of the recipient’s course of study; and

(ii) Have the purpose of promoting foreign language fluency and knowledge of foreign cultures.

* * * * *

PART 658—UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAM

■ 17. The authority citation for part 658 continues to read as follows:

Authority: 20 U.S.C. 1124, unless otherwise noted.

§ 658.1 [Amended]

■ 18. Section 658.1 is amended by removing the word “combinations” each time it appears and adding, in its place, the word “consortia”.

§ 658.2 [Amended]

■ 19. Section 658.2(b) is amended by removing the word “combinations” and adding, in its place, the word “consortia”.

§ 658.10 [Amended]

- 20. Section 658.10(a) is amended by:
 - A. Removing the word “combination” and adding, in its place, the word “consortium”.
 - B. Removing the word “combinations” and adding, in its place, the word “consortia”.
- 21. Section 658.11 is amended by:
 - A. Revising paragraph (b)(5).
 - B. Redesignating paragraphs (j), (k), (l), and (m) as paragraphs (k), (l), (m), and (n), respectively.
 - C. Adding a new paragraph (j).

The additions and revisions read as follows:

§ 658.11 What projects and activities may a grantee conduct under this program?

- * * * * *
- (b) * * *
- (5) Conducting pre-service teacher training and in-service teacher professional development;
- * * * * *
- (j) Providing grants for educational programs abroad that—
- (1) Are closely linked to the program’s overall goals; and
 - (2) Have the purpose of promoting foreign language fluency and knowledge of world regions;
- * * * * *

§ 658.30 [Amended]

- 22. Section 658.30(a) is amended by removing the word “combination” and adding, in its place, the word “consortium”.

§ 658.32 [Amended]

- 23. Section 658.32, introductory text, is amended by removing the word “combination” and adding, in its place, the word “consortium”.

§ 658.35 [Amended]

- 24. Section 658.35(a) is amended by removing the word “combinations” and adding, in its place, the word “consortia”.
- 25. Section 658.40 is revised to read as follows:

§ 658.40 What are the limitations on allowable costs?

- (a) Equipment costs may not exceed five percent of the grant amount; and
 - (b) No more than ten percent of the total amount of grant funds awarded to a grantee under this part may be used for the activity described in § 658.11(j).
- (Authority: 20 U.S.C. 1124)

- 26. Section 658.41(d)(2) is revised to read as follows:

§ 658.41 What are the cost-sharing requirements?

- * * * * *
- (d) * * *
- (2) Have submitted a grant application under this part that demonstrates a need for a waiver or reduction.
- * * * * *

PART 660—THE INTERNATIONAL RESEARCH AND STUDIES PROGRAM

- 27. The authority citation for part 660 continues to read as follows:

Authority: 20 U.S.C. 1125, unless otherwise noted.

- 28. Section 660.1 is amended by:
 - A. Removing the word “and” at the end of paragraph (h).
 - B. Removing the punctuation “.” at the end of paragraph (i) and adding, in its place, the punctuation “;”.
 - C. Adding new paragraphs (j), (k), and (l).
- The additions read as follows:

§ 660.1 What is the International Research and Studies Program?

- * * * * *
- (j) Evaluations of the extent to which programs assisted under title VI of the HEA reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, as described in the grantee’s application;
- (k) Systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of title VI, part A of the HEA; and
- (l) Support for programs or activities to make data collected, analyzed, or

disseminated under this part publicly available and easy to understand.

* * * * *

- 29. Section 660.10 is amended by adding new paragraphs (k), (l) and (m) to read as follows:

§ 660.10 What activities does the Secretary assist?

* * * * *

(k) Evaluations of the extent to which programs assisted under title VI of the HEA reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, as described in the grantee’s application.

(l) Systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of title VI, part A of the HEA.

(m) Support for programs or activities to make data collected, analyzed, or disseminated under this part publicly available and easy to understand.

* * * * *

PART 661—BUSINESS AND INTERNATIONAL EDUCATION PROGRAM

- 30. The authority citation for part 661 continues to read as follows:

Authority: 20 U.S.C. 1130a, unless otherwise noted.

- 31. Section 661.20 is amended by adding a new paragraph (c).

The addition reads as follows:

§ 661.20 What must an application include?

* * * * *

(c) An assurance that, where applicable, the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.

* * * * *

THE GPRA OF 1993

One Hundred Third Congress
of the
United States of America

Begun and held at the City of Washington on Tuesday, the fifth day of January, one thousand nine hundred and ninety-three.

An Act

To provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Performance and Results Act of 1993".

SECTION 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

- (1) waste and inefficiency in Federal programs undermine the confidence of the American people in the Government and reduces the Federal Government's ability to address adequately vital public needs;
- (2) Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness, because of insufficient articulation of program goals and inadequate information on program performance; and
- (3) congressional policymaking, spending decisions and program oversight are seriously handicapped by insufficient attention to program performance and results.

(b) Purposes.—The purposes of this Act are to—

- (1) improve the confidence of the American people in the capability of the Federal Government, by systematically holding Federal agencies accountable for achieving program results;
- (2) initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;
- (3) improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction;
- (4) help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;
- (5) improve congressional decisionmaking by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and

(6) improve internal management of the Federal Government.

SECTION 3. STRATEGIC PLANNING.

Chapter 3 of title 5, United States Code, is amended by adding after section 305 the following new section:

"Sec. 306. Strategic plans

"(a) No later than September 30, 1997, the head of each agency shall submit to the Director of the Office of Management and Budget and to the Congress a strategic plan for program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the agency;

"(2) general goals and objectives, including outcome– related goals and objectives, for the major functions and operations of the agency;

"(3) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan required by section 1115(a) of title 31 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required by section 1115 of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the agency shall consult with the Congress, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan.

"(e) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

"(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, the United States Postal Service, and the Postal Rate Commission."

SECTION 4. ANNUAL PERFORMANCE PLANS AND REPORTS.

(a) Budget Contents and Submission to Congress.–Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115."

(b) Performance Plans and Reports.–Chapter 11 of title 31, United States Code, is amended by adding after section 1114 the following new sections:

"Sec. 1115. Performance plans

"(a) In carrying out the provisions of section 1105(a)(29), the Director of the Office of Management and Budget shall require each agency to prepare an annual performance plan covering each program activity set forth in the budget of such agency. Such plan shall–

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (b);

"(3) briefly describe the operational processes, skills and technology, and the human, capital, information, or other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall–

"(1) include separate descriptive statements of–

"(A)(i) a minimally effective program, and

"(ii) a successful program, or

"(B) such alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

"(d) An agency may submit with its annual performance plan an appendix covering any portion of the plan that—

"(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

"(2) is properly classified pursuant to such Executive order.

"(e) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

"(f) For purposes of this section and sections 1116 through 1119, and sections 9703 and 9704 the term—

"(1) 'agency' has the same meaning as such term is defined under section 306(f) of title 5;

"(2) 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

"(3) 'output measure' means the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(4) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

"(5) 'performance indicator' means a particular value or characteristic used to measure output or outcome;

"(6) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

"(7) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.

"Sec. 1116. Program performance reports

"(a) No later than March 31, 2000, and no later than March 31 of each year thereafter, the head of each agency shall prepare and submit to the President and the Congress, a report on program performance for the previous fiscal year.

"(b)(1) Each program performance report shall set forth the performance indicators established in the agency performance plan under section 1115, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified in an alternative form under section 1115(b), the results of such program shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall–

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(b)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)–

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

"(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title; and

"(5) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

"(e) An agency head may include all program performance information required annually under this section in an annual financial statement required under section 3515 if any such statement is submitted to the Congress no later than March 31 of the applicable fiscal year.

"(f) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of program performance reports under this section shall be performed only by Federal employees.

"Sec. 1117. Exemption

"The Director of the Office of Management and Budget may exempt from the requirements of sections 1115 and 1116 of this title and section 306 of title 5, any agency with annual outlays of \$20,000,000 or less."

SECTION 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.

(a) Managerial Accountability and Flexibility.—Chapter 97 of title 31, United States Code, is amended by adding after section 9702, the following new section:

"Sec. 9703. Managerial accountability and flexibility

"(a) Beginning with fiscal year 1999, the performance plans required under section 1115 may include proposals to waive administrative procedural requirements and controls, including specification of personnel staffing levels, limitations on compensation or remuneration, and prohibitions or restrictions on funding transfers among budget object classification 20 and subclassifications 11, 12, 31, and 32 of each annual budget submitted under section 1105, in return for specific individual or organization accountability to achieve a performance goal. In preparing and submitting the performance plan under section 1105(a)(29), the Director of the Office of Management and Budget shall review and may approve any proposed waivers. A waiver shall take effect at the beginning of the fiscal year for which the waiver is approved.

"(b) Any such proposal under subsection (a) shall describe the anticipated effects on performance resulting from greater managerial or organizational flexibility, discretion, and authority, and shall quantify the expected improvements in performance resulting from any waiver. The expected improvements shall be compared to current actual performance, and to the projected level of performance that would be achieved independent of any waiver.

"(c) Any proposal waiving limitations on compensation or remuneration shall precisely express the monetary change in compensation or remuneration amounts, such as bonuses or awards, that shall result from meeting, exceeding, or failing to meet performance goals.

"(d) Any proposed waiver of procedural requirements or controls imposed by an agency (other than the proposing agency or the Office of Management and Budget) may not be included in a performance plan unless it is endorsed by the agency that established the requirement, and the endorsement included in the proposing agency's performance plan.

"(e) A waiver shall be in effect for one or two years as specified by the Director of the Office of Management and Budget in approving the waiver. A waiver may be renewed for a subsequent year. After a waiver has been in effect for three consecutive years, the performance plan prepared under section 1115 may propose that a waiver, other than a waiver of limitations on compensation or remuneration, be made permanent.

"(f) For purposes of this section, the definitions under section 1115(f) shall apply."

SECTION 6. PILOT PROJECTS.

(a) Performance Plans and Reports.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1117 (as added by section 4 of this Act) the following new section:

"Sec. 1118. Pilot projects for performance goals

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than ten agencies as pilot projects in performance measurement for fiscal years

1994, 1995, and 1996. The selected agencies shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall undertake the preparation of performance plans under section 1115, and program performance reports under section 1116, other than section 1116(c), for one or more of the major functions and operations of the agency. A strategic plan shall be used when preparing agency performance plans during one or more years of the pilot period.

"(c) No later than May 1, 1997, the Director of the Office of Management and Budget shall submit a report to the President and to the Congress which shall—

"(1) assess the benefits, costs, and usefulness of the plans and reports prepared by the pilot agencies in meeting the purposes of the Government Performance and Results Act of 1993;

"(2) identify any significant difficulties experienced by the pilot agencies in preparing plans and reports; and

"(3) set forth any recommended changes in the requirements of the provisions of Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1119 and 9703 of this title, and this section."

(b) Managerial Accountability and Flexibility.—Chapter 97 of title 31, United States Code, is amended by inserting after section 9703 (as added by section 5 of this Act) the following new section:

"Sec. 9704. Pilot projects for managerial accountability and flexibility

"(a) The Director of the Office of Management and Budget shall designate not less than five agencies as pilot projects in managerial accountability and flexibility for fiscal years 1995 and 1996. Such agencies shall be selected from those designated as pilot projects under section 1118 and shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall include proposed waivers in accordance with section 9703 for one or more of the major functions and operations of the agency.

"(c) The Director of the Office of Management and Budget shall include in the report to the President and to the Congress required under section 1118(c)—

"(1) an assessment of the benefits, costs, and usefulness of increasing managerial and organizational flexibility, discretion, and authority in exchange for improved performance through a waiver; and

"(2) an identification of any significant difficulties experienced by the pilot agencies in preparing proposed waivers.

"(d) For purposes of this section the definitions under section 1115(f) shall apply."

(c) Performance Budgeting.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1118 (as added by section 6 of this Act) the following new section:

"Sec. 1119. Pilot projects for performance budgeting

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency shall designate not less than five agencies as pilot projects in performance budgeting for fiscal years 1998 and 1999. At least three of the agencies shall be selected from those designated as pilot projects under section 1118, and shall also reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall cover the preparation of performance budgets. Such budgets shall present, for one or more of the major functions and operations of the agency, the varying levels of performance, including outcome-related performance, that would result from different budgeted amounts.

"(c) The Director of the Office of Management and Budget shall include, as an alternative budget presentation in the budget submitted under section 1105 for fiscal year 1999, the performance budgets of the designated agencies for this fiscal year.

"(d) No later than March 31, 2001, the Director of the Office of Management and Budget shall transmit a report to the President and to the Congress on the performance budgeting pilot projects which shall-

"(1) assess the feasibility and advisability of including a performance budget as part of the annual budget submitted under section 1105;

"(2) describe any difficulties encountered by the pilot agencies in preparing a performance budget;

"(3) recommend whether legislation requiring performance budgets should be proposed and the general provisions of any legislation; and

"(4) set forth any recommended changes in the other requirements of the Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, and 9703 of this title, and this section.

"(e) After receipt of the report required under subsection (d), the Congress may specify that a performance budget be submitted as part of the annual budget submitted under section 1105."

SECTION 7. UNITED STATES POSTAL SERVICE.

Part III of title 39, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 28--STRATEGIC PLANNING AND PERFORMANCE MANAGEMENT

"Sec.

"2801. Definitions.

"2802. Strategic plans.

"2803. Performance plans.

"2804. Program performance reports.

"2805. Inherently Governmental functions.

"Sec. 2801. Definitions

"For purposes of this chapter the term–

"(1) 'outcome measure' refers to an assessment of the results of a program activity compared to its intended purpose;

"(2) 'output measure' refers to the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(3) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement shall be compared, including a goal expressed as a quantitative standard, value, or rate;

"(4) 'performance indicator' refers to a particular value or characteristic used to measure output or outcome;

"(5) 'program activity' means a specific activity related to the mission of the Postal Service; and

"(6) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Postal Service programs achieve intended objectives.

"Sec. 2802. Strategic plans

"(a) No later than September 30, 1997, the Postal Service shall submit to the President and the Congress a strategic plan for its program activities. Such plan shall contain–

"(1) a comprehensive mission statement covering the major functions and operations of the Postal Service;

"(2) general goals and objectives, including outcome– related goals and objectives, for the major functions and operations of the Postal Service;

"(3) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan required under section 2803 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the Postal Service and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required under section 2803 shall be consistent with the Postal Service's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the Postal Service shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan, and shall advise the Congress of the contents of the plan.

"Sec. 2803. Performance plans

"(a) The Postal Service shall prepare an annual performance plan covering each program activity set forth in the Postal Service budget, which shall be included in the comprehensive statement presented under section 2401(g) of this title. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless an alternative form is used under subsection (b);

"(3) briefly describe the operational processes, skills and technology, and the human, capital, information, or other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If the Postal Service determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Postal Service may use an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A) a minimally effective program, and

"(B) a successful program,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of either description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) In preparing a comprehensive and informative plan under this section, the Postal Service may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation.

"(d) The Postal Service may prepare a non-public annex to its plan covering program activities or parts of program activities relating to-

"(1) the avoidance of interference with criminal prosecution; or

"(2) matters otherwise exempt from public disclosure under section 410(c) of this title.

"Sec. 2804. Program performance reports

"(a) The Postal Service shall prepare a report on program performance for each fiscal year, which shall be included in the annual comprehensive statement presented under section 2401(g) of this title.

"(b)(1) The program performance report shall set forth the performance indicators established in the Postal Service performance plan, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified by descriptive statements of a minimally effective program activity and a successful program activity, the results of such program shall be described in relationship to those categories, including whether the performance failed to meet the criteria of either category.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall-

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved towards the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 2803(b)(2))-

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended; and

"(4) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

"Sec. 2805. Inherently Governmental functions

"The functions and activities of this chapter shall be considered to be inherently Governmental functions. The drafting of strategic plans, performance plans, and program performance reports under this section shall be performed only by employees of the Postal Service."

SECTION 8. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) In General.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a performance goal. Any such action shall have the effect of superseding that goal in the plan submitted under section 1105(a)(29) of title 31, United States Code.

(b) GAO Report.—No later than June 1, 1997, the Comptroller General of the United States shall report to Congress on the implementation of this Act, including the prospects for compliance by Federal agencies beyond those participating as pilot projects under sections 1118 and 9704 of title 31, United States Code.

SECTION 9. TRAINING.

The Office of Personnel Management shall, in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States, develop a strategic planning and performance measurement training component for its management training program and otherwise provide managers with an orientation on the development and use of strategic planning and program performance measurement.

SECTION 10. APPLICATION OF ACT.

No provision or amendment made by this Act may be construed as—

(1) creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person who is not an officer or employee of the United States acting in such capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act; or

(2) superseding any statutory requirement, including any requirement under section 553 of title 5, United States Code.

SECTION 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Amendment to Title 5, United States Code.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding after the item relating to section 305 the following:

"306. Strategic plans."

(b) Amendments to Title 31, United States Code.—

(1) Amendment to chapter 11.—The table of sections for chapter 11 of title 31, United States Code, is amended by adding after the item relating to section 1114 the following:

"1115. Performance plans.

"1116. Program performance reports.

"1117. Exemptions.

"1118. Pilot projects for performance goals.

"1119. Pilot projects for performance budgeting.".

(2) Amendment to chapter 97.—The table of sections for chapter 97 of title 31, United States Code, is amended by adding after the item relating to section 9702 the following:

"9703. Managerial accountability and flexibility.

"9704. Pilot projects for managerial accountability and flexibility.".

(c) Amendment to Title 39, United States Code.—The table of chapters for part III of title 39, United States Code, is amended by adding at the end thereof the following new item:

"28. Strategic planning and performance management 2801".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

THE HIGHER EDUCATION ACT OF
1965, AS AMENDED, TITLE VI PART A –
INTERNATIONAL AND FOREIGN
LANGUAGE STUDIES, SECTION 602(A)
NATIONAL LANGUAGE AND AREA
CENTERS AND PROGRAMS; SECTION
602(B) GRADUATE FELLOWSHIPS FOR
FOREIGN LANGUAGE AND AREA OR
INTERNATIONAL STUDIES

1998 Amendments to the Higher Education Act of 1965

P.L. 105-244

TITLE VI--INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

Part A of title VI (20 U.S.C. 1121 et seq.) is amended to read as follows:

PART A--INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.

(a) NATIONAL LANGUAGE AND AREA CENTERS AND PROGRAMS AUTHORIZED-

(1) CENTERS AND PROGRAMS-

(A) IN GENERAL- The Secretary is authorized--

(i) to make grants to institutions of higher education, or combinations thereof, for the purpose of establishing, strengthening, and operating comprehensive foreign language and area or international studies centers and programs; and

(ii) to make grants to such institutions or combinations for the purpose of establishing, strengthening, and operating a diverse network of undergraduate foreign language and area or international studies centers and programs.

(B) NATIONAL RESOURCES- The centers and programs referred to in paragraph (1) shall be national resources for--

(i) teaching of any modern foreign language;

(ii) instruction in fields needed to provide full understanding of areas, regions, or countries in which such language is commonly used;

(iii) research and training in international studies, and the international and foreign language aspects of professional and other fields of study; and

(iv) instruction and research on issues in world affairs that concern one or more countries.

(2) AUTHORIZED ACTIVITIES- Any such grant may be used to pay all or part of the cost of establishing or operating a center or program, including the cost of--

(A) teaching and research materials;

(B) curriculum planning and development;

(C) establishing and maintaining linkages with overseas institutions of higher education and other organizations that may contribute to the teaching and research of the center or program;

(D) bringing visiting scholars and faculty to the center to teach or to conduct research;

`(E) professional development of the center's faculty and staff;

`(F) projects conducted in cooperation with other centers addressing themes of world regional, cross-regional, international, or global importance;

`(G) summer institutes in the United States or abroad designed to provide language and area training in the center's field or topic; and

`(H) support for faculty, staff, and student travel in foreign areas, regions, or countries, and for the development and support of educational programs abroad for students.

`(3) GRANTS TO MAINTAIN LIBRARY COLLECTIONS- The Secretary may make grants to centers described in paragraph (1) having important library collections, as determined by the Secretary, for the maintenance of such collections.

`(4) OUTREACH GRANTS AND SUMMER INSTITUTES- The Secretary may make additional grants to centers described in paragraph (1) for any one or more of the following purposes:

`(A) Programs of linkage or outreach between foreign language, area studies, or other international fields, and professional schools and colleges.

`(B) Programs of linkage or outreach with 2- and 4-year colleges and universities.

`(C) Programs of linkage or outreach with departments or agencies of Federal and State governments.

`(D) Programs of linkage or outreach with the news media, business, professional, or trade associations.

`(E) Summer institutes in foreign area, foreign language, and other international fields designed to carry out the programs of linkage and outreach described in subparagraphs (A), (B), (C), and (D).

`(b) GRADUATE FELLOWSHIPS FOR FOREIGN LANGUAGE AND AREA OR INTERNATIONAL STUDIES-

`(1) IN GENERAL- The Secretary is authorized to make grants to institutions of higher education or combinations of such institutions for the purpose of paying stipends to individuals undergoing advanced training in any center or program approved by the Secretary.

`(2) ELIGIBLE STUDENTS- Students receiving stipends described in paragraph (1) shall be individuals who are engaged in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program, including predissertation level studies, preparation for dissertation research, dissertation research abroad, and dissertation writing.

34 CFR PART 656 NATIONAL
RESOURCE CENTERS PROGRAM FOR
FOREIGN LANGUAGE AND AREA
STUDIES OR FOREIGN LANGUAGE
AND INTERNATIONAL STUDIES,
SECTIONS 656.1 THROUGH 656.7,
656.10, 656.20 THROUGH 656.23 AND
656.30

e-CFR Data is current as of September 28, 2009

Authority: 20 U.S.C. 1122, unless otherwise noted.

Source: 61 FR 50193, Sept. 24, 1996, unless otherwise noted.

Subpart A—General

§ 656.1 What is the National Resource Centers Program?

Under the National Resource Centers Program for Foreign Language and Areas Studies or Foreign Language and International Studies (National Resource Centers Program), the Secretary awards grants to institutions of higher education and consortia of institutions to establish, strengthen, and operate comprehensive and undergraduate Centers that will be national resources for—

- (a) Teaching of any modern foreign language;
- (b) Instruction in fields needed to provide full understanding of areas, regions, or countries in which the modern foreign language is commonly used;
- (c) Research and training in international studies and the international and foreign language aspects of professional and other fields of study; and
- (d) Instruction and research on issues in world affairs that concern one or more countries.

(Authority: 20 U.S.C. 1122)

[61 FR 50193, Sept. 24, 1996, as amended at 64 FR 7739, Feb. 16, 1999; 74 FR 35072, July 17, 2009]

§ 656.2 Who is eligible to receive a grant?

[↑ top](#)

An institution of higher education or a consortium of institutions of higher education is eligible to receive a grant under this part.

(Authority: 20 U.S.C. 1122)

[61 FR 50193, Sept. 24, 1996, as amended at 74 FR 35072, July 17, 2009]

§ 656.3 What activities define a comprehensive or undergraduate National Resource Center?

A comprehensive or undergraduate National Resource Center—

- (a) Teaches at least one modern foreign language;
- (b) Provides—
 - (1) Instruction in fields necessary to provide a full understanding of the areas, regions, or countries in which the modern foreign language taught is commonly used;
 - (2) Resources for research and training in international studies, and the international and foreign language aspects of professional and other fields of study; or

- (3) Instruction and research on issues in world affairs that concern one or more countries;
- (c) Provides outreach and consultative services on a national, regional, and local basis;
- (d) Maintains linkages with overseas institutions of higher education and other organizations that may contribute to the teaching and research of the Center;
- (e) Maintains important library collections;
- (f) Employs faculty engaged in training and research that relates to the subject area of the Center;
- (g) Conducts projects in cooperation with other centers addressing themes of world, regional, cross-regional, international, or global importance;
- (h) Conducts summer institutes in the United States or abroad designed to provide language and area training in the Center's field or topic;
- (i) Supports instructors of the less commonly taught languages; and
- (j) Encourages projects that support students in the science, technology, engineering, and mathematics fields to achieve foreign language proficiency.

(Authority: 20 U.S.C. 1122)

[64 FR 7739, Feb. 16, 1999, as amended at 74 FR 35072, July 17, 2009]

§ 656.4 What types of Centers receive grants?

The Secretary awards grants to Centers that—

(a) Focus on—

(1) A single country or on a world area (such as East Asia, Africa, or the Middle East) and offer instruction in the principal language or languages of that country or area and those disciplinary fields necessary to provide a full understanding of the country or area; or

(2) International studies or the international aspects of contemporary issues or topics (such as international business or energy) while providing instruction in modern foreign languages; and

(b) Provide training at the—

(1) Graduate, professional, and undergraduate levels, as a comprehensive Center; or

(2) Undergraduate level only, as an undergraduate Center.

(Authority: 20 U.S.C. 1122)

§ 656.5 What activities may be carried out?

(a) A Center may carry out any of the activities described in §656.3 under a grant received under this part.

(b) The Secretary may make an additional grant to a Center for any one or a combination of the following purposes:

(1) Linkage or outreach between foreign language, area studies, and other international fields and professional schools and colleges.

(2) Linkage or outreach with 2- and 4-year colleges and universities.

(3) Linkage or outreach between or among—

(i) Postsecondary programs or departments in foreign language, area studies, or other international fields; and

(ii) State educational agencies or local educational agencies.

(4) Partnerships or programs of linkage and outreach with departments or agencies of Federal and State governments, including Federal or State scholarship programs for students in related areas.

(5) Linkage or outreach with the news media, business, professional, or trade associations.

(6) Summer institutes in area studies, foreign Language, and other international fields designed to carry out the activities in paragraphs (b)(1) through (b)(5) of this section.

(Authority: 20 U.S.C. 1122)

[61 FR 50193, Sept. 24, 1996, as amended at 64 FR 7739, Feb. 16, 1999; 74 FR 35072, July 17, 2009]

§ 656.6 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 656.

(Authority: 20 U.S.C. 1122)

§ 656.7 What definitions apply?

The following definitions apply to this part:

(a) The definitions in 34 CFR part 655.

(b) *Area studies* means a program of comprehensive study of the aspects of a world area's society or societies, including study of history, culture, economy, politics, international relations, and languages.

(c) *Center* means an administrative unit of an institution of higher education that has direct access to highly qualified faculty and library resources, and coordinates a concentrated effort of educational resources, including language training and various academic disciplines, in the area and subject matters described in §656.3.

(d) *Comprehensive Center* means a Center that—

(1) Contributes significantly to the national interest in advanced research and scholarship;

(2) Offers intensive language instruction;

(3) Maintains important library collections related to the area of its specialization;

(4) Makes training available to a graduate, professional, and undergraduate clientele; and

(5) Engages in curriculum development and community outreach.

(e) For purposes of this section, *intensive language instruction* means instruction of at least five contact hours per week during the academic year or the equivalent of a full academic year of language instruction during the summer.

(f) *Undergraduate Center* means an administrative unit of an institution of higher education that—

(1) Contributes significantly to the national interest through the education of students who matriculate into advanced language and area studies programs or professional school programs;

(2) Incorporates substantial international and foreign language content into baccalaureate degree program;

(3) Makes training available predominantly to undergraduate students; and

(4) Engages in research, curriculum development, and community outreach.

(Authority: 20 U.S.C. 1122)

Subpart B—How Does One Apply for a Grant?

§ 656.10 What combined application may an institution submit?

An institution that wishes to apply for a grant under this part and for an allocation of fellowships under 34 CFR part 657 may submit one application for both.

(Authority: 20 U.S.C. 1122)

Subpart C—How Does the Secretary Make a Grant?

§ 656.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a comprehensive Center under the criteria contained in §656.21, and for an undergraduate Center under the criteria contained in §656.22.

(b) The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

(Authority: 20 U.S.C. 1122)

[61 FR 50193, Sept. 24, 1996, as amended at 70 FR 13375, Mar. 21, 2005]

§ 656.21 What selection criteria does the Secretary use to evaluate an application for a comprehensive Center?

The Secretary evaluates an application for a comprehensive Center on the basis of the criteria in this section.

(a) *Program planning and budget.* The Secretary reviews each application to determine—

(1) The extent to which the activities for which the applicant seeks funding are of high quality and directly related to the purpose of the National Resource Centers Program;

(2) The extent to which the applicant provides a development plan or timeline demonstrating how the proposed activities will contribute to a strengthened program and whether the applicant uses its resources and personnel effectively to achieve the proposed objectives;

(3) The extent to which the costs of the proposed activities are reasonable in relation to the objectives of the program; and

(4) The long-term impact of the proposed activities on the institution's undergraduate, graduate, and professional training programs.

(b) *Quality of staff resources.* The Secretary reviews each application to determine—

(1) The extent to which teaching faculty and other staff are qualified for the current and proposed Center activities and training programs, are provided professional development opportunities (including overseas experience), and participate in teaching, supervising, and advising students;

(2) The adequacy of Center staffing and oversight arrangements, including outreach and administration and the extent to which faculty from a variety of departments, professional schools, and the library are involved; and

(3) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly.

(c) *Impact and evaluation.* The Secretary reviews each application to determine—

(1) The extent to which the Center's activities and training programs have a significant impact on the university, community, region, and the Nation as shown through indices such as enrollments, graduate placement data, participation rates for events, and usage of Center resources; and the extent to which the applicant supplies a clear description of how the applicant will provide equal access and treatment of eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly;

(2) The extent to which the applicant provides an evaluation plan that is comprehensive and objective and that will produce quantifiable, outcome-measure-oriented data; and the extent to which recent evaluations have been used to improve the applicant's program;

(3) The degree to which activities of the Center address national needs, and generate information for and disseminate information to the public; and

(4) The applicant's record of placing students into post-graduate employment, education, or training in areas of national need and the applicant's stated efforts to increase the number of such students that go into such placements.

(d) *Commitment to the subject area on which the Center focuses.* The Secretary reviews each application to determine the extent to which the institution provides financial and other support to the operation of the Center, teaching staff for the Center's subject area, library resources, linkages with institutions abroad, outreach activities, and qualified students in fields related to the Center.

(e) *Strength of library.* The Secretary reviews each application to determine—

(1) The strength of the institution's library holdings (both print and non-print, English and foreign language) in the subject area and at the educational levels (graduate, professional, undergraduate) on which the Center focuses; and the extent to which the institution provides financial support for the acquisition of library materials and for library staff in the subject area of the Center; and

(2) The extent to which research materials at other institutions are available to students through cooperative arrangements with other libraries or on-line databases and the extent to which teachers, students, and faculty from other institutions are able to access the library's holdings.

(f) *Quality of the Center's non-language instructional program.* The Secretary reviews each application to determine—

(1) The quality and extent of the Center's course offerings in a variety of disciplines, including the extent to which courses in the Center's subject matter are available in the institution's professional schools;

(2) The extent to which the Center offers depth of specialized course coverage in one or more disciplines of the Center's subject area;

(3) The extent to which the institution employs a sufficient number of teaching faculty to enable the Center to carry out its purposes and the extent to which instructional assistants are provided with pedagogy training; and

(4) The extent to which interdisciplinary courses are offered for undergraduate and graduate students.

(g) *Quality of the Center's language instructional program.* The Secretary reviews each application to determine—

(1) The extent to which the Center provides instruction in the languages of the Center's subject area and the extent to which students enroll in the study of the languages of the subject area through programs or instruction offered by the Center or other providers;

(2) The extent to which the Center provides three or more levels of language training and the extent to which courses in disciplines other than language, linguistics, and literature are offered in appropriate foreign languages;

(3) Whether sufficient numbers of language faculty are available to teach the languages and levels of instruction described in the application and the extent to which language teaching staff (including faculty and instructional assistants) have been exposed to current language pedagogy training appropriate for performance-based teaching; and

(4) The quality of the language program as measured by the performance-based instruction being used or developed, the adequacy of resources for language teaching and practice, and language proficiency requirements.

(h) *Quality of curriculum design.* The Secretary reviews each application to determine—

(1) The extent to which the Center's curriculum has incorporated undergraduate instruction in the applicant's area or topic of specialization into baccalaureate degree programs (for example, major, minor, or certificate programs) and the extent to which these programs and their requirements (including language requirements) are appropriate for a Center in this subject area and will result in an undergraduate training program of high quality;

(2) The extent to which the Center's curriculum provides training options for graduate students from a variety of disciplines and professional fields and the extent to which these programs and their requirements (including language requirements) are appropriate for a Center in this subject area and result in graduate training programs of high quality; and

(3) The extent to which the Center provides academic and career advising services for students; the extent to which the Center has established formal arrangements for students to conduct research or study abroad and the extent to which these arrangements are used; and the extent to which the institution facilitates student access to other institutions' study abroad and summer language programs.

(i) *Outreach activities.* The Secretary reviews each application to determine the extent to which the Center demonstrates a significant and measurable regional and national impact of, and faculty and professional school involvement in, domestic outreach activities that involve—

(1) Elementary and secondary schools;

(2) Postsecondary institutions; and

(3) Business, media, and the general public.

(j) *Degree to which priorities are served.* If, under the provisions of §656.23, the Secretary establishes competitive priorities for Centers, the Secretary considers the degree to which those priorities are being served.

(Approved by the Office of Management and Budget under control number 1840–0068)

(Authority: 20 U.S.C. 1122)

[61 FR 50193, Sept. 24, 1996, as amended at 70 FR 13375, Mar. 21, 2005; 74 FR 35073, July 17, 2009]

§ 656.22 What selection criteria does the Secretary use to evaluate an application for an undergraduate Center?

The Secretary evaluates an application for an undergraduate Center on the basis of the criteria in this section.

(a) *Program planning and budget.* The Secretary reviews each application to determine—

(1) The extent to which the activities for which the applicant seeks funding are of high quality and directly related to the purpose of the National Resource Centers Program;

(2) The extent to which the applicant provides a development plan or timeline demonstrating how the proposed activities will contribute to a strengthened program and whether the applicant uses its resources and personnel effectively to achieve the proposed objectives;

(3) The extent to which the costs of the proposed activities are reasonable in relation to the objectives of the program; and

(4) The long-term impact of the proposed activities on the institution's undergraduate training program.

(b) *Quality of staff resources.* The Secretary reviews each application to determine—

(1) The extent to which teaching faculty and other staff are qualified for the current and proposed Center activities and training programs, are provided professional development opportunities (including overseas experience), and participate in teaching, supervising, and advising students;

(2) The adequacy of Center staffing and oversight arrangements, including outreach and administration and the extent to which faculty from a variety of departments, professional schools, and the library are involved; and

(3) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly.

(c) *Impact and evaluation.* The Secretary reviews each application to determine—

(1) The extent to which the Center's activities and training programs have a significant impact on the university, community, region, and the Nation as shown through indices such as enrollments, graduate placement data, participation rates for events, and usage of Center resources; the extent to which students matriculate into advanced language and area or international studies programs or related professional programs; and the extent to which the applicant supplies a clear description of how the applicant will provide equal access and treatment of eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly;

(2) The extent to which the applicant provides an evaluation plan that is comprehensive and objective and that will produce quantifiable, outcome-measure-oriented data; and the extent to which recent evaluations have been used to improve the applicant's program;

(3) The degree to which activities of the Center address national needs, and generate information for and disseminate information to the public; and

(4) The applicant's record of placing students into post-graduate employment, education, or training in areas of national need and the applicant's stated efforts to increase the number of such students that go into such placements.

(d) *Commitment to the subject area on which the Center focuses.* The Secretary reviews each application to determine the extent to which the institution provides financial and other support to the operation of the Center, teaching staff for the Center's subject area, library resources, linkages with institutions abroad, outreach activities, and qualified students in fields related to the Center.

(e) *Strength of library.* The Secretary reviews each application to determine—

(1) The strength of the institution's library holdings (both print and non-print, English and foreign language) in the subject area and at the educational levels (graduate, professional, undergraduate) on which the Center focuses; and the extent to which the institution provides financial support for the acquisition of library materials and for library staff in the subject area of the Center; and

(2) The extent to which research materials at other institutions are available to students through cooperative arrangements with other libraries or on-line databases and the extent to which teachers, students, and faculty from other institutions are able to access the library's holdings.

(f) *Quality of the Center's non-language instructional program.* The Secretary reviews each application to determine—

(1) The quality and extent of the Center's course offerings in a variety of disciplines;

(2) The extent to which the Center offers depth of specialized course coverage in one or more disciplines of the Center's subject area;

(3) The extent to which the institution employs a sufficient number of teaching faculty to enable the Center to carry out its purposes and the extent to which instructional assistants are provided with pedagogy training; and

(4) The extent to which interdisciplinary courses are offered for undergraduate students.

(g) *Quality of the Center's language instructional program.* The Secretary reviews each application to determine—

(1) The extent to which the Center provides instruction in the languages of the Center's subject area and the extent to which students enroll in the study of the languages of the subject area through programs offered by the Center or other providers;

(2) The extent to which the Center provides three or more levels of language training and the extent to which courses in disciplines other than language, linguistics, and literature are offered in appropriate foreign languages;

(3) Whether sufficient numbers of language faculty are available to teach the languages and levels of instruction described in the application and the extent to which language teaching staff (including faculty and instructional assistants) have been exposed to current language pedagogy training appropriate for performance-based teaching; and

(4) The quality of the language program as measured by the performance-based instruction being used or developed, the adequacy of resources for language teaching and practice, and language proficiency requirements.

(h) *Quality of curriculum design.* The Secretary reviews each application to determine—

(1) The extent to which the Center's curriculum has incorporated undergraduate instruction in the applicant's area or topic of specialization into baccalaureate degree programs (for example, major, minor, or certificate programs) and the extent to which these programs and their requirements (including language requirements) are appropriate for a Center in this subject area and will result in an undergraduate training program of high quality; and

(2) The extent to which the Center provides academic and career advising services for students; the extent to which the Center has established formal arrangements for students to conduct research or study abroad and the extent to which these arrangements are used; and the extent to which the institution facilitates student access to other institutions' study abroad and summer language programs.

(i) *Outreach activities.* The Secretary reviews each application to determine the extent to which the Center demonstrates a significant and measurable regional and national impact of, and faculty and professional school involvement in, domestic outreach activities that involve—

(1) Elementary and secondary schools;

(2) Postsecondary institutions; and

(3) Business, media and the general public.

(j) *Degree to which priorities are served.* If, under the provisions of §656.23, the Secretary establishes competitive priorities for Centers, the Secretary considers the degree to which those priorities are being served.

(Approved by the Office of Management and Budget under control number 1840–0068)

(Authority: 20 U.S.C. 1122)

[61 FR 50193, Sept. 24, 1996, as amended at 70 FR 13375, Mar. 21, 2005; 74 FR 35073, July 17, 2009]

§ 656.23 What priorities may the Secretary establish?

(a) The Secretary may select one or more of the following funding priorities:

(1) Specific countries or world areas, such as, for example, East Asia, Africa, or the Middle East.

(2) Specific focus of a Center, such as, for example, a single world area; international studies; a particular issue or topic, e.g., business, development issues, or energy; or any combination.

(3) Level or intensiveness of language instruction, such as intermediate or advanced language instruction, or instruction at an intensity of 10 contact hours or more per week.

(4) Types of activities to be carried out, for example, cooperative summer intensive language programs, course development, or teacher training activities.

(b) The Secretary may select one or more of the activities listed in §656.5 as a funding priority.

(c) The Secretary announces any priorities in the application notice published in the Federal Register.

(Authority: 20 U.S.C. 1122)

Subpart D—What Conditions Must Be Met By a Grantee?

§ 656.30 What are allowable costs and limitations on allowable costs?

(a) *Allowable costs.* Except as provided under paragraph (b) of this section, a grant awarded under this part may be used to pay all or part of the cost of establishing, strengthening, or operating a comprehensive or undergraduate Center including, but not limited to, the cost of—

- (1) Faculty and staff salaries and travel;
- (2) Library acquisitions;
- (3) Teaching and research materials;
- (4) Curriculum planning and development;
- (5) Bringing visiting scholars and faculty to the Center to teach, conduct research, or participate in conferences or workshops;
- (6) Training and improvement of staff;
- (7) Projects conducted in cooperation with other centers addressing themes of world, regional, cross-regional, international, or global importance; and
- (8) Summer institutes in the United States or abroad designed to provide language and area training in the Center's field or topic.

(b) *Limitations on allowable costs.* The following are limitations on allowable costs:

- (1) Equipment costs exceeding 10 percent of the grant are not allowable.
- (2) Funds for undergraduate travel are allowable only in conjunction with a formal program of supervised study in the subject area on which the Center focuses.
- (3) Grant funds may not be used to supplant funds normally used by applicants for purposes of this part.

(Authority: 20 U.S.C. 1122)

[61 FR 50193, Sept. 24, 1996, as amended at 64 FR 7739, Feb. 16, 1999]

34 CFR PART 657 FOREIGN
LANGUAGE AND AREA STUDIES
FELLOWSHIPS PROGRAM, SECTIONS
657.1 THROUGH 657.5, 657.10, 657.11,
657.20 THROUGH 657.22, AND 657.31
THROUGH 657.34

e-CFR Data is current as of September 29, 2009

Title 34: Education

PART 657—FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS PROGRAM

Section Contents

Subpart A—General

§ 657.1 What is the Foreign Language and Area Studies Fellowships Program?

§ 657.2 Who is eligible to receive an allocation of fellowships?

§ 657.3 Who is eligible to receive a fellowship?

§ 657.4 What regulations apply?

§ 657.5 What definitions apply?

Subpart B—How Does an Institution or a Student Submit an Application?

§ 657.10 What combined application may an institution submit?

§ 657.11 How does a student apply for a fellowship?

Subpart C—How Does the Secretary Select an Institution for an Allocation of Fellowships?

§ 657.20 How does the Secretary evaluate an institutional application for an allocation of fellowships?

§ 657.21 What criteria does the Secretary use in selecting institutions for an allocation of fellowships?

§ 657.22 What priorities may the Secretary establish?

Subpart D—What Conditions Must Be Met by a Grantee and a Fellow?

§ 657.30 What is the duration of and what are the limitations on fellowships awarded to individuals by institutions?

§ 657.31 What is the amount of a fellowship?

§ 657.32 What is the payment procedure for fellowships?

§ 657.33 What are the limitations on the use of funds for overseas fellowships?

§ 657.34 Under what circumstances must an institution terminate a fellowship?

Authority: 20 U.S.C. 1122, unless otherwise noted.

Source: 61 FR 50202, Sept. 24, 1996, unless otherwise noted.

Subpart A—General

§ 657.1 What is the Foreign Language and Area Studies Fellowships Program?

Under the Foreign Language and Area Studies Fellowships Program, the Secretary awards fellowships, through institutions of higher education, to students who are—

(a) Enrolled for undergraduate or graduate training in a Center or program approved by the Secretary under this part; and

(b) Undergoing performance-based modern foreign language training or training in a program for which performance-based modern foreign language instruction is being developed, in combination with area studies, international studies, or the international aspects of professional studies.

(Authority: 20 U.S.C. 1122)

[61 FR 50202, Sept. 24, 1996, as amended at 74 FR 35073, July 17, 2009]

§ 657.2 Who is eligible to receive an allocation of fellowships?

(a) The Secretary awards an allocation of fellowships to an institution of higher education or to a consortium of institutions of higher education that—

(1) Operates a Center or program approved by the Secretary under this part;

(2) Teaches modern foreign languages under a program described in paragraph (b) of this section; and

(3) In combination with the teaching described in paragraph (a)(2) of this section—

(i) Provides instruction in the disciplines needed for a full understanding of the area, regions, or countries in which the foreign languages are commonly used; or

(ii) Conducts training and research in international studies, the international aspects of professional and other fields of study, or issues in world affairs that concern one or more countries.

(b) In teaching those modern foreign languages for which an allocation of fellowships is made available, the institution must be either using a program of performance-based training or developing a performance-based training program.

(c) The Secretary uses the criteria in §657.21 both to approve Centers and programs for the purpose of receiving an allocation of fellowships and to evaluate applications for an allocation of fellowships.

(d) An institution does not need to receive a grant under the National Resource Center Program (34 CFR part 656) to receive an allocation of fellowships under this part.

(Authority: 20 U.S.C. 1122)

[61 FR 50202, Sept. 24, 1996, as amended at 74 FR 35073, July 17, 2009]

§ 657.3 Who is eligible to receive a fellowship?

A student is eligible to receive a fellowship if the student—

(a)(1) Is a citizen or national of the United States; or

(2) Is a permanent resident of the United States;

(b) Is accepted for enrollment or is enrolled—

- (1) In an institution receiving an allocation of fellowships; and
- (2) In a program that combines modern foreign language training with—
 - (i) Area or international studies; or
 - (ii) Research and training in the international aspects of professional and other fields of study;
- (c) Shows potential for high academic achievement based on such indices as grade point average, class ranking, or similar measures that the institution may determine;
- (d) Is enrolled in a program of modern foreign language training in a language for which the institution has developed or is developing performance-based instruction;
- (e) In the case of an undergraduate student, is in the intermediate or advanced study of a less commonly taught language; or
- (f) In the case of a graduate student, is engaged in—
 - (1) Predissertation level study;
 - (2) Preparation for dissertation research;
 - (3) Dissertation research abroad; or
 - (4) Dissertation writing.

(Authority: 20 U.S.C. 1122)

[61 FR 50202, Sept. 24, 1996, as amended at 74 FR 35073, July 17, 2009]

§ 657.4 What regulations apply?

The following regulations apply to this program:

- (a) The regulations in 34 CFR part 655.
- (b) The regulations in this part 657.

(Authority: 20 U.S.C. 1122)

§ 657.5 What definitions apply?

The following definitions apply to this part:

- (a) The definitions in 34 CFR 655.4.
- (b) *Center* means an administrative unit of an institution of higher education that has direct access to highly qualified faculty and library resources, and coordinates a concentrated effort of educational activities, including training in modern foreign languages and various academic disciplines, in its subject area.
- (c) *Fellow* means a person who receives a fellowship under this part.

(d) *Fellowship* means the payment a fellow receives under this part.

(e) *Program* means a concentration of educational resources and activities in modern foreign language training and related studies.

(Authority: 20 U.S.C. 1122)

Subpart B—How Does an Institution or a Student Submit an Application?

§ 657.10 What combined application may an institution submit?

An institution that wishes to apply for an allocation of fellowships and for a grant to operate a Center under 34 CFR part 656 may submit a combined application for both grants to the Secretary.

(Authority: 20 U.S.C. 1122)

§ 657.11 How does a student apply for a fellowship?

(a) A student shall apply for a fellowship directly to an institution of higher education that has received an allocation of fellowships.

(b) The applicant shall provide sufficient information to enable the institution to determine whether he or she is eligible to receive a fellowship and whether he or she should be selected to receive a fellowship.

(Authority: 20 U.S.C. 1122)

Subpart C—How Does the Secretary Select an Institution for an Allocation of Fellowships?

§ 657.20 How does the Secretary evaluate an institutional application for an allocation of fellowships?

(a) The Secretary evaluates an institutional application for an allocation of fellowships on the basis of the quality of the applicant's Center or program. The applicant's Center or program is evaluated and approved under the criteria in §657.21.

(b) The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

(Authority: 20 U.S.C. 1122)

[61 FR 50202, Sept. 24, 1996, as amended at 70 FR 13375, Mar. 21, 2005]

§ 657.21 What criteria does the Secretary use in selecting institutions for an allocation of fellowships?

The Secretary evaluates an institutional application for an allocation of fellowships on the basis of the criteria in this section.

(a) *Foreign language and area studies fellowships awardee selection procedures.* The Secretary reviews each application to determine whether the selection plan is of high quality, showing how awards will be advertised, how students apply, what selection criteria are used, who selects the fellows, when each step will take place, and how the process will result in awards being made to correspond to any announced priorities.

(b) *Quality of staff resources.* The Secretary reviews each application to determine—

(1) The extent to which teaching faculty and other staff are qualified for the current and proposed activities and training programs, are provided professional development opportunities (including overseas experience), and participate in teaching, supervising, and advising students;

(2) The adequacy of applicant staffing and oversight arrangements and the extent to which faculty from a variety of departments, professional schools, and the library are involved; and

(3) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly.

(c) *Impact and evaluation.* The Secretary reviews each application to determine—

(1) The extent to which the applicant's activities and training programs have contributed to an improved supply of specialists on the program's subject as shown through indices such as undergraduate and graduate enrollments and placement data; and the extent to which the applicant supplies a clear description of how the applicant will provide equal access and treatment of eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly;

(2) The extent to which the applicant provides an evaluation plan that is comprehensive and objective and that will produce quantifiable, outcome-measure-oriented data; and the extent to which recent evaluations have been used to improve the applicant's program;

(3) The degree to which fellowships awarded by the applicant address national needs; and

(4) The applicant's record of placing students into post-graduate employment, education, or training in areas of national need and the applicant's stated efforts to increase the number of such students that go into such placements.

(d) *Commitment to the subject area on which the applicant or program focuses.* The Secretary reviews each application to determine—

(1) The extent to which the institution provides financial and other support to the operation of the applicant, teaching staff for the applicant's subject area, library resources, and linkages with institutions abroad; and

(2) The extent to which the institution provides financial support to students in fields related to the applicant's teaching program.

(e) *Strength of library.* The Secretary reviews each application to determine—

(1) The strength of the institution's library holdings (both print and non-print, English and foreign language) for students; and the extent to which the institution provides financial support for the acquisition of library materials and for library staff in the subject area of the applicant; and

(2) The extent to which research materials at other institutions are available to students through cooperative arrangements with other libraries or on-line databases.

(f) *Quality of the applicant's non-language instructional program.* The Secretary reviews each application to determine—

(1) The quality and extent of the applicant's course offerings in a variety of disciplines, including the extent to which courses in the applicant's subject matter are available in the institution's professional schools;

(2) The extent to which the applicant offers depth of specialized course coverage in one or more disciplines on the applicant's subject area;

(3) The extent to which the institution employs a sufficient number of teaching faculty to enable the applicant to carry out its purposes and the extent to which instructional assistants are provided with pedagogy training; and

(4) The extent to which interdisciplinary courses are offered for students.

(g) *Quality of the applicant's language instructional program.* The Secretary reviews each application to determine—

(1) The extent to which the applicant provides instruction in the languages of the applicant's subject area and the extent to which students enroll in the study of the languages of the subject area through programs or instruction offered by the applicant or other providers;

(2) The extent to which the applicant provides three or more levels of language training and the extent to which courses in disciplines other than language, linguistics, and literature are offered in appropriate foreign languages;

(3) Whether sufficient numbers of language faculty are available to teach the languages and levels of instruction described in the application and the extent to which language teaching staff (including faculty and instructional assistants) have been exposed to current language pedagogy training appropriate for performance-based teaching; and

(4) The quality of the language program as measured by the performance-based instruction being used or developed, the adequacy of resources for language teaching and practice, and language proficiency requirements.

(h) *Quality of curriculum design.* The Secretary reviews each application to determine—

(1) The extent to which the applicant's curriculum provides training options for students from a variety of disciplines and professional fields and the extent to which these programs and their requirements (including language requirements) are appropriate for an applicant in this subject area and result in graduate training programs of high quality;

(2) The extent to which the applicant provides academic and career advising services for students; and

(3) The extent to which the applicant has established formal arrangements for students to conduct research or study abroad and the extent to which these arrangements are used; and the extent to which the institution facilitates student access to other institutions' study abroad and summer language programs.

(i) *Priorities.* If one or more competitive priorities have been established under §657.22, the Secretary reviews each application for information that shows the extent to which the Center or program meets these priorities.

(Approved by the Office of Management and Budget under control number 1840-0068)

(Authority: 20 U.S.C. 1122)

[61 FR 50202, Sept. 24, 1996, as amended at 70 FR 13375, Mar. 21, 2005; 74 FR 35073, July 17, 2009]

§ 657.22 What priorities may the Secretary establish?

(a) The Secretary may establish one or more of the following priorities for the allocation of fellowships:

(1) Specific world areas, or countries, such as East Asia or Mexico.

(2) Languages, such as Chinese.

- (3) Levels of language offerings.
 - (4) Academic disciplines, such as linguistics or sociology.
 - (5) Professional studies, such as business, law, or education;
 - (6) Particular subjects, such as population growth and planning, or international trade and business.
 - (7) A combination of any of these categories.
- (b) The Secretary announces any priorities in the application notice published in the Federal Register.

(Authority: 20 U.S.C. 1122)

Subpart D—What Conditions Must Be Met by a Grantee and a Fellow?

§ 657.30 What is the duration of and what are the limitations on fellowships awarded to individuals by institutions?

(a) *Duration.* An institution may award a fellowship to a student for—

- (1) One academic year; or
- (2) One summer session if the summer session provides the fellow with the equivalent of one academic year of modern foreign language study.

(b) *Vacancies.* If a fellow vacates a fellowship before the end of an award period, the institution to which the fellowship is allocated may reaward the balance of the fellowship to another student if—

- (1) The student meets the eligibility requirements in §657.3; and
- (2) The remaining fellowship period comprises at least one full academic quarter, semester, trimester, or summer session as described in paragraph (a)(2) of this section.

(Authority: 20 U.S.C. 1122)

§ 657.31 What is the amount of a fellowship?

- (a)(1) An institution shall award a stipend to fellowship recipients.
- (2) Each fellowship includes an institutional payment and a subsistence allowance to be determined by the Secretary.
- (3) If the institutional payment determined by the Secretary is greater than the tuition and fees charged by the institution, the institutional payment portion of the fellowship is limited to actual tuition and fees. The difference between actual tuition and fees and the Secretary's institutional payment shall be used to fund additional fellowships to the extent that funds are available for a full subsistence allowance.
- (4) If permitted by the Secretary, a stipend awarded to a graduate level recipient may include allowances for dependents and travel for research and study in the United States and abroad.
- (5) A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—
 - (i) Are closely linked to the overall goals of the recipient's course of study; and

(ii) Have the purpose of promoting foreign language fluency and knowledge of foreign cultures.

(b) The Secretary announces in an application notice published in the Federal Register—

(1) The amounts of the subsistence allowance and the institutional payment for an academic year and the subsistence allowance and the institutional payment for a summer session;

(2) Whether travel and dependents' allowances will be permitted; and

(3) The amount of travel and dependents' allowances.

(Authority: 20 U.S.C. 1122)

[61 FR 50202, Sept. 24, 1996, as amended at 74 FR 35073, July 17, 2009]

§ 657.32 What is the payment procedure for fellowships?

(a) An institution shall pay a fellow his or her subsistence and any other allowance in installments during the term of the fellowship.

(b) An institution shall make a payment only to a fellow who is in good standing and is making satisfactory progress.

(c) The institution shall make appropriate adjustments of any overpayment or underpayment to a fellow.

(d) Funds not used by one recipient for reasons of withdrawal are to be used for alternate recipients to the extent that funds are available for a full subsistence allowance.

(Authority: 20 U.S.C. 1122)

§ 657.33 What are the limitations on the use of funds for overseas fellowships?

(a) Before awarding a fellowship for use outside the United States, an institution shall obtain the approval of the Secretary.

(b) The Secretary may approve the use of a fellowship outside the United States if the student is—

(1) Enrolled in an overseas foreign language program approved by the institution at which the student is enrolled in the United States for study at an intermediate or advanced level or at the beginning level if appropriate equivalent instruction is not available in the United States; or

(2) Engaged during the academic year in research that cannot be done effectively in the United States and is affiliated with an institution of higher education or other appropriate organization in the host country.

(Authority: 20 U.S.C. 1122)

§ 657.34 Under what circumstances must an institution terminate a fellowship?

An institution shall terminate a fellowship if—

(a) The fellow is not making satisfactory progress, is no longer enrolled, or is no longer in good standing at the institution; or

(b) The fellow fails to follow the course of study, including modern foreign language study, for which he or she applied, unless a revised course of study is otherwise approvable under this part.

(Authority: 20 U.S.C. 1122)

THE HIGHER EDUCATION ACT OF
1965, AS AMENDED, TITLE VI PART A –
INTERNATIONAL AND FOREIGN
LANGUAGE STUDIES, SECTION 603,
LANGUAGE RESOURCE CENTERS

HIGHER EDUCATION

1998 Amendments to the Higher Education Act of 1965

P.L. 105-244

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

Part A of title VI (20 U.S.C. 1121 et seq.) is amended to read as follows:

PART A--INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

TITLE VI--INTERNATIONAL EDUCATION PROGRAMS

SEC. 603. LANGUAGE RESOURCE CENTERS.

(a) LANGUAGE RESOURCE CENTERS AUTHORIZED- The Secretary is authorized to make grants to and enter into contracts with institutions of higher education, or combinations of such institutions, for the purpose of establishing, strengthening, and operating a small number of national language resource and training centers, which shall serve as resources to improve the capacity to teach and learn foreign languages effectively.

(b) AUTHORIZED ACTIVITIES- The activities carried out by the centers described in subsection (a)--

(1) shall include effective dissemination efforts, whenever appropriate; and

(2) may include--

(A) the conduct and dissemination of research on new and improved teaching methods, including the use of advanced educational technology;

(B) the development and dissemination of new teaching materials reflecting the use of such research in effective teaching strategies;

(C) the development, application, and dissemination of performance testing appropriate to an educational setting for use as a standard and comparable measurement of skill levels in all languages;

(D) the training of teachers in the administration and interpretation of performance tests, the use of effective teaching strategies, and the use of new technologies;

(E) a significant focus on the teaching and learning needs of the less commonly taught languages, including an assessment of the strategic needs of the United States, the determination of ways to meet those

needs nationally, and the publication and dissemination of instructional materials in the less commonly taught languages;

(F) the development and dissemination of materials designed to serve as a resource for foreign language teachers at the elementary and secondary school levels; and

(G) the operation of intensive summer language institutes to train advanced foreign language students, to provide professional development, and to improve language instruction through preservice and inservice language training for teachers.

(c) **CONDITIONS FOR GRANTS-** Grants under this section shall be made on such conditions as the Secretary determines to be necessary to carry out the provisions of this section.

34 CFR PART 669 LANGUAGE
RESOURCE CENTER PROGRAM,
SECTIONS 669.1 THROUGH 669.5,
669.20 THROUGH 669.22, AND
SECTION 669.30

e-CFR Data is current as of September 29, 2009

Title 34: Education

PART 669—LANGUAGE RESOURCE CENTERS PROGRAM

Section Contents

Subpart A—General

- § 669.1 What is the Language Resource Centers Program?
- § 669.2 Who is eligible to receive assistance under this program?
- § 669.3 What activities may the Secretary fund?
- § 669.4 What regulations apply?
- § 669.5 What definitions apply?

Subpart B [Reserved]

Subpart C—How Does the Secretary Make a Grant?

- § 669.20 How does the Secretary evaluate an application?
- § 669.21 What selection criteria does the Secretary use?
- § 669.22 What priorities may the Secretary establish?

Subpart D—What Conditions Must Be Met by a Grantee?

- § 669.30 What are allowable equipment costs?

Authority: 20 U.S.C. 1123, unless otherwise noted.

Source: 55 FR 2773, Jan. 26, 1990, unless otherwise noted.

Subpart A—General

§ 669.1 What is the Language Resource Centers Program?

The Language Resource Centers Program makes awards, through grants or contracts, for the purpose of establishing, strengthening, and operating centers that serve as resources for improving the nation's capacity for teaching and learning foreign languages effectively.

(Authority: 20 U.S.C. 1123)

§ 669.2 Who is eligible to receive assistance under this program?

An institution of higher education or a combination of institutions of higher education is eligible to receive an award under this part.

(Authority: 20 U.S.C. 1123)

§ 669.3 What activities may the Secretary fund?

Centers funded under this part must carry out activities to improve the teaching and learning of foreign languages. These activities must include effective dissemination efforts, whenever appropriate, and may include—

- (a) The conduct and dissemination of research on new and improved methods for teaching foreign languages, including the use of advanced educational technology;
- (b) The development and dissemination of new materials for teaching foreign languages, to reflect the results of research on effective teaching strategies;
- (c) The development, application, and dissemination of performance testing that is appropriate for use in an educational setting to be used as a standard and comparable measurement of skill levels in foreign languages;
- (d) The training of teachers in the administration and interpretation of foreign language performance tests, the use of effective teaching strategies, and the use of new technologies;
- (e) A significant focus on the teaching and learning needs of the less commonly taught languages, including an assessment of the strategic needs of the United States, the determination of ways to meet those needs nationally, and the publication and dissemination of instructional materials in the less commonly taught languages;
- (f) The development and dissemination of materials designed to serve as a resource for foreign language teachers at the elementary and secondary school levels; and
- (g) The operation of intensive summer language institutes to train advanced foreign language students, to provide professional development, and to improve language instruction through preservice and inservice language training for teachers.

(Authority: 20 U.S.C. 1123)

[64 FR 7741, Feb. 16, 1999]

§ 669.4 What regulations apply?

The following regulations apply to this program:

- (a) The regulations in 34 CFR part 655.
- (b) The regulations in this part 669.

(Authority: 20 U.S.C. 1123)

[58 FR 32577, June 10, 1993]

§ 669.5 What definitions apply?

The following definitions apply to this part:

- (a) The definitions in 34 CFR 655.4.
- (b) “Language Resource Center” means a coordinated concentration of educational research and training resources for improving the nation’s capacity to teach and learn foreign languages.

(Authority: 20 U.S.C. 1123)

Subpart B [Reserved]

Subpart C—How Does the Secretary Make a Grant?

§ 669.20 How does the Secretary evaluate an application?

The Secretary evaluates an application for an award on the basis of the criteria contained in §§669.21 and 669.22. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

(Authority: 20 U.S.C. 1123)

[70 FR 13377, Mar. 21, 2005]

§ 669.21 What selection criteria does the Secretary use?

The Secretary evaluates an application on the basis of the criteria in this section.

(a) *Plan of operation.* (See 34 CFR 655.31(a))

(b) *Quality of key personnel.* (See 34 CFR 655.31(b))

(c) *Budget and cost-effectiveness.* (See 34 CFR 655.31(c))

(d) *Evaluation plan.* (See 34 CFR 655.31 (d))

(e) *Adequacy of resources.* (See 34 CFR 655.31(e))

(f) *Need and potential impact.* The Secretary reviews each application to determine—

(1) The extent to which the proposed materials or activities are needed in the foreign languages on which the project focuses;

(2) The extent to which the proposed materials may be used throughout the United States; and

(3) The extent to which the proposed work or activity may contribute significantly to strengthening, expanding, or improving programs of foreign language study in the United States.

(g) *Likelihood of achieving results.* The Secretary reviews each application to determine—

(1) The quality of the outlined methods and procedures for preparing the materials; and

(2) The extent to which plans for carrying out activities are practicable and can be expected to produce the anticipated results.

(h) *Description of final form of results.* The Secretary reviews each application to determine the degree of specificity and the appropriateness of the description of the expected results from the project.

(i) *Priorities.* If, under the provisions of §669.22, the application notice specifies priorities for this program, the Secretary determines the degrees to which the priorities are served.

(Approved by the Office of Management and Budget under control number 1840–0608)

(Authority: 20 U.S.C. 1123)

[55 FR 2773, Jan. 26, 1990, as amended at 58 FR 32577, June 10, 1993; 70 FR 13377, Mar. 21, 2005]

§ 669.22 What priorities may the Secretary establish?

(a) The Secretary may each year select funding priorities from among the following:

- (1) Categories of allowable activities described in §669.3.
- (2) Specific foreign languages for study or materials development.
- (3) Levels of education, for example, elementary, secondary, postsecondary, or teacher education.

(b) The Secretary announces any priorities in the application notice published in the Federal Register.

(Authority: 20 U.S.C. 1123)

Subpart D—What Conditions Must Be Met by a Grantee?

§ 669.30 What are allowable equipment costs?

Equipment costs may not exceed fifteen percent of the grant amount.

(Authority: 20 U.S.C. 1123)

THE HIGHER EDUCATION ACT OF
1965, AS AMENDED, TITLE VI PART A –
INTERNATIONAL AND FOREIGN
LANGUAGE STUDIES, SECTION 604,
UNDERGRADUATE INTERNATIONAL
STUDIES AND FOREIGN LANGUAGE
PROGRAM

1998 Amendments to the Higher Education Act of 1965
P.L. 105-244

TITLE VI--INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

Part A of title VI (20 U.S.C. 1121 et seq.) is amended to read as follows:

PART A--INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

SEC. 604. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.

(a) INCENTIVES FOR THE CREATION OF NEW PROGRAMS AND THE STRENGTHENING OF EXISTING PROGRAMS IN UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS--

(1) AUTHORITY- The Secretary is authorized to make grants to institutions of higher education, combinations of such institutions, or partnerships between nonprofit educational organizations and institutions of higher education, to assist such institutions, combinations or partnerships in planning, developing, and carrying out programs to improve undergraduate instruction in international studies and foreign languages. Such grants shall be awarded to institutions, combinations or partnerships seeking to create new programs or to strengthen existing programs in foreign languages, area studies, and other international fields.

(2) USE OF FUNDS- Grants made under this section may be used for Federal share of the cost of projects and activities which are an integral part of such a program, such as--

(A) planning for the development and expansion of undergraduate programs in international studies and foreign languages;

(B) teaching, research, curriculum development, faculty training in the United States or abroad, and other related activities, including--

(i) the expansion of library and teaching resources; and

(ii) preservice and inservice teacher training;

(C) expansion of opportunities for learning foreign languages, including less commonly taught languages;

(D) programs under which foreign teachers and scholars may visit institutions as visiting faculty;

(E) programs designed to develop or enhance linkages between 2- and 4-year institutions of higher education, or baccalaureate and post-baccalaureate programs or institutions;

(F) the development of undergraduate educational programs--

(i) in locations abroad where such opportunities are not otherwise available or that serve students for whom such opportunities are not otherwise available; and

(ii) that provide courses that are closely related to on-campus foreign language and international curricula;

(G) the integration of new and continuing education abroad opportunities for undergraduate students into curricula of specific degree programs;

(H) the development of model programs to enrich or enhance the effectiveness of educational programs abroad, including predeparture and postreturn programs, and the integration of educational programs abroad into the curriculum of the home institution;

(I) the development of programs designed to integrate professional and technical education with foreign languages, area studies, and other international fields;

(J) the establishment of linkages overseas with institutions of higher education and organizations that contribute to the educational programs assisted under this subsection;

(K) the conduct of summer institutes in foreign area, foreign language, and other international fields to provide faculty and curriculum development, including the integration of professional and technical education with foreign area and other international studies, and to provide foreign area and other international knowledge or skills to government personnel or private sector professionals in international activities;

(L) the development of partnerships between--

(i) institutions of higher education; and

(ii) the private sector, government, or elementary and secondary education institutions,

in order to enhance international knowledge and skills; and

(M) the use of innovative technology to increase access to international education programs.

(3) NON-FEDERAL SHARE- The non-Federal share of the cost of the programs assisted under this subsection--

(A) may be provided in cash from the private sector corporations or foundations in an amount equal to one-third of the total cost of the programs assisted under this section; or

(B) may be provided as an in-cash or in-kind contribution from institutional and noninstitutional funds, including State and private sector corporation or foundation contributions, equal to one-half of the total cost of the programs assisted under this section.

(4) SPECIAL RULE- The Secretary may waive or reduce the required non-Federal share for institutions that--

(A) are eligible to receive assistance under part A or B of title III or under title V; and

(B) have submitted a grant application under this section.

(5) PRIORITY- In awarding grants under this section, the Secretary shall give priority to applications from institutions of higher education, combinations or partnerships that require entering students to have successfully completed at least 2 years of secondary school foreign language instruction or that require each graduating student to earn 2 years of postsecondary credit in a foreign language (or have demonstrated equivalent competence in the foreign language) or, in the case of a 2-year degree granting institution, offer 2 years of postsecondary credit in a foreign language.

(6) GRANT CONDITIONS- Grants under this subsection shall be made on such conditions as the Secretary determines to be necessary to carry out this subsection.

(7) APPLICATION- Each application for assistance under this subsection shall include--

(A) evidence that the applicant has conducted extensive planning prior to submitting the application;

(B) an assurance that the faculty and administrators of all relevant departments and programs served by the applicant are involved in

ongoing collaboration with regard to achieving the stated objectives of the application;

(C) an assurance that students at the applicant institutions, as appropriate, will have equal access to, and derive benefits from, the program assisted under this subsection; and

(D) an assurance that each institution, combination or partnership will use the Federal assistance provided under this subsection to supplement and not supplant non-Federal funds the institution expends for programs to improve undergraduate instruction in international studies and foreign languages.

(8) EVALUATION- The Secretary may establish requirements for program evaluations and require grant recipients to submit annual reports that evaluate the progress and performance of students participating in programs assisted under this subsection.

(b) PROGRAMS OF NATIONAL SIGNIFICANCE- The Secretary may also award grants to public and private nonprofit agencies and organizations, including professional and scholarly associations, whenever the Secretary determines such grants will make an especially significant contribution to improving undergraduate international studies and foreign language programs.

(c) FUNDING SUPPORT- The Secretary may use not more than 10 percent of the total amount appropriated for this part for carrying out the purposes of this section.

34 CFR PART 658
UNDERGRADUATE INTERNATIONAL
STUDIES AND FOREIGN LANGUAGE
PROGRAM, SECTIONS 658.1
THROUGH 658.4, 658.10 THROUGH
658.12, 658.30 THROUGH 658.35, AND
658.40 AND 658.41

e-CFR Data is current as of September 29, 2009

Title 34: Education

PART 658—UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAM

Section Contents

Subpart A—General

§ 658.1 What is the Undergraduate International Studies and Foreign Language Program?

§ 658.2 Who is eligible to apply for assistance under this program?

§ 658.3 What regulations apply?

§ 658.4 What definitions apply to the Undergraduate International Studies and Foreign Language Program?

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 658.10 For what kinds of projects does the Secretary assist institutions of higher education?

§ 658.11 What projects and activities may a grantee conduct under this program?

§ 658.12 For what kinds of projects does the Secretary assist associations and organizations?

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 658.30 How does the Secretary evaluate an application?

§ 658.31 What selection criteria does the Secretary use?

§ 658.32 What additional criteria does the Secretary apply to institutional applications?

§ 658.33 What additional criterion does the Secretary apply to applications from organizations and associations?

§ 658.34 What additional factors does the Secretary consider in selecting grant recipients?

§ 658.35 What priority does the Secretary give?

Subpart E—What Conditions Must Be Met by a Grantee?

§ 658.40 What are the limitations on allowable costs?

§ 658.41 What are the cost-sharing requirements?

Authority: 20 U.S.C. 1124, unless otherwise noted.

Source: 47 FR 14122, Apr. 1, 1982, unless otherwise noted.

Subpart A—General

§ 658.1 What is the Undergraduate International Studies and Foreign Language Program?

The Undergraduate International Studies and Foreign Language Program is designed to provide assistance to institutions of higher education, consortia of those institutions, or partnerships between nonprofit educational organizations and institutions of higher education, to assist those institutions, consortia, or partnerships in planning, developing, and carrying out programs to improve undergraduate instruction in international studies and foreign languages.

(Authority: 20 U.S.C. 1124)

[64 FR 7739, Feb. 16, 1999, as amended at 74 FR 35073, July 17, 2009]

§ 658.2 Who is eligible to apply for assistance under this program?

The following are eligible to apply for assistance under this part:

- (a) Institutions of higher education.
- (b) Consortia of institutions of higher education.
- (c) Partnerships between nonprofit educational organizations and institutions of higher education.
- (d) Public and private nonprofit agencies and organizations, including professional and scholarly associations.

(Authority: 20 U.S.C. 1124)

[47 FR 14122, Apr. 1, 1982, as amended at 64 FR 7739, Feb. 16, 1999; 74 FR 35073, July 17, 2009]

§ 658.3 What regulations apply?

The following regulations apply to this program:

- (a) The regulations in 34 CFR part 655.
- (b) The regulations in this **part 658**.

(Authority: 20 U.S.C. 1121–1127)

[58 FR 32576, June 10, 1993]

§ 658.4 What definitions apply to the Undergraduate International Studies and Foreign Language Program?

The definitions in 34 CFR 655.4 apply to this program.

(Authority: 20 U.S.C. 1121–1127)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 658.10 For what kinds of projects does the Secretary assist institutions of higher education?

(a) The Secretary may provide assistance to an institution of higher education, a consortium of institutions of higher education, or a partnership between a nonprofit educational organization and an institution of higher education to plan, develop, and carry out a program to improve undergraduate instruction in international studies and foreign languages. Those grants must be awarded to institutions, consortia, or partnerships seeking to create new programs or to strengthen existing programs in foreign languages, area studies, and other international fields.

(b) The Secretary gives consideration to an applicant that proposes a program that—

- (1) Initiates new or revised courses in international or area studies;
- (2) Makes instruction in foreign languages available to students in the program; and
- (3) Takes place primarily in the United States.

(c) The program shall focus on—

- (1) International or global studies;
- (2) One or more world areas and their languages; or
- (3) Issues or topics, such as international environmental studies or international health.

(Authority: 20 U.S.C. 1124(a))

[47 FR 14122, Apr. 1, 1982, as amended at 52 FR 28422, July 29, 1987; 58 FR 32576, June 10, 1993; 64 FR 7740, Feb. 16, 1999; 74 FR 35074, July 17, 2009]

§ 658.11 What projects and activities may a grantee conduct under this program?

The Secretary awards grants under this part to assist in carrying out projects and activities that are an integral part of a program to improve undergraduate instruction in international studies and foreign languages. These include projects such as—

(a) Planning for the development and expansion of undergraduate programs in international studies and foreign languages;

(b) Teaching, research, curriculum development, faculty training in the United States or abroad, and other related activities, including—

- (1) Expanding library and teaching resources;
- (2) Conducting faculty workshops, conferences, and special lectures;
- (3) Developing and testing new curricular materials, including self-instructional materials in foreign languages, or specialized language materials dealing with a particular subject (such as health or the environment);
- (4) Initiating new and revised courses in international studies or area studies and foreign languages; and
- (5) Conducting pre-service teacher training and in-service teacher professional development;

- (c) Expanding the opportunities for learning foreign languages, including less commonly taught languages;
- (d) Providing opportunities for which foreign faculty and scholars may visit institutions as visiting faculty;
- (e) Placing U.S. faculty members in internships with international associations or with governmental or nongovernmental organizations in the U.S. or abroad to improve their understanding of international affairs;
- (f) Developing international education programs designed to develop or enhance linkages between 2- and 4-year institutions of higher education, or baccalaureate and post-baccalaureate programs or institutions;
- (g) Developing undergraduate educational programs—
 - (1) In locations abroad where those opportunities are not otherwise available or that serve students for whom those opportunities are not otherwise available; and
 - (2) That provide courses that are closely related to on-campus foreign language and international curricula;
- (h) Integrating new and continuing education abroad opportunities for undergraduate students into curricula of specific degree programs;
- (i) Developing model programs to enrich or enhance the effectiveness of educational programs abroad, including pre-departure and post-return programs, and integrating educational programs abroad into the curriculum of the home institution;
- (j) Providing grants for educational programs abroad that—
 - (1) Are closely linked to the program's overall goals; and
 - (2) Have the purpose of promoting foreign language fluency and knowledge of world regions;
- (k) Developing programs designed to integrate professional and technical education with foreign languages, area studies, and other international fields;
- (l) Establishing linkages overseas with institutions of higher education and organizations that contribute to the educational programs assisted under this part;
- (m) Developing partnerships between—
 - (1) Institutions of higher education; and
 - (2) The private sector, government, or elementary and secondary education institutions in order to enhance international knowledge and skills; and
- (n) Using innovative technology to increase access to international education programs.

(Authority: 20 U.S.C. 1124)

[64 FR 7740, Feb. 16, 1999, as amended at 74 FR 35074, July 17, 2009]

§ 658.12 For what kinds of projects does the Secretary assist associations and organizations?

The Secretary may award grants under this part to public and private nonprofit agencies and organizations including scholarly associations, that propose projects that will make an especially significant contribution to strengthening and improving undergraduate instruction in international studies and foreign languages at institutions of higher education.

(Authority: 20 U.S.C. 1124(b))

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 658.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application from an institution of higher education or a consortium of such institutions on the basis of the criteria in §§658.31 and 658.32. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

(b) The Secretary evaluates an application from an agency or organization or professional or scholarly association on the basis of the criteria in §§658.31 and 658.33. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

(Authority: 20 U.S.C. 1124)

[70 FR 13375, Mar. 21, 2005, as amended at 74 FR 35074, July 17, 2009]

§ 658.31 What selection criteria does the Secretary use?

The Secretary evaluates an application for a project under this program on the basis of the criteria in this section.

(a) *Plan of operation.* (See 34 CFR 655.31(a))

(b) *Quality of key personnel.* (See 34 CFR 655.31(b))

(c) *Budget and cost effectiveness.* (See 34 CFR 655.31(c))

(d) *Evaluation plan.* (See 34 CFR 655.31(d))

(e) *Adequacy of resources.* (See 34 CFR 655.31(e))

(Authority: 20 U.S.C. 1124)

[47 FR 14122, Apr. 1, 1982, as amended at 70 FR 13375, Mar. 21, 2005]

§ 658.32 What additional criteria does the Secretary apply to institutional applications?

In addition to the criteria referred to in §658.31, the Secretary evaluates an application submitted by an institution of higher education or a consortium of such institutions on the basis of the criteria in this section.

(a) *Commitment to international studies.* (1) The Secretary reviews each application for information that shows the applicant's commitment to the international studies program.

(2) The Secretary looks for information that shows—

(i) The institution's current strength as measured by the number of international studies courses offered;

(ii) The extent to which planning for the implementation of the proposed program has involved the applicant's faculty, as well as administrators;

(iii) The institutional commitment to the establishment, operation, and continuation of the program as demonstrated by optimal use of available personnel and other resources; and

(iv) The institutional commitment to the program as demonstrated by the use of institutional funds in support of the program's objectives.

(b) *Elements of the proposed international studies program.* (1) The Secretary reviews each application for information that shows the nature of the applicant's proposed international studies program.

(2) The Secretary looks for information that shows—

(i) The extent to which the proposed activities will contribute to the implementation of a program in international studies and foreign languages at the applicant institution;

(ii) The interdisciplinary aspects of the program;

(iii) The number of new and revised courses with an international perspective that will be added to the institution's programs; and

(iv) The applicant's plans to improve or expand language instruction.

(c) *Need for and prospective results of the proposed program.* (1) The Secretary reviews each application for information that shows the need for and the prospective results of the applicant's proposed program.

(2) The Secretary looks for information that shows—

(i) The extent to which the proposed activities are needed at the applicant institution;

(ii) The extent to which the proposed use of Federal funds will result in the implementation of a program in international studies and foreign languages at the applicant institution;

(iii) The likelihood that the activities initiated with Federal funds will be continued after Federal assistance is terminated; and

(iv) The adequacy of the provisions for sharing the materials and results of the program with other institutions of higher education.

(Authority: 20 U.S.C. 1124)

[47 FR 14122, Apr. 1, 1982, as amended at 52 FR 28422, July 29, 1987; 70 FR 13375, Mar. 21, 2005; 74 FR 35074, July 17, 2009]

§ 658.33 What additional criterion does the Secretary apply to applications from organizations and associations?

In addition to the criteria referred to in §658.31, the Secretary evaluates an application submitted by an organization or association on the basis of the criterion in this section.

(a) Need for and potential impact of the proposed project in improving international studies and the study of modern foreign language at the undergraduate level.

(b) The Secretary reviews each application for information that shows the need for and the potential impact of the applicant's proposed projects in improving international studies and the study of modern foreign language at the undergraduate level.

(1) The Secretary looks for information that shows—

(i) The extent to which the applicant's proposed apportionment of Federal funds among the various budget categories for the proposed project will contribute to achieving results;

(ii) The international nature and contemporary relevance of the proposed project;

(iii) The extent to which the proposed project will make an especially significant contribution to the improvement of the teaching of international studies or modern foreign languages at the undergraduate level; and

(iv) The adequacy of the applicant's provisions for sharing the materials and results of the proposed project with the higher education community.

(2) [Reserved]

(Authority: 20 U.S.C. 1124(b))

[47 FR 14122, Apr. 1, 1982, as amended at 70 FR 13375, Mar. 21, 2005]

§ 658.34 What additional factors does the Secretary consider in selecting grant recipients?

In addition to applying the selection criteria in, as appropriate §§658.31, 658.32, and 658.33, the Secretary, to the extent practicable and consistent with the criterion of excellence, seeks to encourage diversity by ensuring that a variety of types of projects and institutions receive funding.

(Authority: 20 U.S.C. 1124 and 1126)

[58 FR 32576, June 10, 1993]

§ 658.35 What priority does the Secretary give?

(a) The Secretary gives priority to applications from institutions of higher education or consortia of these institutions that require entering students to have successfully completed at least two years of secondary school foreign language instruction or that require each graduating student to earn two years of postsecondary credit in a foreign language (or have demonstrated equivalent competence in the foreign language) or, in the case of a 2-year degree granting institution, offer two years of postsecondary credit in a foreign language.

(b) The Secretary announces the number of points to be awarded under this priority in the application notice published in the Federal Register.

(Authority: 20 U.S.C. 1124)

[58 FR 32576, June 10, 1993, as amended at 74 FR 35074, July 17, 2009]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 658.40 What are the limitations on allowable costs?

(a) Equipment costs may not exceed five percent of the grant amount; and

(b) No more than ten percent of the total amount of grant funds awarded to a grantee under this part may be used for the activity described in §658.11(j).

(Authority: 20 U.S.C. 1124)

[74 FR 35074, July 17, 2009]

§ 658.41 What are the cost-sharing requirements?

(a) The grantee's share may be derived from cash contributions from private sector corporations or foundations in the amount of one-third of the total cost of the project.

(b) The grantee's share may be derived from cash or in-kind contributions from institutional and noninstitutional funds, including State and private sector corporation or foundation contributions, equal to one-half of the total cost of the project.

(c) In-kind contributions means property or services that benefit a grant-supported project or program and that are contributed by non-Federal third parties without charge to the grantee.

(d) The Secretary may waive or reduce the required non-Federal share for institutions that—

(1) Are eligible to receive assistance under part A or B of title III or under title V of the Higher Education Act of 1965, as amended; and

(2) Have submitted a grant application under this part that demonstrates a need for a waiver or reduction.

(Authority: 20 U.S.C. 1124 and 3474; OMB Circular A-110)

[58 FR 32577, June 10, 1993, as amended at 64 FR 7740, Feb. 16, 1999; 74 FR 35074, July 17, 2009]

THE HIGHER EDUCATION ACT OF
1965, AS AMENDED, TITLE VI PART A –
INTERNATIONAL AND FOREIGN
LANGUAGE STUDIES, SECTION 605,
INTERNATIONAL RESEARCH AND
STUDIES

HIGHER EDUCATION

1998 Amendments to the Higher Education Act of 1965

P.L. 105-244

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

Part A of title VI (20 U.S.C. 1121 et seq.) is amended to read as follows:

PART A--INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

TITLE VI--INTERNATIONAL EDUCATION PROGRAMS

SEC. 605. RESEARCH; STUDIES; ANNUAL REPORT.

“(a) **AUTHORIZED ACTIVITIES**- The Secretary may, directly or through grants or contracts, conduct research and studies that contribute to achieving the purposes of this part. Such research and studies may include--

“(1) studies and surveys to determine needs for increased or improved instruction in foreign language, area studies, or other international fields, including the demand for foreign language, area, and other international specialists in government, education, and the private sector;

“(2) studies and surveys to assess the utilization of graduates of programs supported under this title by governmental, educational, and private sector organizations and other studies assessing the outcomes and effectiveness of programs so supported;

“(3) evaluation of the extent to which programs assisted under this title that address national needs would not otherwise be offered;

“(4) comparative studies of the effectiveness of strategies to provide international capabilities at institutions of higher education;

“(5) research on more effective methods of providing instruction and achieving competency in foreign languages, area studies, or other international fields;

“(6) the development and publication of specialized materials for use in foreign language, area studies, and other international fields, or for training foreign language, area, and other international specialists;

“(7) studies and surveys of the uses of technology in foreign language, area studies, and international studies programs;

“(8) studies and evaluations of effective practices in the dissemination of international information, materials, research, teaching strategies, and testing

techniques throughout the education community, including elementary and secondary schools; and

`(9) the application of performance tests and standards across all areas of foreign language instruction and classroom use.

`(b) ANNUAL REPORT- The Secretary shall prepare, publish, and announce an annual report listing the books and research materials produced with assistance under this section.

34 CFR PART 660 INTERNATIONAL
RESEARCH AND STUDIES PROGRAM,
SECTIONS 655.1 THROUGH 655.4,
655.10, AND 655.30 THROUGH 655.32

e-CFR Data is current as of September 29, 2009

Title 34: Education

[Browse Previous](#) | [Browse Next](#)

PART 660—THE INTERNATIONAL RESEARCH AND STUDIES PROGRAM

Section Contents

Subpart A—General

[§ 660.1 What is the International Research and Studies Program?](#)

[§ 660.2 Who is eligible to apply for grants under this program?](#)

[§ 660.3 What regulations apply?](#)

[§ 660.4 What definitions apply to the International Research and Studies Program?](#)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

[§ 660.10 What activities does the Secretary assist?](#)

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

[§ 660.30 How does the Secretary evaluate an application?](#)

[§ 660.31 What selection criteria does the Secretary use for all applications for a grant?](#)

[§ 660.32 What additional selection criteria does the Secretary use for an application for a research project, a survey, or a study?](#)

[§ 660.33 What additional selection criteria does the Secretary use for an application to develop specialized instructional materials?](#)

[§ 660.34 What priorities may the Secretary establish?](#)

Subpart E—What Conditions Must Be Met by a Grantee?

[§ 660.40 What are the limitations on allowable costs?](#)

Authority: 20 U.S.C. 1125, unless otherwise noted.

Source: 47 FR 14124, Apr. 1, 1982, unless otherwise noted.

Subpart A—General

§ 660.1 What is the International Research and Studies Program?

The Secretary may, directly or through grants or contracts, conduct research and studies which contribute to the purposes of the International Education Program authorized by part A of title VI of the Higher Education Act of 1965, as amended (HEA). The research and studies may include, but are not limited to—

- (a) Studies and surveys to determine needs for increased or improved instruction in modern foreign languages, area studies, or other international fields, including the demand for foreign language, area, and other international specialists in government, education, and the private sector;
- (b) Research on more effective methods of providing instruction and achieving competency in foreign languages, area studies, or other international fields;
- (c) Research on applying performance tests and standards across all areas of foreign language instruction and classroom use;
- (d) Developing and publishing specialized materials for use in foreign language, area studies, and other international fields or for training foreign language, area, and other international specialists;
- (e) Studies and surveys to assess the use of graduates of programs supported under title VI of the HEA by governmental, educational, and private-sector organizations and other studies assessing the outcomes and effectiveness of supported programs;
- (f) Comparative studies of the effectiveness of strategies to provide international capabilities at institutions of higher education;
- (g) Evaluations of the extent to which programs assisted under title VI of the HEA that address national needs would not otherwise be offered;
- (h) Studies and surveys of the use of technologies in foreign language, area studies, and international studies programs;
- (i) Studies and evaluations of effective practices in the dissemination of international information, materials, research, teaching strategies, and testing techniques throughout the educational community, including elementary and secondary schools;
- (j) Evaluations of the extent to which programs assisted under title VI of the HEA reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, as described in the grantee's application;

(k) Systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of title VI, part A of the HEA; and

(l) Support for programs or activities to make data collected, analyzed, or disseminated under this part publicly available and easy to understand.

(Authority: 20 U.S.C. 1125)

[47 FR 14124, Apr. 1, 1982, as amended at 58 FR 32577, June 10, 1993; 64 FR 7740, Feb. 16, 1999; 74 FR 35074, July 17, 2009]

§ 660.2 Who is eligible to apply for grants under this program?

Public and private agencies, organizations, and institutions, and individuals are eligible to apply for grants under this part.

(Authority: 20 U.S.C. 1125)

§ 660.3 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 660.

(Authority: 20 U.S.C. 1121–1125)

[58 FR 32577, June 10, 1993]

§ 660.4 What definitions apply to the International Research and Studies Program?

The definitions in 34 CFR 655.4 apply to this program.

(Authority: U.S.C. 1121–1127)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 660.10 What activities does the Secretary assist?

An applicant may apply for funds to carry out any of the following types of activities:

(a) Studies and surveys to determine the need for increased or improved instruction in—

- (1) Modern foreign languages; and
 - (2) Area studies and other international fields needed to provide full understanding of the places in which those languages are commonly used.
- (b) Research and studies—
- (1) On more effective methods of instruction and achieving competency in modern foreign languages, area studies, or other international fields;
 - (2) To evaluate competency in those foreign languages, area studies, or other international fields; or
 - (3) On the application of performance tests and standards across all areas of foreign language instruction and classroom use.
- (c) The development and publication of specialized materials—
- (1) For use by students and teachers of modern foreign languages, area studies, and other international fields; and
 - (2) For use in—
 - (i) Providing such instruction and evaluation; or
 - (ii) Training individuals to provide such instruction and evaluation.
- (d) Research, surveys, studies, or the development of instructional materials that serve to enhance international understanding.
- (e) Other research or material development projects that further the purposes of the International Education Program authorized by part A of title VI of the HEA.
- (f) Studies and surveys to assess the use of graduates of programs supported under title VI of the HEA by governmental, educational, and private-sector organizations, and other studies assessing the outcomes and effectiveness of supported programs.
- (g) Comparative studies of the effectiveness of strategies to provide international capabilities at institutions of higher education.
- (h) Evaluations of the extent to which programs assisted under title VI of the HEA that address national needs would not otherwise be offered.
- (i) Studies and surveys of the uses of technology in foreign language, area studies, and international studies programs.

(j) Studies and evaluations of effective practices in the dissemination of international information, materials, research, teaching strategies, and testing techniques through the education community, including elementary and secondary schools.

(k) Evaluations of the extent to which programs assisted under title VI of the HEA reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, as described in the grantee's application.

(l) Systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of title VI, part A of the HEA.

(m) Support for programs or activities to make data collected, analyzed, or disseminated under this part publicly available and easy to understand.

(Authority: 20 U.S.C. 1125)

[47 FR 14124, Apr. 1, 1982, as amended at 52 FR 28424, July 29, 1987; 58 FR 32577, June 10, 1993; 64 FR 7740, Feb. 16, 1999; 74 FR 35074, July 17, 2009]

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 660.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a research project, a study, or a survey on the basis of the criteria in §§660.31 and 660.32. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

(b) The Secretary evaluates an application for the development of specialized instructional materials on the basis of the criteria in §§660.31 and 660.33. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

(Authority: 20 U.S.C. 1125)

[70 FR 13375, Mar. 21, 2005]

§ 660.31 What selection criteria does the Secretary use for all applications for a grant?

The Secretary evaluates an application for a project under this program on the basis of the criteria in this section. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

- (a) *Plan of operation.* (See 34 CFR 655.31(a))
- (b) *Quality of key personnel.* (See 34 CFR 655.31(b))
- (c) *Budget and cost effectiveness.* (See 34 CFR 655.31(c))
- (d) *Evaluation plan.* (See 34 CFR 655.31(d))
- (e) *Adequacy of resources.* (See 34 CFR 655.31(e))

(Authority: 20 U.S.C. 1125)

[47 FR 14124, Apr. 1, 1982, as amended at 58 FR 32577, June 10, 1993; 70 FR 13376, Mar. 21, 2005]

§ 660.32 What additional selection criteria does the Secretary use for an application for a research project, a survey, or a study?

In addition to the criteria referred to in §660.31, the Secretary evaluates an application for a research project, study, or survey on the basis of the criteria in this section.

(a) *Need for the project.* The Secretary reviews each application for information that shows—

(1) A need for the proposed project in the field of study on which the project focuses; and

(2) That the proposed project will provide information about the present and future needs of the United States for study in foreign language and other international fields.

(b) *Usefulness of expected results.* The Secretary reviews each application for information that shows the extent to which the results of the proposed project are likely to be used by other research projects or programs with similar objectives.

(c) *Development of new knowledge.* The Secretary reviews each application for information that shows that the extent to which the proposed project is likely to develop new knowledge that will contribute to the purposes of the International Education Program authorized by part A of title VI of the HEA.

(d) *Formulation of problems and knowledge of related research.* The Secretary reviews each application for information that shows that problems, questions, or hypotheses to be dealt with by the applicant—

(1) Are well formulated; and

(2) Reflect adequate knowledge of related research.

(e) *Specificity of statement of procedures.* The Secretary reviews each application for the specificity and completeness of the statement of procedures to be followed, including a discussion of such components as sampling techniques, controls, data to be gathered, and statistical and other analyses to be undertaken.

(f) *Adequacy of methodology and scope of project.* The Secretary reviews each application for information that shows—

- (1) The adequacy of the proposed teaching, testing, and research methodology; and
- (2) The size, scope, and duration of the proposed project.

(Authority: 20 U.S.C. 1125)

[47 FR 14124, Apr. 1, 1982, as amended at 58 FR 32577, June 10, 1993; 70 FR 13376, Mar. 21, 2005]

§ 660.33 What additional selection criteria does the Secretary use for an application to develop specialized instructional materials?

In addition to the criteria referred to in §660.31, the Secretary evaluates an application to develop specialized instructional materials on the basis of the criteria in this section.

(a) *Need for the project.* The Secretary reviews each application for information that shows that—

- (1) The proposed materials are needed in the educational field of study on which the project focuses; and
- (2) The language or languages, the area, region, or country, or the issues or studies for which the materials are to be developed, are of sufficient priority and significance to the national interest to warrant financial support by the Federal Government.

(b) *Potential for the use of materials in other programs.* The Secretary reviews each application for information that shows the extent to which the proposed materials may be used elsewhere in the United States.

(c) *Account of related materials.* The Secretary reviews each application for information that shows that—

- (1) All existing related or similar materials have been accounted for and the critical commentary on their adequacy is appropriate and accurate; and
- (2) The proposed materials will not duplicate any existing adequate materials.

(d) *Likelihood of achieving results.* The Secretary reviews each application for information that shows that the outlined methods and procedures for preparing the materials are practicable and can be expected to produce the anticipated results.

(e) *Expected contribution to other programs.* The Secretary reviews each application for information that shows the extent to which the proposed work may contribute significantly to strengthening, expanding, or improving programs of foreign language studies, area studies, or international studies in the United States.

(f) *Description of final form of materials.* The Secretary reviews each application for information that shows a high degree of specificity in the description of the contents and final form of the proposed materials.

(g) *Provisions for pretesting and revision.* The Secretary reviews each application for information that shows that adequate provision has been made for—

(1) Pretesting the proposed materials; and

(2) If necessary, revising the proposed materials before publication.

(Authority: 20 U.S.C. 1125)

[47 FR 14124, Apr. 1, 1982, as amended at 58 FR 32577, June 10, 1993; 70 FR 13376, Mar. 21, 2005]

§ 660.34 What priorities may the Secretary establish?

(a) The Secretary may each year select for funding from among the following priorities:

(1) Categories of eligible projects described in §660.10.

(2) Specific languages or regions for study or materials development; for example, the Near or Middle East, South Asia, Southeast Asia, Eastern Europe, Inner Asia, the Far East, Africa or Latin America, or the languages of those regions.

(3) Topics of research and studies; for example, language acquisition processes, methodology of foreign language instruction, foreign language performance testing, or assessments of resources and needs.

(4) Levels of education; for example, elementary, secondary, postsecondary or university-level education, or teacher education.

(b) The Secretary announces any priorities in the application notice published in the Federal Register.

(Authority: 20 U.S.C. 1126)

[47 FR 14124, Apr. 1, 1982, as amended at 58 FR 32577, June 10, 1993]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 660.40 What are the limitations on allowable costs?

Funds awarded under this part may not be used for the training of students and teachers.

(Authority: 20 U.S.C. 1125)

THE HIGHER EDUCATION ACT OF
1965, AS AMENDED, TITLE VI PART A –
INTERNATIONAL AND FOREIGN
LANGUAGE STUDIES, SECTION 606,
TECHNOLOGICAL INNOVATION AND
COOPERATION FOR FOREIGN
INFORMATION ACCESS

HIGHER EDUCATION

1998 Amendments to the Higher Education Act of 1965

P.L. 105-244

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

Part A of title VI (20 U.S.C. 1121 et seq.) is amended to read as follows:

PART A--INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

TITLE VI--INTERNATIONAL EDUCATION PROGRAMS

SEC. 606. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.

“(a) **AUTHORITY-** The Secretary is authorized to make grants to institutions of higher education, public or nonprofit private libraries, or consortia of such institutions or libraries, to develop innovative techniques or programs using new electronic technologies to collect, organize, preserve, and widely disseminate information on world regions and countries other than the United States that address our Nation's teaching and research needs in international education and foreign languages.

“(b) **AUTHORIZED ACTIVITIES-** Grants under this section may be used--

“(1) to facilitate access to or preserve foreign information resources in print or electronic forms;

“(2) to develop new means of immediate, full-text document delivery for information and scholarship from abroad;

“(3) to develop new means of shared electronic access to international data;

“(4) to support collaborative projects of indexing, cataloging, and other means of bibliographic access for scholars to important research materials published or distributed outside the United States;

“(5) to develop methods for the wide dissemination of resources written in non-Roman language alphabets;

“(6) to assist teachers of less commonly taught languages in acquiring, via electronic and other means, materials suitable for classroom use; and

“(7) to promote collaborative technology based projects in foreign languages, area studies, and international studies among grant recipients under this title.

`(c) APPLICATION- Each institution or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may reasonably require.

`(d) MATCH REQUIRED- The Federal share of the total cost of carrying out a program supported by a grant under this section shall not be more than $66 \frac{2}{3}$ percent. The non-Federal share of such cost may be provided either in-kind or in cash, and may include contributions from private sector corporations or foundations.'

THE HIGHER EDUCATION ACT OF
1965, AS AMENDED, TITLE VI PART A –
INTERNATIONAL AND FOREIGN
LANGUAGE STUDIES, SECTION 609,
AMERICAN OVERSEAS RESEARCH
CENTERS

1998 Amendments to the Higher Education Act of 1965
P.L. 105-244

TITLE VI--INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

Part A of title VI (20 U.S.C. 1121 et seq.) is amended to read as follows:

PART A--INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

SEC. 609. AMERICAN OVERSEAS RESEARCH CENTERS.

(a) **CENTERS AUTHORIZED-** The Secretary is authorized to make grants to and enter into contracts with any American overseas research center that is a consortium of institutions of higher education (hereafter in this section referred to as a `center') to enable such center to promote postgraduate research, exchanges and area studies.

(b) **USE OF GRANTS-** Grants made and contracts entered into pursuant to this section may be used to pay all or a portion of the cost of establishing or operating a center or program, including--

- (1) the cost of faculty and staff stipends and salaries;
- (2) the cost of faculty, staff, and student travel;
- (3) the cost of the operation and maintenance of overseas facilities;
- (4) the cost of teaching and research materials;
- (5) the cost of acquisition, maintenance, and preservation of library collections;
- (6) the cost of bringing visiting scholars and faculty to a center to teach or to conduct research;
- (7) the cost of organizing and managing conferences; and
- (8) the cost of publication and dissemination of material for the scholarly and general public.

(c) **LIMITATION-** The Secretary shall only award grants to and enter into contracts with centers under this section that--

- (1) receive more than 50 percent of their funding from public or private United States sources;

(2) have a permanent presence in the country in which the center is located; and

(3) are organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 which are exempt from taxation under section 501(a) of such Code.

(d) DEVELOPMENT GRANTS- The Secretary is authorized to make grants for the establishment of new centers. The grants may be used to fund activities that, within 1 year, will result in the creation of a center described in subsection (c).

THE HIGHER EDUCATION ACT OF
1965, AS AMENDED, TITLE VI PART B –
CENTERS FOR INTERNATIONAL
BUSINESS EDUCATION PROGRAM
SECTIONS 611 AND 612

able such center to promote postgraduate research, exchanges and area studies.

(b) **USE OF GRANTS.**—Grants made and contracts entered into pursuant to this section may be used to pay all or a portion of the cost of establishing or operating a center or program, including—

- (1) the cost of faculty and staff stipends and salaries;
- (2) the cost of faculty, staff, and student travel;
- (3) the cost of the operation and maintenance of overseas facilities;
- (4) the cost of teaching and research materials;
- (5) the cost of acquisition, maintenance, and preservation of library collections;
- (6) the cost of bringing visiting scholars and faculty to a center to teach or to conduct research;
- (7) the cost of organizing and managing conferences; and
- (8) the cost of publication and dissemination of material for the scholarly and general public.

(c) **LIMITATION.**—The Secretary shall only award grants to and enter into contracts with centers under this section that—

- (1) receive more than 50 percent of their funding from public or private United States sources;
- (2) have a permanent presence in the country in which the center is located; and
- (3) are organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 which are exempt from taxation under section 501(a) of such Code.

(d) **DEVELOPMENT GRANTS.**—The Secretary is authorized to make grants for the establishment of new centers. The grants may be used to fund activities that, within 1 year, will result in the creation of a center described in subsection (c).

SEC. 610. [20 U.S.C. 1128b] AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part \$80,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

PART B—BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS

SEC. 611. [20 U.S.C. 1130] FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds that—

- (1) the future economic welfare of the United States will depend substantially on increasing international skills in the business and educational community and creating an awareness among the American public of the internationalization of our economy;
- (2) concerted efforts are necessary to engage business schools, language and area study programs, professional international affairs education programs, public and private sector organizations, and United States business in a mutually productive relationship which benefits the Nation's future economic interests;

(3) few linkages presently exist between the manpower and information needs of United States business and the international education, language training and research capacities of institutions of higher education in the United States, and public and private organizations; and

(4) organizations such as world trade councils, world trade clubs, chambers of commerce and State departments of commerce are not adequately used to link universities and business for joint venture exploration and program development.

(b) PURPOSES.—It is the purpose of this part—

(1) to enhance the broad objective of this Act by increasing and promoting the Nation's capacity for international understanding and economic enterprise through the provision of suitable international education and training for business personnel in various stages of professional development; and

(2) to promote institutional and noninstitutional educational and training activities that will contribute to the ability of United States business to prosper in an international economy.

SEC. 612. [20 U.S.C. 1130-1] CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to institutions of higher education, or combinations of such institutions, to pay the Federal share of the cost of planning, establishing and operating centers for international business education which—

(A) will be national resources for the teaching of improved business techniques, strategies, and methodologies which emphasize the international context in which business is transacted;

(B) will provide instruction in critical foreign languages and international fields needed to provide understanding of the cultures and customs of United States trading partners; and

(C) will provide research and training in the international aspects of trade, commerce, and other fields of study.

(2) SPECIAL RULE.—In addition to providing training to students enrolled in the institution of higher education in which a center is located, such centers shall serve as regional resources to businesses proximately located by offering programs and providing research designed to meet the international training needs of such businesses. Such centers shall also serve other faculty, students, and institutions of higher education located within their region.

(b) AUTHORIZED EXPENDITURES.—Each grant made under this section may be used to pay the Federal share of the cost of planning, establishing or operating a center, including the cost of—

(1) faculty and staff travel in foreign areas, regions, or countries;

(2) teaching and research materials;

(3) curriculum planning and development;

(4) bringing visiting scholars and faculty to the center to teach or to conduct research; and

(5) training and improvement of the staff, for the purpose of, and subject to such conditions as the Secretary finds necessary for, carrying out the objectives of this section.

(c) AUTHORIZED ACTIVITIES.—

(1) MANDATORY ACTIVITIES.—Programs and activities to be conducted by centers assisted under this section shall include—

(A) interdisciplinary programs which incorporate foreign language and international studies training into business, finance, management, communications systems, and other professional curricula;

(B) interdisciplinary programs which provide business, finance, management, communications systems, and other professional training for foreign language and international studies faculty and degree candidates;

(C) programs, such as intensive language programs, available to members of the business community and other professionals which are designed to develop or enhance their international skills, awareness, and expertise;

(D) collaborative programs, activities, or research involving other institutions of higher education, local educational agencies, professional associations, businesses, firms, or combinations thereof, to promote the development of international skills, awareness, and expertise among current and prospective members of the business community and other professionals;

(E) research designed to strengthen and improve the international aspects of business and professional education and to promote integrated curricula; and

(F) research designed to promote the international competitiveness of American businesses and firms, including those not currently active in international trade.

(2) PERMISSIBLE ACTIVITIES.—Programs and activities to be conducted by centers assisted under this section may include—

(A) the establishment of overseas internship programs for students and faculty designed to provide training and experience in international business activities, except that no Federal funds provided under this section may be used to pay wages or stipends to any participant who is engaged in compensated employment as part of an internship program;

(B) the establishment of linkages overseas with institutions of higher education and other organizations that contribute to the educational objectives of this section;

(C) summer institutes in international business, foreign area studies, foreign language studies, and other international studies designed to carry out the purposes of subparagraph (A) of this paragraph;

(D) the development of opportunities for business students to study abroad in locations which are important to the existing and future economic well-being of the United States;

(E) outreach activities or consortia with business programs located at other institutions of higher education for the purpose of providing expertise regarding the internationalization of such programs, such as assistance in research, curriculum development, faculty development, or educational exchange programs; and

(F) other eligible activities prescribed by the Secretary.

(d) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—In order to be eligible for assistance under this section, an institution of higher education, or combination of such institutions, shall establish a center advisory council which will conduct extensive planning prior to the establishment of a center concerning the scope of the center's activities and the design of its programs.

(2) MEMBERSHIP ON ADVISORY COUNCIL.—The center advisory council shall include—

(A) one representative of an administrative department or office of the institution of higher education;

(B) one faculty representative of the business or management school or department of such institution;

(C) one faculty representative of the international studies or foreign language school or department of such institution;

(D) one faculty representative of another professional school or department of such institution, as appropriate;

(E) one or more representatives of local or regional businesses or firms;

(F) one representative appointed by the Governor of the State in which the institution of higher education is located whose normal responsibilities include official oversight or involvement in State-sponsored trade-related activities or programs; and

(G) such other individuals as the institution of higher education deems appropriate, such as a representative of a community college in the region served by the center.

(3) MEETINGS.—In addition to the initial planning activities required under subsection (d)(1), the center advisory council shall meet not less than once each year after the establishment of the center to assess and advise on the programs and activities conducted by the center.

(e) GRANT DURATION; FEDERAL SHARE.—

(1) DURATION OF GRANTS.—The Secretary shall make grants under this section for a minimum of 3 years unless the Secretary determines that the provision of grants of shorter duration is necessary to carry out the objectives of this section.

(2) FEDERAL SHARE.—The Federal share of the cost of planning, establishing and operating centers under this section shall be—

(A) not more than 90 percent for the first year in which Federal funds are received;

(B) not more than 70 percent for the second such year; and

(C) not more than 50 percent for the third such year and for each such year thereafter.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of planning, establishing, and operating centers under this section may be provided either in cash or in-kind.

(4) WAIVER OF NON-FEDERAL SHARE.—In the case of an institution of higher education receiving a grant under this part and conducting outreach or consortia activities with another institution of higher education in accordance with section 612(c)(2)(E), the Secretary may waive a portion of the requirements for the non-Federal share required in paragraph (2) equal to the amount provided by the institution of higher education receiving such grant to such other institution of higher education for carrying out such outreach or consortia activities. Any such waiver shall be subject to such terms and conditions as the Secretary deems necessary for carrying out the purposes of this section.

(f) GRANT CONDITIONS.—Grants under this section shall be made on such conditions as the Secretary determines to be necessary to carry out the objectives of this section. Such conditions shall include—

(1) evidence that the institution of higher education, or combination of such institutions, will conduct extensive planning prior to the establishment of a center concerning the scope of the center's activities and the design of its programs in accordance with subsection (d)(1);

(2) assurance of ongoing collaboration in the establishment and operation of the center by faculty of the business, management, foreign language, international studies, professional international affairs, and other professional schools or departments, as appropriate;

(3) assurance that the education and training programs of the center will be open to students concentrating in each of these respective areas, as appropriate; and

(4) assurance that the institution of higher education, or combination of such institutions, will use the assistance provided under this section to supplement and not to supplant activities conducted by institutions of higher education described in subsection (c)(1).

SEC. 613. [20 U.S.C. 1130a] EDUCATION AND TRAINING PROGRAMS.

(a) PROGRAM AUTHORIZED.—The Secretary shall make grants to, and enter into contracts with, institutions of higher education to pay the Federal share of the cost of programs designed to promote linkages between such institutions and the American business community engaged in international economic activity. Each program assisted under this section shall both enhance the international academic programs of institutions of higher education and provide appropriate services to the business community which will expand its capacity to engage in commerce abroad.

(b) AUTHORIZED ACTIVITIES.—Eligible activities to be conducted by institutions of higher education pursuant to grants or contracts awarded under this section shall include—

(1) innovation and improvement in international education curricula to serve the needs of the business community, includ-

ing development of new programs for nontraditional, mid-career, or part-time students;

(2) development of programs to inform the public of increasing international economic interdependence and the role of American business within the international economic system;

(3) internationalization of curricula at the junior and community college level, and at undergraduate and graduate schools of business;

(4) development of area studies programs, and interdisciplinary international programs;

(5) establishment of export education programs through cooperative arrangements with regional and world trade centers and councils, and with bilateral and multilateral trade associations;

(6) research for and development of specialized teaching materials, including language materials, and facilities appropriate to business-oriented students;

(7) establishment of student and faculty fellowships and internships for training and education in international business activities;

(8) development of opportunities for junior business and other professional school faculty to acquire or strengthen international skills and perspectives;

(9) development of research programs on issues of common interest to institutions of higher education and private sector organizations and associations engaged in or promoting international economic activity;

(10) the establishment of internships overseas to enable foreign language students to develop their foreign language skills and knowledge of foreign cultures and societies;

(11) the establishment of linkages overseas with institutions of higher education and organizations that contribute to the educational objectives of this section; and

(12) summer institutes in international business, foreign area and other international studies designed to carry out the purposes of this section.

(c) APPLICATIONS.—No grant may be made and no contract may be entered into under this section unless an institution of higher education submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall be accompanied by a copy of the agreement entered into by the institution of higher education with a business enterprise, trade organization or association engaged in international economic activity, or a combination or consortium of such enterprises, organizations or associations, for the purpose of establishing, developing, improving or expanding activities eligible for assistance under subsection (b) of this section. Each such application shall contain assurances that the institution of higher education will use the assistance provided under this section to supplement and not to supplant activities conducted by institutions of higher education described in subsection (b).

(d) FEDERAL SHARE.—The Federal share under this part for each fiscal year shall not exceed 50 percent of the cost of such program.

SEC. 614. [20 U.S.C. 1130b] AUTHORIZATION OF APPROPRIATIONS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—There are authorized to be appropriated \$11,000,000 for the fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out the provisions of section 612.

(b) EDUCATION AND TRAINING PROGRAMS.—There are authorized to be appropriated \$7,000,000 for fiscal year 1999, and such sums as may be necessary for the 4 succeeding fiscal years, to carry out the provisions of section 613.

PART C—INSTITUTE FOR INTERNATIONAL PUBLIC POLICY

SEC. 621. [20 U.S.C. 1131] MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary is authorized to award a grant, on a competitive basis, to an eligible recipient to enable such recipient to establish an Institute for International Public Policy (hereafter in this part referred to as the “Institute”). The Institute shall conduct a program to significantly increase the numbers of African Americans and other underrepresented minorities in the international service, including private international voluntary organizations and the foreign service of the United States. Such program shall include a program for such students to study abroad in their junior year, fellowships for graduate study, internships, intensive academic programs such as summer institutes, or intensive language training.

(b) DEFINITION OF ELIGIBLE RECIPIENT.—

(1) IN GENERAL.—For the purpose of this part, the term “eligible recipient” means a consortium consisting of 1 or more of the following entities:

(A) An institution eligible for assistance under part B of title III of this Act.

(B) An institution of higher education which serves substantial numbers of African American or other underrepresented minority students.

(C) An institution of higher education with programs in training foreign service professionals.

(2) HOST INSTITUTION.—Each eligible recipient receiving a grant under this section shall designate an institution of higher education as the host institution for the Institute.

(c) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) DURATION.—Grants made pursuant to this section shall be awarded for a period not to exceed 5 years.

(e) MATCH REQUIRED.—The eligible recipient of a grant under this section shall contribute to the conduct of the program supported by the grant an amount from non-Federal sources equal to

THE HIGHER EDUCATION ACT OF
1965, AS AMENDED, TITLE VI PART B -
BUSINESS AND INTERNATIONAL
EDUCATION PROGRAMS SECTIONS
611 AND 613

able such center to promote postgraduate research, exchanges and area studies.

(b) **USE OF GRANTS.**—Grants made and contracts entered into pursuant to this section may be used to pay all or a portion of the cost of establishing or operating a center or program, including—

- (1) the cost of faculty and staff stipends and salaries;
- (2) the cost of faculty, staff, and student travel;
- (3) the cost of the operation and maintenance of overseas facilities;
- (4) the cost of teaching and research materials;
- (5) the cost of acquisition, maintenance, and preservation of library collections;
- (6) the cost of bringing visiting scholars and faculty to a center to teach or to conduct research;
- (7) the cost of organizing and managing conferences; and
- (8) the cost of publication and dissemination of material for the scholarly and general public.

(c) **LIMITATION.**—The Secretary shall only award grants to and enter into contracts with centers under this section that—

- (1) receive more than 50 percent of their funding from public or private United States sources;
- (2) have a permanent presence in the country in which the center is located; and
- (3) are organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 which are exempt from taxation under section 501(a) of such Code.

(d) **DEVELOPMENT GRANTS.**—The Secretary is authorized to make grants for the establishment of new centers. The grants may be used to fund activities that, within 1 year, will result in the creation of a center described in subsection (c).

SEC. 610. [20 U.S.C. 1128b] AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part \$80,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years.

PART B—BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS

SEC. 611. [20 U.S.C. 1130] FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds that—

- (1) the future economic welfare of the United States will depend substantially on increasing international skills in the business and educational community and creating an awareness among the American public of the internationalization of our economy;
- (2) concerted efforts are necessary to engage business schools, language and area study programs, professional international affairs education programs, public and private sector organizations, and United States business in a mutually productive relationship which benefits the Nation's future economic interests;

(3) few linkages presently exist between the manpower and information needs of United States business and the international education, language training and research capacities of institutions of higher education in the United States, and public and private organizations; and

(4) organizations such as world trade councils, world trade clubs, chambers of commerce and State departments of commerce are not adequately used to link universities and business for joint venture exploration and program development.

(b) PURPOSES.—It is the purpose of this part—

(1) to enhance the broad objective of this Act by increasing and promoting the Nation's capacity for international understanding and economic enterprise through the provision of suitable international education and training for business personnel in various stages of professional development; and

(2) to promote institutional and noninstitutional educational and training activities that will contribute to the ability of United States business to prosper in an international economy.

SEC. 612. [20 U.S.C. 1130-1] CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to institutions of higher education, or combinations of such institutions, to pay the Federal share of the cost of planning, establishing and operating centers for international business education which—

(A) will be national resources for the teaching of improved business techniques, strategies, and methodologies which emphasize the international context in which business is transacted;

(B) will provide instruction in critical foreign languages and international fields needed to provide understanding of the cultures and customs of United States trading partners; and

(C) will provide research and training in the international aspects of trade, commerce, and other fields of study.

(2) SPECIAL RULE.—In addition to providing training to students enrolled in the institution of higher education in which a center is located, such centers shall serve as regional resources to businesses proximately located by offering programs and providing research designed to meet the international training needs of such businesses. Such centers shall also serve other faculty, students, and institutions of higher education located within their region.

(b) AUTHORIZED EXPENDITURES.—Each grant made under this section may be used to pay the Federal share of the cost of planning, establishing or operating a center, including the cost of—

(1) faculty and staff travel in foreign areas, regions, or countries;

(2) teaching and research materials;

(3) curriculum planning and development;

(4) bringing visiting scholars and faculty to the center to teach or to conduct research; and

(5) training and improvement of the staff, for the purpose of, and subject to such conditions as the Secretary finds necessary for, carrying out the objectives of this section.

(c) AUTHORIZED ACTIVITIES.—

(1) MANDATORY ACTIVITIES.—Programs and activities to be conducted by centers assisted under this section shall include—

(A) interdisciplinary programs which incorporate foreign language and international studies training into business, finance, management, communications systems, and other professional curricula;

(B) interdisciplinary programs which provide business, finance, management, communications systems, and other professional training for foreign language and international studies faculty and degree candidates;

(C) programs, such as intensive language programs, available to members of the business community and other professionals which are designed to develop or enhance their international skills, awareness, and expertise;

(D) collaborative programs, activities, or research involving other institutions of higher education, local educational agencies, professional associations, businesses, firms, or combinations thereof, to promote the development of international skills, awareness, and expertise among current and prospective members of the business community and other professionals;

(E) research designed to strengthen and improve the international aspects of business and professional education and to promote integrated curricula; and

(F) research designed to promote the international competitiveness of American businesses and firms, including those not currently active in international trade.

(2) PERMISSIBLE ACTIVITIES.—Programs and activities to be conducted by centers assisted under this section may include—

(A) the establishment of overseas internship programs for students and faculty designed to provide training and experience in international business activities, except that no Federal funds provided under this section may be used to pay wages or stipends to any participant who is engaged in compensated employment as part of an internship program;

(B) the establishment of linkages overseas with institutions of higher education and other organizations that contribute to the educational objectives of this section;

(C) summer institutes in international business, foreign area studies, foreign language studies, and other international studies designed to carry out the purposes of subparagraph (A) of this paragraph;

(D) the development of opportunities for business students to study abroad in locations which are important to the existing and future economic well-being of the United States;

(E) outreach activities or consortia with business programs located at other institutions of higher education for the purpose of providing expertise regarding the internationalization of such programs, such as assistance in research, curriculum development, faculty development, or educational exchange programs; and

(F) other eligible activities prescribed by the Secretary.

(d) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—In order to be eligible for assistance under this section, an institution of higher education, or combination of such institutions, shall establish a center advisory council which will conduct extensive planning prior to the establishment of a center concerning the scope of the center's activities and the design of its programs.

(2) MEMBERSHIP ON ADVISORY COUNCIL.—The center advisory council shall include—

(A) one representative of an administrative department or office of the institution of higher education;

(B) one faculty representative of the business or management school or department of such institution;

(C) one faculty representative of the international studies or foreign language school or department of such institution;

(D) one faculty representative of another professional school or department of such institution, as appropriate;

(E) one or more representatives of local or regional businesses or firms;

(F) one representative appointed by the Governor of the State in which the institution of higher education is located whose normal responsibilities include official oversight or involvement in State-sponsored trade-related activities or programs; and

(G) such other individuals as the institution of higher education deems appropriate, such as a representative of a community college in the region served by the center.

(3) MEETINGS.—In addition to the initial planning activities required under subsection (d)(1), the center advisory council shall meet not less than once each year after the establishment of the center to assess and advise on the programs and activities conducted by the center.

(e) GRANT DURATION; FEDERAL SHARE.—

(1) DURATION OF GRANTS.—The Secretary shall make grants under this section for a minimum of 3 years unless the Secretary determines that the provision of grants of shorter duration is necessary to carry out the objectives of this section.

(2) FEDERAL SHARE.—The Federal share of the cost of planning, establishing and operating centers under this section shall be—

(A) not more than 90 percent for the first year in which Federal funds are received;

(B) not more than 70 percent for the second such year; and

(C) not more than 50 percent for the third such year and for each such year thereafter.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of planning, establishing, and operating centers under this section may be provided either in cash or in-kind.

(4) WAIVER OF NON-FEDERAL SHARE.—In the case of an institution of higher education receiving a grant under this part and conducting outreach or consortia activities with another institution of higher education in accordance with section 612(c)(2)(E), the Secretary may waive a portion of the requirements for the non-Federal share required in paragraph (2) equal to the amount provided by the institution of higher education receiving such grant to such other institution of higher education for carrying out such outreach or consortia activities. Any such waiver shall be subject to such terms and conditions as the Secretary deems necessary for carrying out the purposes of this section.

(f) GRANT CONDITIONS.—Grants under this section shall be made on such conditions as the Secretary determines to be necessary to carry out the objectives of this section. Such conditions shall include—

(1) evidence that the institution of higher education, or combination of such institutions, will conduct extensive planning prior to the establishment of a center concerning the scope of the center's activities and the design of its programs in accordance with subsection (d)(1);

(2) assurance of ongoing collaboration in the establishment and operation of the center by faculty of the business, management, foreign language, international studies, professional international affairs, and other professional schools or departments, as appropriate;

(3) assurance that the education and training programs of the center will be open to students concentrating in each of these respective areas, as appropriate; and

(4) assurance that the institution of higher education, or combination of such institutions, will use the assistance provided under this section to supplement and not to supplant activities conducted by institutions of higher education described in subsection (c)(1).

SEC. 613. [20 U.S.C. 1130a] EDUCATION AND TRAINING PROGRAMS.

(a) PROGRAM AUTHORIZED.—The Secretary shall make grants to, and enter into contracts with, institutions of higher education to pay the Federal share of the cost of programs designed to promote linkages between such institutions and the American business community engaged in international economic activity. Each program assisted under this section shall both enhance the international academic programs of institutions of higher education and provide appropriate services to the business community which will expand its capacity to engage in commerce abroad.

(b) AUTHORIZED ACTIVITIES.—Eligible activities to be conducted by institutions of higher education pursuant to grants or contracts awarded under this section shall include—

(1) innovation and improvement in international education curricula to serve the needs of the business community, includ-

ing development of new programs for nontraditional, mid-career, or part-time students;

(2) development of programs to inform the public of increasing international economic interdependence and the role of American business within the international economic system;

(3) internationalization of curricula at the junior and community college level, and at undergraduate and graduate schools of business;

(4) development of area studies programs, and interdisciplinary international programs;

(5) establishment of export education programs through cooperative arrangements with regional and world trade centers and councils, and with bilateral and multilateral trade associations;

(6) research for and development of specialized teaching materials, including language materials, and facilities appropriate to business-oriented students;

(7) establishment of student and faculty fellowships and internships for training and education in international business activities;

(8) development of opportunities for junior business and other professional school faculty to acquire or strengthen international skills and perspectives;

(9) development of research programs on issues of common interest to institutions of higher education and private sector organizations and associations engaged in or promoting international economic activity;

(10) the establishment of internships overseas to enable foreign language students to develop their foreign language skills and knowledge of foreign cultures and societies;

(11) the establishment of linkages overseas with institutions of higher education and organizations that contribute to the educational objectives of this section; and

(12) summer institutes in international business, foreign area and other international studies designed to carry out the purposes of this section.

(c) APPLICATIONS.—No grant may be made and no contract may be entered into under this section unless an institution of higher education submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall be accompanied by a copy of the agreement entered into by the institution of higher education with a business enterprise, trade organization or association engaged in international economic activity, or a combination or consortium of such enterprises, organizations or associations, for the purpose of establishing, developing, improving or expanding activities eligible for assistance under subsection (b) of this section. Each such application shall contain assurances that the institution of higher education will use the assistance provided under this section to supplement and not to supplant activities conducted by institutions of higher education described in subsection (b).

(d) FEDERAL SHARE.—The Federal share under this part for each fiscal year shall not exceed 50 percent of the cost of such program.

SEC. 614. [20 U.S.C. 1130b] AUTHORIZATION OF APPROPRIATIONS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—There are authorized to be appropriated \$11,000,000 for the fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out the provisions of section 612.

(b) EDUCATION AND TRAINING PROGRAMS.—There are authorized to be appropriated \$7,000,000 for fiscal year 1999, and such sums as may be necessary for the 4 succeeding fiscal years, to carry out the provisions of section 613.

**PART C—INSTITUTE FOR INTERNATIONAL
PUBLIC POLICY**

**SEC. 621. [20 U.S.C. 1131] MINORITY FOREIGN SERVICE PROFESSIONAL
DEVELOPMENT PROGRAM.**

(a) ESTABLISHMENT.—The Secretary is authorized to award a grant, on a competitive basis, to an eligible recipient to enable such recipient to establish an Institute for International Public Policy (hereafter in this part referred to as the “Institute”). The Institute shall conduct a program to significantly increase the numbers of African Americans and other underrepresented minorities in the international service, including private international voluntary organizations and the foreign service of the United States. Such program shall include a program for such students to study abroad in their junior year, fellowships for graduate study, internships, intensive academic programs such as summer institutes, or intensive language training.

(b) DEFINITION OF ELIGIBLE RECIPIENT.—

(1) IN GENERAL.—For the purpose of this part, the term “eligible recipient” means a consortium consisting of 1 or more of the following entities:

(A) An institution eligible for assistance under part B of title III of this Act.

(B) An institution of higher education which serves substantial numbers of African American or other underrepresented minority students.

(C) An institution of higher education with programs in training foreign service professionals.

(2) HOST INSTITUTION.—Each eligible recipient receiving a grant under this section shall designate an institution of higher education as the host institution for the Institute.

(c) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) DURATION.—Grants made pursuant to this section shall be awarded for a period not to exceed 5 years.

(e) MATCH REQUIRED.—The eligible recipient of a grant under this section shall contribute to the conduct of the program supported by the grant an amount from non-Federal sources equal to

THE HIGHER EDUCATION ACT OF
1965, AS AMENDED, TITLE VI PART C –
INSTITUTE FOR INTERNATIONAL
PUBLIC POLICY, SECTION 1131
MINORITY FOREIGN SERVICE
PROFESSIONAL DEVELOPMENT
PROGRAM

(d) FEDERAL SHARE.—The Federal share under this part for each fiscal year shall not exceed 50 percent of the cost of such program.

SEC. 614. [20 U.S.C. 1130b] AUTHORIZATION OF APPROPRIATIONS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—There are authorized to be appropriated \$11,000,000 for the fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out the provisions of section 612.

(b) EDUCATION AND TRAINING PROGRAMS.—There are authorized to be appropriated \$7,000,000 for fiscal year 1999, and such sums as may be necessary for the 4 succeeding fiscal years, to carry out the provisions of section 613.

PART C—INSTITUTE FOR INTERNATIONAL PUBLIC POLICY

SEC. 621. [20 U.S.C. 1131] MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary is authorized to award a grant, on a competitive basis, to an eligible recipient to enable such recipient to establish an Institute for International Public Policy (hereafter in this part referred to as the “Institute”). The Institute shall conduct a program to significantly increase the numbers of African Americans and other underrepresented minorities in the international service, including private international voluntary organizations and the foreign service of the United States. Such program shall include a program for such students to study abroad in their junior year, fellowships for graduate study, internships, intensive academic programs such as summer institutes, or intensive language training.

(b) DEFINITION OF ELIGIBLE RECIPIENT.—

(1) IN GENERAL.—For the purpose of this part, the term “eligible recipient” means a consortium consisting of 1 or more of the following entities:

(A) An institution eligible for assistance under part B of title III of this Act.

(B) An institution of higher education which serves substantial numbers of African American or other underrepresented minority students.

(C) An institution of higher education with programs in training foreign service professionals.

(2) HOST INSTITUTION.—Each eligible recipient receiving a grant under this section shall designate an institution of higher education as the host institution for the Institute.

(c) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) DURATION.—Grants made pursuant to this section shall be awarded for a period not to exceed 5 years.

(e) MATCH REQUIRED.—The eligible recipient of a grant under this section shall contribute to the conduct of the program supported by the grant an amount from non-Federal sources equal to

at least one-half the amount of the grant, which contribution may be in cash or in kind.

SEC. 622. [20 U.S.C. 1131-1] INSTITUTIONAL DEVELOPMENT.

(a) **IN GENERAL.**—The Institute shall award grants, from amounts available to the Institute for each fiscal year, to historically Black colleges and universities, Hispanic-serving institutions, Tribally Controlled Colleges or Universities, and minority institutions, to enable such colleges, universities, and institutions to strengthen international affairs programs.

(b) **APPLICATION.**—No grant may be made by the Institute unless an application is made by the college, university, or institution at such time, in such manner, and accompanied by such information as the Institute may require.

(c) **DEFINITIONS.**—In this section—

(1) the term “historically Black college and university” has the meaning given the term in section 322;

(2) the term “Hispanic-serving institution” has the meaning given the term in section 502;

(3) the term “Tribally Controlled College or University” has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801); and

(4) the term “minority institution” has the meaning given the term in section 365.

SEC. 623. [20 U.S.C. 1131a] STUDY ABROAD PROGRAM.

(a) **PROGRAM AUTHORITY.**—The Institute shall conduct, by grant or contract, a junior year abroad program. The junior year abroad program shall be open to eligible students at institutions of higher education, including historically Black colleges and universities as defined in section 322 of this Act, tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978, and other institutions of higher education with significant minority student populations. Eligible student expenses shall be shared by the Institute and the institution at which the student is in attendance. Each student may spend not more than 9 months abroad in a program of academic study, as well as social, familial and political interactions designed to foster an understanding of and familiarity with the language, culture, economics and governance of the host country.

(b) **DEFINITION OF ELIGIBLE STUDENT.**—For the purpose of this section, the term “eligible student” means a student that is—

(1) enrolled full-time in a baccalaureate degree program at an institution of higher education; and

(2) entering the third year of study, or completing the third year of study in the case of a summer abroad program, at an institution of higher education which nominates such student for participation in the study abroad program.

(c) **SPECIAL RULE.**—An institution of higher education desiring to send a student on the study abroad program shall enter into a Memorandum of Understanding with the Institute under which such institution of higher education agrees to—

(1) provide the requisite academic preparation for students participating in the study abroad or internship programs;

(2) pay one-third the cost of each student it nominates for participation in the study abroad program; and

(3) meet such other requirements as the Secretary may from time to time, by regulation, reasonably require.

SEC. 624. [20 U.S.C. 1131b] MASTERS DEGREE IN INTERNATIONAL RELATIONS.

The Institute shall provide, in cooperation with the other members participating in the eligible recipient consortium, a program of study leading to a masters degree in international relations. The masters degree program designed by the consortia shall be reviewed and approved by the Secretary. The Institute may grant fellowships in an amount not to exceed the level of support comparable to that provided by the National Science Foundation graduate fellowships, except such amount shall be adjusted as necessary so as not to exceed the fellow's demonstrated level of need according to measurement of need approved by the Secretary. A fellowship recipient shall agree to undertake full-time study and to enter the international service (including work with private international voluntary organizations) or foreign service of the United States

SEC. 625. [20 U.S.C. 1131c] INTERNSHIPS.

(a) **IN GENERAL.**—The Institute shall enter into agreements with historically Black colleges and universities as defined in section 322 of this Act, tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978, other institutions of higher education with significant numbers of minority students, and institutions of higher education with programs in training foreign service professionals, to provide academic year internships during the junior and senior year and summer internships following the sophomore and junior academic years, by work placements with an international voluntary or government organizations or agencies, including the Agency for International Development, the United States Information Agency, the International Monetary Fund, the National Security Council, the Organization of American States, the Export-Import Bank, the Overseas Private Investment Corporation, the Department of State, Office of the United States Trade Representative, the World Bank, and the United Nations.

(b) **POSTBACCALAUREATE INTERNSHIPS.**—The Institute shall enter into agreements with institutions of higher education described in the first sentence of subsection (a) to conduct internships for students who have completed study for a baccalaureate degree. The internship program authorized by this subsection shall—

(1) assist the students to prepare for a master's degree program;

(2) be carried out with the assistance of the Woodrow Wilson International Center for Scholars;

(3) contain work experience for the students designed to contribute to the students' preparation for a master's degree program; and

(4) be assisted by the Interagency Committee on Minority Careers in International Affairs established under subsection (c).

(c) INTERAGENCY COMMITTEE ON MINORITY CAREERS IN INTERNATIONAL AFFAIRS.—

(1) ESTABLISHMENT.—There is established in the executive branch of the Federal Government an Interagency Committee on Minority Careers in International Affairs composed of not less than 7 members, including—

(A) the Under Secretary for Farm and Foreign Agricultural Services of the Department of Agriculture, or the Under Secretary's designee;

(B) the Assistant Secretary and Director General, of the United States and Foreign Commercial Service of the Department of Commerce, or the Assistant Secretary and Director General's designee;

(C) the Under Secretary of Defense for Personnel and Readiness of the Department of Defense, or the Under Secretary's designee;

(D) the Assistant Secretary for Postsecondary Education in the Department of Education, or the Assistant Secretary's designee;

(E) the Director General of the Foreign Service of the Department of State, or the Director General's designee;

(F) the General Counsel of the Agency for International Development, or the General Counsel's designee; and

(G) the Associate Director for Educational and Cultural Affairs of the United States Information Agency, or the Associate Director's designee.

(2) FUNCTIONS.—The Interagency Committee established by this section shall—

(A) on an annual basis inform the Secretary and the Institute regarding ways to advise students participating in the internship program assisted under this section with respect to goals for careers in international affairs;

(B) locate for students potential internship opportunities in the Federal Government related to international affairs; and

(C) promote policies in each department and agency participating in the Committee that are designed to carry out the objectives of this part.

SEC. 626. [20 U.S.C. 1131d] REPORT.

The Institute shall annually prepare a report on the activities of the Institute and shall submit such report to the Secretary of Education and the Secretary of State.

SEC. 627. [20 U.S.C. 1131e] GIFTS AND DONATIONS.

The Institute is authorized to receive money and other property donated, bequeathed, or devised to the Institute with or without a condition of restriction, for the purpose of providing financial support for the fellowships or underwriting the cost of the Junior Year Abroad Program. All funds or property given, devised, or bequeathed shall be retained in a separate account, and an accounting of those funds and property shall be included in the annual report described in section 626.

Higher Education Act of 1965, Title VI, Part C, as amended,

20 U.S.C 1131 – 1131f

Sec. 1131 - Minority Foreign Service Professional Development Program

(a) Establishment

The Secretary is authorized to award a grant, on a competitive basis, to an eligible recipient to enable such recipient to establish an Institute for International Public Policy (hereafter in this part referred to as the "Institute"). The Institute shall conduct a program to significantly increase the numbers of African Americans and other underrepresented minorities in the international service, including private international voluntary organizations and the foreign service of the United States. Such program shall include a program for such students to study abroad in their junior year, fellowships for graduate study, internships, intensive academic programs such as summer institutes, or intensive language training.

(b) "Eligible recipient" defined

(1) In General

For the purpose of this part, the term "eligible recipient" means a consortium consisting of 1 or more of the following entities:

(A) An institution eligible for assistance under part B of subchapter III of this chapter.

(B) An institution of higher education which serves substantial numbers of African American or other underrepresented minority students.

(C) An institution of higher education with programs in training foreign service professionals.

(2) Host institution

Each eligible recipient receiving a grant under this section shall designate an institution of higher education as the host institution for the Institute.

(c) Application

Each eligible recipient desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) Duration

Grants made pursuant to this section shall be awarded for a period not to exceed 5 years.

(e) Match required

The eligible recipient of a grant under this section shall contribute to the conduct of the program supported by the grant an amount from non-Federal sources equal to at least one-half the amount of the grant, which contribution may be in cash or in kind

Sec. 1131-1. - Institutional development

(a) In general

The Institute shall award grants, from amounts available to the Institute for each fiscal year, to historically Black colleges and universities, Hispanic-serving institutions, Tribally Controlled Colleges or Universities, and minority institutions, to enable such colleges, universities, and institutions to strengthen international affairs programs.

(b) Application

No grant may be made by the Institute unless an application is made by the college, university, or institution at such time, in such manner, and accompanied by such information as the Institute may require.

(c) Definitions

In this section –

- (1)** the term "historically Black college and university" has the meaning given the term in section [1061](#) of this title;
- (2)** the term "Hispanic-serving institution" has the meaning given the term in section [1101a](#) of this title;
- (3)** the term "Tribally Controlled College or University" has the meaning given the term in section [1801](#) of title [25](#); and
- (4)** the term "minority institution" has the meaning given the term in section [1067k](#) of this title

Sec. 1131a. - Study abroad program

(a) Program authority

The Institute shall conduct, by grant or contract, a junior year abroad program. The junior year abroad program shall be open to eligible students at institutions of higher education, including historically Black colleges and universities as defined in section [1061](#) of this title, tribally controlled Indian community colleges as defined in the Tribally Controlled College or University Assistance Act of 1978 ([25 U.S.C. 1801](#) et seq.), and other institutions of higher education with significant minority student populations. Eligible student expenses shall be shared by the Institute and the institution at which the student is in attendance. Each student may spend not more than 9 months abroad in a program of academic study, as well as social, familial and political interactions designed to foster an understanding of and familiarity with the language, culture, economics and governance of the host country.

(b) "Eligible student" defined

For the purpose of this section, the term "eligible student" means a student that is –

- (1) enrolled full-time in a baccalaureate degree program at an institution of higher education; and
- (2) entering the third year of study, or completing the third year of study in the case of a summer abroad program, at an institution of higher education which nominates such student for participation in the study abroad program.

(c) Special rule

An institution of higher education desiring to send a student on the study abroad program shall enter into a Memorandum of Understanding with the Institute under which such institution of higher education agrees to –

- (1) provide the requisite academic preparation for students participating in the study abroad or internship programs;
- (2) pay one-third the cost of each student it nominates for participation in the study abroad program; and
- (3) meet such other requirements as the Secretary may from time to time, by regulation, reasonably require

Sec. 1131b. - Masters degree in international relations

The Institute shall provide, in cooperation with the other members participating in the eligible recipient consortium, a program of study leading to a master's degree in international relations. The master's degree program designed by the consortia shall be reviewed and approved by the Secretary. The Institute may grant fellowships in an amount not to exceed the level of support comparable to that provided by the National Science Foundation graduate fellowships, except such amount shall be adjusted as necessary so as not to exceed the fellow's demonstrated level of need according to measurement of need approved by the Secretary. A fellowship recipient shall agree to undertake full-time study and to enter the international service (including work with private international voluntary organizations) or foreign service of the United States.

Sec. 1131c. - Internships

(a) In general

The Institute shall enter into agreements with historically Black colleges and universities as defined in section [1061](#) of this title, tribally controlled Indian community colleges as defined in the Tribally Controlled College or University Assistance Act of 1978 ([25 U.S.C. 1801](#) et seq.), other institutions of higher education with significant numbers of minority students, and institutions of higher education with programs in training foreign service professionals, to provide academic year internships during the junior and senior year and summer internships following the sophomore and junior academic years, by work placements with an international voluntary or government organizations or agencies, including the Agency for International Development, the International Monetary Fund, the National Security Council, the Organization of American States, the Export-Import Bank, the Overseas Private Investment Corporation, the Department of State, Office of the United States Trade Representative, the World Bank, and the United Nations.

(b) Postbaccalaureate internships

The Institute shall enter into agreements with institutions of higher education described in the first sentence of subsection (a) of this section to conduct internships for students who have completed study for a baccalaureate degree. The internship program authorized by this subsection shall –

- (1)** assist the students to prepare for a master's degree program;
- (2)** be carried out with the assistance of the Woodrow Wilson International Center for Scholars;
- (3)** contain work experience for the students designed to contribute to the students' preparation for a master's degree program; and

(4) be assisted by the Interagency Committee on Minority Careers in International Affairs established under subsection (c) of this section.

(c) Interagency Committee on Minority Careers in International Affairs

(1) Establishment

There is established in the executive branch of the Federal Government an Interagency Committee on Minority Careers in International Affairs composed of not less than 7 members, including -

(A) the Under Secretary for Farm and Foreign Agricultural Services of the Department of Agriculture, or the Under Secretary's designee;

(B) the Assistant Secretary and Director General, of the United States and Foreign Commercial Service of the Department of Commerce, or the Assistant Secretary and Director General's designee;

(C) the Under Secretary of Defense for Personnel and Readiness of the Department of Defense, or the Under Secretary's designee;

(D) the Assistant Secretary for Postsecondary Education in the Department of Education, or the Assistant Secretary's designee;

(E) the Director General of the Foreign Service of the Department of State, or the Director General's designee;

(F) the General Counsel of the Agency for International Development, or the General Counsel's designee; and

(G) the Associate Director for Educational and Cultural Affairs of the United States Information Agency, or the Associate Director's designee.

(2) Functions

The Interagency Committee established by this section shall -

(A) on an annual basis inform the Secretary and the Institute regarding ways to advise students participating in the internship program assisted under this section with respect to goals for careers in international affairs;

(B) locate for students potential internship opportunities in the Federal Government related to international affairs; and

(C) promote policies in each department and agency participating in the Committee that are designed to carry out the objectives of this part

Sec. 1131d. - Report

The Institute shall annually prepare a report on the activities of the Institute and shall submit such report to the Secretary of Education and the Secretary of State

Sec. 1131e. - Gifts and donations

The Institute is authorized to receive money and other property donated, bequeathed, or devised to the Institute with or without a condition of restriction, for the purpose of providing financial support for the fellowships or underwriting the cost of the Junior Year Abroad Program. All funds or property given, devised, or bequeathed shall be retained in a separate account, and an accounting of those funds and property shall be included in the annual report described in section [1131d](#) of this title

Sec. 1131f. - Authorization of appropriations

There is authorized to be appropriated \$10,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this part.

THE MUTUAL EDUCATIONAL AND
CULTURAL EXCHANGE ACT (THE
FULBRIGHT-HAYS ACT), 1961,
SECTION 102 (B)(6), DDRA, FRA, GPA,
AND SA PROGRAMS

-CITE-

22 USC CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL
EXCHANGE PROGRAM

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-MISC1-

Sec.
2451. Congressional statement of purpose.
2451a. Repealed.
2452. Authorization of activities.
2452a. Exchange program with countries in transition from
totalitarianism to democracy.
2452b. International expositions.
2452c. Program to provide grants to American-sponsored
schools in predominantly Muslim countries to provide
scholarships.
2453. Agreements with foreign governments and international
organizations.
2454. Administration.
2455. Appropriations.
2456. J. William Fulbright Foreign Scholarship Board.
2457. Reports by Board.
2458. Authority of President.
2458a. Federal employee participation in cultural exchange
programs.
2459. Immunity from seizure under judicial process of
cultural objects imported for temporary exhibition or
display.
2460. Bureau of Educational and Cultural Affairs.
2461. Exchanges between United States and independent states
of the former Soviet Union.
2462. Establishment of grant program for foreign study by
American college students of limited financial means.
2463. Allocation of funds transferred to the Bureau of
Educational and Cultural Affairs.
2464. Ethical issues in international health research.

-End-

-CITE-

22 USC Sec. 2451

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2451. Congressional statement of purpose

-STATUTE-

The purpose of this chapter is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world.

-SOURCE-

(Pub. L. 87-256, Sec. 101, Sept. 21, 1961, 75 Stat. 527.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

-MISC1-

SHORT TITLE

Pub. L. 87-256, Sec. 1, Sept. 21, 1961, 75 Stat. 527, provided: "That this Act [enacting this chapter, amending sections 1101, 1182 and 1258 of Title 8, Aliens and Nationality, sections 117, 871, 872, 1441, 3121, 3306, 3401 and 3402 of Title 26, Internal Revenue Code, and section 410 of Title 42, The Public Health and Welfare, repealing sections 1431(2), 1434, 1439, 1440, 1446, 1448, 1466 to 1468 and 1991 to 2001 of this title, sections 222 to 224 of Title 20, Education, and section 1641(b)(2) of Title 50, Appendix, War and National Defense, and enacting provisions set out as notes under this section and under sections 117, 1441, 3121 and 3401 of Title 26] may be cited as the 'Mutual Educational and Cultural Exchange Act of 1961'."

Pub. L. 87-256 is also popularly known as the "Fulbright-Hays Act".

-TRANS-

TRANSFER OF FUNCTIONS

Functions vested in President, Secretary of State, Department of State, United States Information Agency or Director thereof under this chapter transferred to Director of International Communication Agency by Reorg. Plan No. 2 of 1977, Sec. 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by President, except (A) for such functions as are vested by sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by sections 2454(b), 2455(d)(2), (f), and 2456(d), (f) of this title, to extent that such functions were assigned to Secretary of Health,

Education, and Welfare [now Secretary of Education] immediately prior to effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to extent that any such function therein is vested in President or Secretary of State. International Communication Agency, and Director thereof, redesignated United States Information Agency, and Director thereof, by section 303 of Pub. L. 97-241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title. 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. References to United States Information Agency or International Communication Agency deemed to refer to Department of State, see section 6551 of this title.

-MISC2-

EXPANSION OF UNITED STATES SCHOLARSHIP AND EXCHANGE PROGRAMS IN THE
ISLAMIC WORLD

Pub. L. 108-458, title VII, Sec. 7112, Dec. 17, 2004, 118 Stat. 3796, provided that:

"(a) Findings. - Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

"(1) Exchange, scholarship, and library programs are effective ways for the United States Government to promote internationally the values and ideals of the United States.

"(2) Exchange, scholarship, and library programs can expose young people from other countries to United States values and offer them knowledge and hope.

"(b) Declaration of Policy. - Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress declares that -

"(1) the United States should commit to a long-term and sustainable investment in promoting engagement with people of all levels of society in countries with predominantly Muslim populations, particularly with youth and those who influence youth;

"(2) such an investment should make use of the talents and resources in the private sector and should include programs to increase the number of people who can be exposed to the United States and its fundamental ideas and values in order to dispel misconceptions; and

"(3) such programs should include youth exchange programs, young ambassadors programs, international visitor programs, academic and cultural exchange programs, American Corner programs, library programs, journalist exchange programs, sister city programs, and other programs related to people-to-people diplomacy.

"(c) Sense of Congress. - It is the sense of Congress that the United States should significantly increase its investment in the people-to-people programs described in subsection (b).

"(d) Authority To Expand Educational and Cultural Exchanges. - The President is authorized to substantially expand the exchange, scholarship, and library programs of the United States, especially such programs that benefit people in the Muslim world.

"(e) Availability of Funds. - Of the amounts authorized to be appropriated in each of the fiscal years 2005 and 2006 for educational and cultural exchange programs, there shall be available to the Secretary of State such sums as may be necessary to carry out programs under this section, unless otherwise authorized by Congress."

ADVISORY COMMITTEE ON CULTURAL DIPLOMACY

Pub. L. 107-228, div. A, title II, Sec. 224, Sept. 30, 2002, 116 Stat. 1368, provided that:

"(a) Establishment. - There is established an Advisory Committee on Cultural Diplomacy (in this section referred to as the 'Advisory Committee'), which shall be composed of nine members, as follows:

"(1) The Under Secretary of State for Public Diplomacy, who shall serve as Chair.

"(2) The Assistant Secretary of State for Educational and Cultural Affairs.

"(3) Seven members appointed pursuant to subsection (c).

"(b) Duties. - The Advisory Committee shall advise the Secretary on programs and policies to advance the use of cultural diplomacy in United States foreign policy. The Advisory Committee shall, in particular, provide advice to the Secretary on -

"(1) increasing the presentation abroad of the finest of the creative, visual, and performing arts of the United States; and

"(2) strategies for increasing public-private partnerships to sponsor cultural exchange programs that promote the national interests of the United States.

"(c) Appointments. - The members of the Advisory Committee shall be appointed by the Secretary, not more than four of whom shall be from the same political party, from among distinguished Americans with a demonstrated record of achievement in the creative, visual, and performing arts, or international affairs. No officer or employee of the United States shall be appointed to the Advisory Committee.

"(d) Vacancies. - A vacancy in the membership of the Advisory Committee shall be filled in the same manner as provided under this subsection to make the original appointment.

"(e) Meetings. - A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall meet at least twice each year or as frequently as may be necessary to carry out its duties.

"(f) Administrative Support. - The Secretary is authorized to provide the Advisory Committee with necessary administrative support from among the staff of the Bureau of Educational and Cultural Affairs of the Department.

"(g) Compensation. - Members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Advisory Committee.

"(h) Exemption From Federal Advisory Committee Act. - The Federal Advisory Committee Act [5 U.S.C. App.] shall not apply to the Advisory Committee to the extent that the provisions of this section are inconsistent with that Act.

"(i) Authorization of Appropriations. - There are authorized to be appropriated to the Department such sums as may be necessary to

carry out this section.

"(j) Termination. - The Advisory Committee shall terminate September 30, 2005."

[For definitions of "Secretary" and "Department" as used in section 224 of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS,
DETERMINATIONS, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER
ACTIONS

Section 111(b) of Pub. L. 87-256 provided that: "All Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of any provisions of law repealed by subsection (a) of this section [repealing sections 1431(2), 1434, 1439, 1440, 1446, 1448, 1466 to 1468, and 1991 to 2001 of this title, sections 222 to 224 of Title 20, Education, and section 1641(b)(2) of Title 50, Appendix, War and National Defense] shall continue in full force and effect, and shall be applicable to the appropriate provisions of this Act [this chapter] until modified or superseded by appropriate authority."

REFERENCES IN OTHER LAWS TO REPEALED PROVISIONS

Section 111(c) of Pub. L. 87-256 provided that: "Any reference in any other Act to the provisions of law listed in subsection (a) [repealing sections 1431(2), 1434, 1439, 1440, 1446, 1448, 1466 to 1468, and 1991 to 2001 of this title, sections 222 to 224 of Title 20, Education, and section 1641(b)(2) of Title 50, Appendix, War and National Defense] shall hereafter be considered to be references to the appropriate provisions of this Act [this chapter]."

-End-

-CITE-

22 USC Sec. 2451a

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2451a. Repealed.

-MISC1-

Sec. 2451a. Repealed. Pub. L. 91-269, Sec. 7, May 27, 1970, 84 Stat. 272.

Section, Pub. L. 89-685, Sec. 8, Oct. 15, 1966, 80 Stat. 974, required registration of international fair, exposition, celebration or other international exhibition with an international organization for participation by the United States. See section 2801 et seq. of this title.

-End-

-CITE-

22 USC Sec. 2452

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2452. Authorization of activities

-STATUTE-

(a) Grants or contracts for educational or cultural exchanges;
participation in international fairs and expositions abroad
The Director of the United States Information Agency is
authorized, when he considers that it would strengthen
international cooperative relations, to provide, by grant,
contract, or otherwise, for -

(1) educational exchanges, (i) by financing studies, research,
instruction, and other educational activities -

(A) of or for American citizens and nationals in foreign
countries, and

(B) of or for citizens and nationals of foreign countries in
American schools and institutions of learning located in or
outside the United States;

and (ii) by financing visits and interchanges between the United
States and other countries of students, trainees, teachers,
instructors, and professors;

(2) cultural exchanges, by financing -

(i) visits and interchanges between the United States and
other countries of leaders, experts in fields of specialized
knowledge or skill, and other influential or distinguished
persons;

(ii) tours in countries abroad by creative and performing
artists and athletes from the United States, individually and
in groups, representing any field of the arts, sports, or any
other form of cultural attainment;

(iii) United States representation in international artistic,
dramatic, musical, sports, and other cultural festivals,
competitions, meetings, and like exhibitions and assemblies;

(iv) participation by groups and individuals from other
countries in nonprofit activities in the United States similar
to those described in subparagraphs (ii) and (iii) of this
paragraph, when the Director of the United States Information
Agency determines that such participation is in the national
interest. (!1)

(3) United States participation in international fairs and
expositions abroad, including trade and industrial fairs and
other public or private demonstrations of United States economic
accomplishments and cultural attainments.

(b) Other exchanges

In furtherance of the purposes of this chapter, the President is

further authorized to provide for -

(1) interchanges between the United States and other countries of handicrafts, scientific, technical, and scholarly books, books of literature, periodicals, and Government publications, and the reproduction and translation of such writings, and the preparation, distribution, and interchange of other educational and research materials, including laboratory and technical equipment for education and research;

(2) establishing and operating in the United States and abroad centers for cultural and technical interchanges to promote better relations and understanding between the United States and other nations through cooperative study, training, and research;

(3) assistance in the establishment, expansion, maintenance, and operation of schools and institutions of learning abroad, founded, operated, or sponsored by citizens or nonprofit institutions of the United States, including such schools and institutions serving as demonstration centers for methods and practices employed in the United States;

(4) fostering and supporting American studies in foreign countries through professorships, lectureships, institutes, seminars, and courses in such subjects as American history, government, economics, language and literature, and other subjects related to American civilization and culture, including financing the attendance at such studies by persons from other countries;

(5) promoting and supporting medical, scientific, cultural, and educational research and development;

(6) promoting modern foreign language training and area studies in United States schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skill in languages and their knowledge of the culture of the people of those countries, and by financing visits by teachers from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities;

(7) United States representation at international nongovernmental educational, scientific, and technical meetings;

(8) participation by groups and individuals from other countries in educational, scientific, and technical meetings held under American auspices in or outside the United States;

(9) encouraging independent research into the problems of educational and cultural exchange;

(10) promoting studies, research, instruction, and other educational activities of citizens and nationals of foreign countries in American schools, colleges, and universities located in the United States by making available to citizens and nationals of less developed friendly foreign countries for exchange for currencies of their respective countries (other than excess foreign currencies), at United States embassies, United States dollars in such amounts as may be necessary to enable such foreign citizens or nationals who are coming temporarily to the United States as students, trainees, teachers, instructors, or professors to meet expenses of the kind described in section 2454(e) (1) of this title;

(11) interchanges and visits between the United States and

other countries of scientists, scholars, leaders, and other experts in the fields of environmental science and environmental management; and

(12) promoting respect for and guarantees of religious freedom abroad by interchanges and visits between the United States and other nations of religious leaders, scholars, and religious and legal experts in the field of religious freedom.

-SOURCE-

(Pub. L. 87-256, Sec. 102, Sept. 21, 1961, 75 Stat. 527; Pub. L. 87-565, pt. IV, Sec. 403, Aug. 1, 1962, 76 Stat. 263; Pub. L. 89-698, title II, Sec. 203(a), Oct. 29, 1966, 80 Stat. 1071; 1977 Reorg. Plan No. 2, Sec. 7(a)(2), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 97-241, title III, Sec. 303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 98-164, title VII, Sec. 703(a), Nov. 22, 1983, 97 Stat. 1045; Pub. L. 105-292, title V, Sec. 503, Oct. 27, 1998, 112 Stat. 2811.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

-MISC1-

AMENDMENTS

1998 - Subsec. (b)(12). Pub. L. 105-292 added par. (12).
1983 - Subsec. (b)(11). Pub. L. 98-164 added par. (11).
1966 - Subsec. (b)(10). Pub. L. 89-698 added par. (10).
1962 - Subsec. (a)(3). Pub. L. 87-565 inserted "abroad" after "expositions".

EFFECTIVE DATE OF 1962 AMENDMENT

Section 403 of Pub. L. 87-565 provided in part that: "The amendment made by this section [amending this section] shall not be applicable with respect to any fair or exposition within the United States for which an appropriation has been provided."

-TRANS-

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. "Director of the United States Information Agency" substituted for "Director of the International Communication Agency" in subsec. (a), opening par. and par. (2)(iv), pursuant to section 303(b) of Pub. L. 97-241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title. Previously, "Director of the International Communication Agency" substituted for "President" in subsec. (a), opening par. and par. (2)(iv), pursuant to Reorg. Plan No. 2 of 1977, Sec. 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at

such time as specified by President, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency, or Director thereof, under this chapter, to Director of International Communication Agency, except (A) for such functions as are vested by subsec. (b)(6), (10) of this section, and sections 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by sections 2454(b), 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such function therein is vested in President or Secretary of State.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, Director of United States Information Agency, Secretary of Commerce, and Secretary of Education, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, as amended, set out as a note under section 2454 of this title.

-MISC2-

PERFORMANCE OF FUNCTIONS

Authorization of performance of functions under subsec. (a)(2) and (3) of this section by departments or other executive agencies, see Ex. Ord. No. 11380, Sec. 2, Nov. 8, 1967, 32 F.R. 15627, set out as a note under section 2454 of this title.

PILOT PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS

Pub. L. 108-458, title VII, Sec. 7113, Dec. 17, 2004, 118 Stat. 3797, as amended, formerly set out as a note under this section, was transferred and is classified to section 2452c of this title.

CONDUCT OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Pub. L. 104-319, title I, Sec. 102, Oct. 19, 1996, 110 Stat. 3865, as amended by Pub. L. 106-113, div. B, Sec. 1000(a)(7) [div. A, title IV, Sec. 402], Nov. 29, 1999, 113 Stat. 1536, 1501A-445, provided that:

"(a) In General. - In carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy, the Secretary of State, with the assistance of the Under Secretary of State for Public Diplomacy, shall provide, where appropriate, opportunities for significant participation in such programs to nationals of such countries who are -

"(1) human rights or democracy leaders of such countries; or

"(2) committed to advancing human rights and democratic values in such countries.

"(b) Grantee Organizations. - To the extent practicable, grantee organizations selected to operate programs described in subsection (a) shall be selected through an open competitive process. Among the factors that should be considered in the selection of such a grantee are the willingness and ability of the organization to -

"(1) recruit a broad range of participants, including those

described in paragraphs (1) and (2) of subsection (a); and
" (2) ensure that the governments of the countries described in
subsection (a) do not have inappropriate influence in the
selection process."

LIMITATION ON PARTICIPATION IN INTERNATIONAL EXPOSITIONS OR FAIRS
Pub. L. 103-236, title II, Sec. 230, Apr. 30, 1994, 108 Stat.
424, which provided that United States Information Agency could not
obligate or expend funds for a United States Government funded
pavilion or major exhibit at any international exposition or
world's fair in excess of amounts expressly authorized and
appropriated for such purpose, was repealed by Pub. L. 106-113,
div. B, Sec. 1000(a)(7) [div. A, title II, Sec. 204(e)], Nov. 29,
1999, 113 Stat. 1536, 1501A-421. See section 2452b of this title.

INTERNATIONAL EXCHANGE, SCHOLARSHIP, AND TRAINING PROGRAMS
Pub. L. 110-83, Sept. 20, 2007, 121 Stat. 781, authorized
establishment of a United States-Poland parliamentary youth
exchange program.
Pub. L. 106-554, Sec. 1(a)(4) [div. B, title II], Dec. 21, 2000,
114 Stat. 2763, 2763A-254, as amended by Pub. L. 107-228, div. A,
title II, Sec. 227, Sept. 30, 2002, 116 Stat. 1369, known as the
Vietnam Education Foundation Act of 2000, established the Vietnam
Education Foundation to provide fellowships to Vietnamese nationals
to study the sciences, mathematics, medicine, and technology in the
United States and to United States citizens to teach those subjects
in Vietnam.

Pub. L. 104-319, title I, Sec. 103, Oct. 19, 1996, 110 Stat.
3865, as amended by Pub. L. 105-277, div. G, subdiv. B, title XXIV,
Sec. 2415, Oct. 21, 1998, 112 Stat. 2681-834; Pub. L. 106-113, div.
B, Sec. 1000(a)(7) [div. A, title IV, Sec. 401], Nov. 29, 1999, 113
Stat. 1536, 1501A-445; Pub. L. 107-228, div. A, title II, Sec. 222,
Sept. 30, 2002, 116 Stat. 1367, authorized establishment of
educational and cultural exchange programs between United States
and people of Tibet and authorized scholarships for Tibetans and
Burmese.

Pub. L. 103-236, title II, Sec. 235, Apr. 30, 1994, 108 Stat.
425, authorized establishment and maintenance of American studies
collections at appropriate foreign university libraries to further
the study of the United States.

Pub. L. 103-236, title II, Sec. 236, Apr. 30, 1994, 108 Stat.
425, authorized establishment of educational and cultural exchange
programs between United States and Tibet.

Pub. L. 103-236, title II, Sec. 237, Apr. 30, 1994, 108 Stat.
426, established a scholarship program for East Timorese students
qualified to study in United States.

Pub. L. 103-236, title II, Sec. 238, Apr. 30, 1994, 108 Stat.
426, related to establishment and expansion of Cambodian
scholarship and exchange programs.

Pub. L. 103-236, title II, Sec. 239, Apr. 30, 1994, 108 Stat.
426, related to expansion of exchange program allocations to
Africa.

Pub. L. 103-236, title II, Sec. 240, Apr. 30, 1994, 108 Stat.
426, as amended by Pub. L. 105-244, title I, Sec. 102(a)(7)(A),
Oct. 7, 1998, 112 Stat. 1619, established a program to promote
academic exchanges in disciplines relevant to environment and
sustainable development.

Pub. L. 103-236, title II, Sec. 241, Apr. 30, 1994, 108 Stat. 427, authorized scholarships to qualified students from South Pacific nations.

Pub. L. 103-236, title II, Sec. 242, Apr. 30, 1994, 108 Stat. 427, provided for international exchange programs involving disability related matters.

Pub. L. 102-511, title VIII, Sec. 807, Oct. 24, 1992, 106 Stat. 3353, authorized exchange and training programs between United States and independent states of former Soviet Union.

Pub. L. 102-138, title II, Sec. 210, Oct. 28, 1991, 105 Stat. 694, authorized grants to Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation to enable foreign visiting students to observe workings and operations of democratic form of government of United States.

Pub. L. 102-138, title II, Sec. 214, Oct. 28, 1991, 105 Stat. 696, established Israeli Arab Scholarship Fund within United States Information Agency to finance attendance of Israeli Arabs at United States institutions of higher education.

Pub. L. 102-138, title II, Sec. 225, Oct. 28, 1991, 105 Stat. 699, authorized establishment of an endowment fund to support an exchange program among secondary school students from United States and former Warsaw Pact countries, prior to repeal, eff. 6 months after Oct. 24, 1992, by Pub. L. 102-511, title VIII, Sec. 807(c), Oct. 24, 1992, 106 Stat. 3354.

Pub. L. 102-138, title II, Sec. 226, Oct. 28, 1991, 105 Stat. 699, authorized scholarships for foreign and United States students and scholars awarded by Bureau of Educational and Cultural Affairs of United States Information Agency to facilitate study, research, and teaching within United States.

Pub. L. 102-138, title II, Sec. 227, Oct. 28, 1991, 105 Stat. 700, as amended by Pub. L. 102-511, title VIII, Sec. 801, Oct. 24, 1992, 106 Stat. 3352; Pub. L. 105-277, div. G, subdiv. B, title XXIV, Sec. 2413, Oct. 21, 1998, 112 Stat. 2681-832, established Muskie Fellowship Program to award scholarships to graduate students from independent states of the former Soviet Union, Lithuania, Latvia, and Estonia for study within United States.

Pub. L. 102-138, title II, Sec. 228, Oct. 28, 1991, 105 Stat. 702, as amended by Pub. L. 103-236, title II, Sec. 233, Apr. 30, 1994, 108 Stat. 424; Pub. L. 105-277, div. G, subdiv. B, title XXII, Sec. 2219(a)(7), Oct. 21, 1998, 112 Stat. 2681-817, authorized assistance to United States graduate and postdoctoral students researching Near and Middle East.

Pub. L. 102-138, title II, Sec. 229, Oct. 28, 1991, 105 Stat. 702, authorized scholarships for Vietnamese residents qualified to study in United States.

STUDY AND REPORT ON WAYS TO REDUCE THE DRAIN FROM DEVELOPING COUNTRIES OF PROFESSIONAL PERSONS AND SKILLED SPECIALISTS

Pub. L. 89-698, title III, Sec. 301, Oct. 29, 1966, 80 Stat. 1072, authorized Secretary of Health, Education, and Welfare to conduct an investigation to determine number of individuals from developing countries who enter United States annually to further their education and fail to return to their homeland and to report to President and to Congress findings and conclusions together with recommendations for any legislation deemed necessary to encourage these individuals to return and use their education and training in service of their homeland.

-EXEC-

EXECUTIVE ORDER NO. 10716

Ex. Ord. No. 10716, June 18, 1957, 22 F.R. 4345, as amended by Ex. Ord. No. 10912, Jan. 19, 1961, 26 F.R. 509, which related to administration of programs under this chapter, was superseded by Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

-FOOTNOTE-

(!1) So in original. The period probably should be a semicolon.

-End-

-CITE-

22 USC Sec. 2452a

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2452a. Exchange program with countries in transition from totalitarianism to democracy

-STATUTE-

(a) Authorization of activities; grants or contracts for exchanges with foreign countries

Pursuant to the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.] and using the authorities contained therein, the President is authorized, when the President considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for exchanges with countries that are in transition from totalitarianism to democracy, which include, but are not limited to Poland, Hungary, Czechoslovakia, Bulgaria, and Romania -

(1) by financing studies, research, instruction, and related activities -

(A) of or for American citizens and nationals in foreign countries; and

(B) of or for citizens and nationals of foreign countries in American private businesses, trade associations, unions, chambers of commerce, and local, State, and Federal Government agencies, located in or outside the United States; and

(2) by financing visits and interchanges between the United States and countries in transition from totalitarianism to democracy.

The program under this section shall be coordinated by the Department of State.

(b) Transfer of funds

The President is authorized to transfer to the appropriate appropriations account of the Department of State such sums as the President shall determine to be necessary out of the travel accounts of the departments and agencies of the United States, except for the Department of State, as the President shall designate. Such transfers shall be subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. In addition, the President is authorized to accept such gifts or cost-sharing arrangements as may be proffered to sustain the program under this section.

-SOURCE-

(Pub. L. 101-610, title VI, Sec. 602, Nov. 16, 1990, 104 Stat. 3186; Pub. L. 105-277, div. G, subdiv. A, title XIII, Sec. 1335(c), Oct. 21, 1998, 112 Stat. 2681-787.)

-REFTEXT-

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (a), is Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

-COD-

CODIFICATION

Section was enacted as part of the National and Community Service Act of 1990, and not as part of the Mutual Educational and Cultural Exchange Act of 1961 which comprises this chapter.

-MISC1-

AMENDMENTS

1998 - Subsec. (a). Pub. L. 105-277, Sec. 1335(c)(1), substituted "Department of State" for "United States Information Agency" before period at end.

Subsec. (b). Pub. L. 105-277, Sec. 1335(c)(2), in first sentence, substituted "appropriate appropriations account of the Department of State" for "appropriations account of the United States Information Agency" and struck out "and the United States Information Agency" before ", as the President".

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.

-End-

-CITE-

22 USC Sec. 2452b

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2452b. International expositions

-STATUTE-

(a) Limitation

Except as provided in subsection (b) of this section and notwithstanding any other provision of law, the Department of State may not obligate or expend any funds appropriated to the Department of State for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions in excess of amounts expressly authorized and appropriated for such purpose.

(b) Exceptions

(1) In general

The Department of State is authorized to utilize its personnel and resources to carry out the responsibilities of the Department for the following:

(A) Administrative services, including legal and other advice and contract administration, under section 2452(a)(3) of this title related to United States participation in international fairs and expositions abroad. Such administrative services may not include capital expenses, operating expenses, or travel or related expenses (other than such expenses as are associated with the provision of administrative services by employees of the Department of State).

(B) Activities under section 2455(f) of this title with respect to encouraging foreign governments, international organizations, and private individuals, firms, associations, agencies and other groups to participate in international fairs and expositions and to make contributions to be utilized for United States participation in international fairs and expositions.

(C) Encouraging private support of United States pavilions and exhibits at international fairs and expositions.

(2) Statutory construction

Nothing in this subsection authorizes the use of funds appropriated to the Department of State to make payments for -

(A) contracts, grants, or other agreements with any other party to carry out the activities described in this subsection; or

(B) the satisfaction of any legal claim or judgment or the costs of litigation brought against the Department of State arising from activities described in this subsection.

(c) Notification

No funds made available to the Department of State by any Federal agency to be used for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions may be obligated or expended unless the appropriate congressional committees are notified not less than 15 days prior to such obligation or expenditure.

(d) Reports

The Commissioner General of a United States pavilion or other major exhibit at any international exposition or world's fair

registered by the Bureau of International Expositions shall submit to the Secretary of State and the appropriate congressional committees a report concerning activities relating to such pavilion or exhibit every 180 days while serving as Commissioner General and shall submit a final report summarizing all such activities not later than 1 year after the closure of the pavilion or exhibit.

-SOURCE-

(Pub. L. 106-113, div. B, Sec. 1000(a)(7) [div. A, title II, Sec. 204], Nov. 29, 1999, 113 Stat. 1536, 1501A-420.)

-COD-

CODIFICATION

Section is comprised of section 1000(a)(7) [div. A, title II, Sec. 204] of div. B of Pub. L. 106-113. Subsec. (e) of section 204 of title II of section 1000(a)(7) of Pub. L. 106-113 repealed section 230 of Pub. L. 103-236 which was classified as a note under section 2452 of this title.

Section was enacted as part of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, and not as part of the Mutual Educational and Cultural Exchange Act of 1961 which comprises this chapter.

-CROSS-

DEFINITIONS

In subsecs. (c) and (d), "appropriate congressional committees" means the Committee on International Relations (now Committee on Foreign Affairs) of the House of Representatives and the Committee on Foreign Relations of the Senate, see section 1000(a)(7) [Sec. 3(1)] of Pub. L. 106-113, set out as a note under section 2651 of this title.

-End-

-CITE-

22 USC Sec. 2452c

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2452c. Program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholarships

-STATUTE-

(a) Findings

Congress makes the following findings:

(1) During the 2003-2004 school year, the Office of Overseas Schools of the Department of State is financially assisting 189 elementary and secondary schools in foreign countries.

(2) United States-sponsored elementary and secondary schools are located in more than 20 countries with predominantly Muslim populations in the Near East, Africa, South Asia, Central Asia, and East Asia.

(3) United States-sponsored elementary and secondary schools provide an American-style education in English, with curricula that typically include an emphasis on the development of critical thinking and analytical skills.

(b) Statement of policy

The United States has an interest in increasing the level of financial support provided to United States-sponsored elementary and secondary schools in countries with predominantly Muslim populations in order to -

(1) increase the number of students in such countries who attend such schools;

(2) increase the number of young people who may thereby gain at any early age an appreciation for the culture, society, and history of the United States; and

(3) increase the number of young people who may thereby improve their proficiency in the English language.

(c) Program

The Secretary of State, acting through the Director of the Office of Overseas Schools of the Department of State, may conduct a program to make grants to United States-sponsored elementary and secondary schools in countries with predominantly Muslim populations for the purpose of providing full or partial merit-based scholarships to students from lower-income and middle-income families of such countries to attend such schools.

(d) Determination of eligible students

For purposes of the program, a United States-sponsored elementary and secondary school that receives a grant under the program may establish criteria to be implemented by such school to determine what constitutes lower-income and middle-income families in the country (or region of the country, if regional variations in income levels in the country are significant) in which such school is located.

(e) Restriction on use of funds

Amounts appropriated to the Secretary of State pursuant to the authorization of appropriations in subsection (h) shall be used for the sole purpose of making grants under this section, and may not be used for the administration of the Office of Overseas Schools of the Department of State or for any other activity of the Office.

(f) Voluntary participation

Nothing in this section shall be construed to require participation in the program by a United States-sponsored elementary or secondary school in a predominantly Muslim country.

(g) Report

Not later than April 15, 2006, and April 15, 2008, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the program. The report shall assess the success of the program, examine any obstacles encountered in its implementation, and address whether it should be continued, and if so, provide recommendations to increase its effectiveness.

(h) Funding

There are authorized to be appropriated to the Secretary of State for each of the fiscal years 2007 and 2008, unless otherwise authorized by Congress, such sums as necessary to implement the program under this section.

-SOURCE-

(Pub. L. 108-458, title VII, Sec. 7113, Dec. 17, 2004, 118 Stat. 3797; Pub. L. 110-53, title XX, Sec. 2014(b)(1), Aug. 3, 2007, 121 Stat. 512.)

-COD-

CODIFICATION

Section was formerly set out as a note under section 2452 of this title.

Section was enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, and also as part of the 9/11 Commission Implementation Act of 2004, and not as part of the Mutual Educational and Cultural Exchange Act of 1961 which comprises this chapter.

-MISC1-

AMENDMENTS

2007 - Pub. L. 110-53, Sec. 2014(b)(1)(A), struck out "Pilot" before "Program" in section catchline.

Subsec. (c). Pub. L. 110-53, Sec. 2014(b)(1)(B), struck out "Pilot" before "Program" in heading and "pilot" before "program" in text.

Subsecs. (d), (f). Pub. L. 110-53, Sec. 2014(b)(1)(C), (D), struck out "pilot" before "program" wherever appearing.

Subsec. (g). Pub. L. 110-53, Sec. 2014(b)(1)(E), inserted "and April 15, 2008," before "the Secretary" and struck out "pilot" before "program".

Subsec. (h). Pub. L. 110-53, Sec. 2014(b)(1)(F), substituted "2007 and 2008" for "2005 and 2006" and struck out "pilot" before "program".

-CHANGE-

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

-MISC2-

FINDINGS

Pub. L. 110-53, title XX, Sec. 2014(a), Aug. 3, 2007, 121 Stat. 512, provided that: "Congress finds the following:

"(1) Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 22 U.S.C. 2452 note [now 22 U.S.C. 2452c]) authorized the establishment of a pilot program to provide grants to American-sponsored schools in predominantly Muslim countries so that such schools could provide scholarships to young people from lower-income and middle-income families in such countries to attend such schools, where they could improve their English and be exposed to a modern education.

"(2) Since the date of the enactment of that section [Dec. 17, 2004], the Middle East Partnership Initiative has pursued implementation of that program."

-End-

-CITE-

22 USC Sec. 2453

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2453. Agreements with foreign governments and international organizations

-STATUTE-

(a) Authorization

The Director of the United States Information Agency is authorized to enter into agreements with foreign governments and international organizations, in furtherance of the purposes of this chapter. In such agreements the Director of the United States Information Agency is authorized, when he deems it in the public interest, to seek the agreement of the other governments concerned to cooperate and assist, including making use of funds placed in special accounts pursuant to agreements concluded in accordance with section 1513(b)(6) (!1) of this title, or any similar agreements, in providing for the activities authorized in section 2452 of this title, and particularly those authorized in subsection (a)(1) of said section 2452, with respect to the expenses of international transportation of their own citizens and nationals and of activities in furtherance of the purposes of this chapter carried on within the borders of such other nations.

(b) Creation or continuation of binational or multinational educational and cultural foundations and commissions

Such agreements may also provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purpose of administering programs in furtherance of the purposes of this chapter.

(c) United States participation in programs

In such agreements with international organizations, the Director of the United States Information Agency may provide for equitable United States participation in and support for, including a reasonable share of the cost of, educational and cultural programs to be administered by such organizations.

-SOURCE-

(Pub. L. 87-256, Sec. 103, Sept. 21, 1961, 75 Stat. 529; 1977 Reorg. Plan No. 2, Sec. 7(a)(2), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 97-241, title III, Sec. 303(b), Aug. 24, 1982, 96 Stat. 291.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this

title and Tables.

Section 1513(b)(6) of this title, referred to in subsec. (a), was repealed by act Aug. 26, 1954, ch. 937, title V, Sec. 542(a), 68 Stat. 861.

-TRANS-

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. "Director of the United States Information Agency" substituted for "Director of the International Communication Agency" in subsecs. (a) and (c), pursuant to section 303(b) of Pub. L. 97-241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title. Previously, "Director of the International Communication Agency" substituted for "President" in subsecs. (a) and (c), pursuant to Reorg. Plan No. 2 of 1977, Sec. 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by President, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency or Director thereof, under this chapter, to Director of International Communication Agency, except (A) for such functions as are vested by sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by sections 2454(b), 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such function therein is vested in President or Secretary of State.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

-FOOTNOTE-

(!1) See References in Text note below.

-End-

-CITE-

22 USC Sec. 2454

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2454. Administration

-STATUTE-

(a) Delegation of powers; submission of proposal for delegation to Congress

The President may delegate, to such officers of the Government as he determines to be appropriate, any of the powers conferred upon him by this chapter to the extent that he finds such delegation to be in the interest of the purposes expressed in this chapter and the efficient administration of the programs undertaken pursuant to this chapter: Provided, That where the President has delegated any of such powers to any officer, before the President implements any proposal for the delegation of any of such powers to another officer, that proposal shall be submitted to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, and thereafter a period of not less than sixty days shall have elapsed while Congress is in session. In computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

(b) Employment of personnel

The President is authorized to employ such other personnel as he deems necessary to carry out the provisions and purposes of this chapter, and of such personnel not to exceed ten may be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, but not in excess of the highest rate of grade 18 of the General Schedule. Such positions shall be in addition to the number authorized by section 5108 of title 5.

(c) Repealed. Pub. L. 96-465, title II, Sec. 2205(7), Oct. 17, 1980, 94 Stat. 2160

(d) Extension of benefits

For the purpose of performing functions under this chapter outside the United States, the Director of the United States Information Agency is authorized to provide that any person employed or assigned by a United States Government agency shall be entitled, except to the extent that the Director of the United States Information Agency may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 3950 of this title for individuals appointed to the Foreign Service.

(e) Grants; use of funds, counseling service; publicity and promotion abroad

(1) In providing for the activities and interchanges authorized by section 2452 of this title, grants may be made to or for individuals, either directly or through foundations or educational or other institutions, which foundations or institutions are public or private nonprofit, and may include funds for tuition and other necessary incidental expenses, for travel expenses from their places of residence and return for themselves, and, whenever it would further the purposes of this chapter, for the dependent members of their immediate families, for health and accident insurance premiums, emergency medical expenses, costs of preparing and transporting to their former homes the remains of any of such persons who may die while away from their homes as participants or dependents of participants in any program under this chapter, and for per diem in lieu of subsistence at rates prescribed by the Director of the United States Information Agency, for all such persons, and for such other expenses as are necessary for the

successful accomplishment of the purposes of this chapter.

(2) Funds available for programs under this chapter may be used (i) to provide for orientation courses, language training, or other appropriate services and materials for persons traveling out of the countries of their residence for educational and cultural purposes which further the purposes of this chapter, whether or not they are receiving other financial support from the Government, and (ii) to provide or continue services to increase the effectiveness of such programs following the return of such persons to the countries of their residence.

(3) For the purpose of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, 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 Director of the United States Information Agency may make suitable arrangements, by contract or otherwise, for the establishment and maintenance at colleges and universities in the United States attended by foreign students of an adequate counseling service.

(4) The Director of the United States Information Agency is authorized to provide for publicity and promotion (including representation) abroad of activities of the type provided for in this chapter, and of similar services and opportunities for interchange not supported by the United States Government.

(f) Repealed. Pub. L. 96-60, title II, Sec. 203(a)(1), Aug. 15, 1979, 93 Stat. 398

(g) Currency exchange for foreign students and teachers coming temporarily to the United States

(1) For the purpose of performing functions authorized by section 2452(b)(10) of this title, the President is authorized to establish the exchange rates at which all foreign currencies may be acquired through operations under such section, and shall issue regulations binding upon all embassies with respect to the exchange rates to be applicable in each of the respective countries where currency exchanges are authorized under such section.

(2) In performing the functions authorized under section 2452(b)(10) of this title, the President shall make suitable arrangements for protecting the interests of the United States Government in connection with the ownership, use, and disposition of all foreign currencies acquired pursuant to exchanges made under such section.

(3) The total amount of United States dollars acquired by any individual through currency exchanges under the authority of section 2452(b)(10) of this title shall in no event exceed \$3,000 during any academic year.

(4) An individual shall be eligible to exchange foreign currency for United States dollars at United States embassies under section 2452(b)(10) of this title only if he gives satisfactory assurances that (A) he will devote essentially full time to his proposed educational activity in the United States and will maintain good standing in relation to such program; (B) he will return to the country of his citizenship or nationality prior to coming to the United States and will render such public service as is determined acceptable for a period of time determined reasonable and necessary by the government of such country; and (C) he will not apply for an immigrant visa or for permanent residence or for a nonimmigrant

visa under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] after having received any benefits under such section for a period of time equal to the period of study, research, instruction, or other educational activity he performed pursuant to such section.

(5) As used in section 2452(b)(10) of this title, the term "excess foreign currencies" means foreign currencies, which if acquired by the United States (A) would be in excess of the normal requirements of departments, agencies, and embassies of the United States for such currencies, as determined by the President, and (B) would be available for the use of the United States Government under applicable agreements with the foreign country concerned.

-SOURCE-

(Pub. L. 87-256, Sec. 104, Sept. 21, 1961, 75 Stat. 529; Pub. L. 87-793, Sec. 1001(j), Oct. 11, 1962, 76 Stat. 865; Pub. L. 89-698, title II, Sec. 203(b), Oct. 29, 1966, 80 Stat. 1071; 1977 Reorg. Plan No. 2, Sec. 7(a)(2), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 95-426, title II, Sec. 204(a), Oct. 7, 1978, 92 Stat. 973; Pub. L. 96-60, title II, Sec. 203(a)(1), Aug. 15, 1979, 93 Stat. 398; Pub. L. 96-465, title II, Secs. 2205(7), 2206(a)(9), Oct. 17, 1980, 94 Stat. 2160, 2162; Pub. L. 97-241, title III, Sec. 303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 103-236, title II, Sec. 231, Apr. 30, 1994, 108 Stat. 424.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), (d), (e)(1), (2), (4), was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

The Immigration and Nationality Act, referred to in subsec. (g)(4), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (Sec. 1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

-COD-

CODIFICATION

In subsec. (b), "chapter 51 and subchapter III of chapter 53 of title 5" and "section 5108 of title 5" substituted for "the Classification Act of 1949, as amended" and "section 505 of the Classification Act of 1949, as amended", respectively, on authority of Pub. L. 89-554, Sec. 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. In the original, section 1105 of title 5 read section 505 of the Classification Act of 1949, as amended.

-MISC1-

AMENDMENTS

1994 - Subsec. (e)(4). Pub. L. 103-236 inserted before period at end ", and of similar services and opportunities for interchange not supported by the United States Government".

1980 - Subsec. (c). Pub. L. 96-465, Sec. 2205(7), struck out subsec. (c) which related to employment or assignment of persons in or to Foreign Service Reserve or Foreign Service Staff and alien clerks and employees.

Subsec. (d). Pub. L. 96-465, Sec. 2206(a)(9), among other changes, substituted reference to section 3950 of this title for reference to section 928 of this title and struck out provisions relating to the applicability of section 807 of this title.

1979 - Subsec. (f). Pub. L. 96-60 struck out subsec. (f) relating to investigation-of-employees requirement.

1978 - Subsec. (e)(1). Pub. L. 95-426 substituted "Director of the International Communication Agency" for "President".

1966 - Subsec. (g). Pub. L. 89-698 added subsec. (g).

1962 - Subsec. (b). Pub. L. 87-793 substituted "but not in excess of the highest rate of grade 18 of the General Schedule for "and of these not to exceed five may be compensated at a rate in excess of the highest rate provided for grades of the general schedule established by the Classification Act of 1949, as amended, but not in excess of \$1,000 per annum more than such highest rate".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, see section 209 of Pub. L. 96-60, set out as a note under section 1471 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on first day of first pay period which begins on or after Oct. 11, 1962, see section 1008 of Pub. L. 87-793.

-TRANS-

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. "Director of the United States Information Agency" substituted for "Director of the International Communication Agency" in subsecs. (d) and (e)(1), (3), and (4), pursuant to section 303(b) of Pub. L. 97-241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title. Previously, "Director of the International Communication Agency" substituted for "Secretary of State" in subsec. (c) and for "President" in subsecs. (d), (e)(3), (4), pursuant to Reorg. Plan No. 2 of 1977, Sec. 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by President, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency or Director thereof, under this chapter, to Director of International Communication Agency, except (A) for such functions as are vested by subsecs. (a), (e)(1), (2), (f), (g) of this section, sections 2452(b)(6), (10),

2455(a), (b), (c), 2456(a) and 2458 of this title, (B) for such functions as are vested by subsec. (b) of this section and sections 2455(d)(2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such function therein is vested in President or Secretary of State.

For transfer of functions and offices (relating to education) of Secretary and Department of Health, Education, and Welfare to Secretary and Department of Education, and termination of certain offices and positions under Ex. Ord. No. 11034, June 25, 1962, as amended, set out under this section, see sections 3441 and 3503 of Title 20, Education.

-MISC2-

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, Sec. 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

-EXEC-

EX. ORD. NO. 11034. ADMINISTRATION OF PROGRAMS

Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, as amended by Ex. Ord. No. 11380, Nov. 8, 1967, 32 F.R. 15627; Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256; 75 Stat. 527; hereinafter referred to as the Act) [this chapter] and as President of the United States, I find that the delegations set forth in this order are in the interest of the purposes expressed in the said Act and the efficient administration of the programs undertaken pursuant to that Act and determine that the delegates specified in the order are appropriate and I hereby order as follows:

Section 1. Department of State. (a) The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State:

(1) The functions so conferred by Sections 102(a)(1), 102(a)(2)(i), (ii), and (iv), 102(b)(3), (5) and (9), 103, 104(e)(3), and 105(d)(1) and (e) of the Act [sections 2452(a)(1), (2)(i), (ii), (iv), (b)(3), (5), (9), 2453, subsec. (e)(3) of this section, and 2455(d)(1), (e) of this title].

(2) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1), (2), (4), (7) and (8) of the Act (the provisions of Section 2(a) of this order notwithstanding) [section 2452(a)(2)(iii), (b)(1), (2), (4), (7), (8) of this title].

(3) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they pertain to liquidation of affairs respecting the Universal and International Exhibition of Brussels, 1958.

(4) The functions so conferred by Sections 104(d) and (e)(4) and 108(c) and (d) of the Act [subsecs. (d), (e)(4) of this section and section 2458(c), (d) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(5) The function so conferred by Section 104(e)(1) of the Act [subsec. (e)(1) of this section] of prescribing rates for per diem in lieu of subsistence; but in carrying out the said function as it relates to functions herein delegated to the Director of the United States Information Agency or the Secretary of Education, the Secretary of State shall consult with them.

(b) The Secretary of State, in collaboration with the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Education with respect to the functions delegated by Sections 2, 3, and 4, respectively, of this order, shall prepare and transmit to the President the reports which the President is required to submit to the Congress by Section 108(b) of the Act [section 2458(b) of this title], excluding, however, the reports for which the Director of the United States Information Agency is responsible under section 2(b) of this order.

(c) With respect to the carrying out of functions under Section 102(a)(2)(ii) of the Act [section 2452(a)(2)(ii) of this title] hereinabove delegated to the Secretary of State, the Director of the United States Information Agency shall participate in the planning of cultural and other attractions. Such participation shall include consultation in connection with (1) the selection and scheduling of such attractions, and (2) the designation of the areas where the attractions will be presented.

Sec. 2. United States Information Agency. (a) Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency:

(1) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1) [section 2452(a)(2)(iii), (b)(1) of this title]; Section 102(b)(2) [section 2452(b)(2) of this title] to the extent that it authorizes the type of centers now supported by the United States Information Agency abroad and designated as binational, community, or student centers; section 102(b)(4) [section 2452(b)(4) of this title] exclusive of professorships and lectureships; and Sections 102(b)(7) and (8) of the Act [section 2452(b)(7), (8) of this title]; all of the foregoing notwithstanding the provisions of Section 1(a)(2) of this order.

(2) The functions so conferred by Section 104(e)(4) of the Act [subsec. (e)(4) of this section] (the provisions of Sections 1(a)(4) and 3(b) of this order notwithstanding).

(3) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they are in respect of fairs, expositions, and demonstrations held outside of the United States, but exclusive of the functions delegated by the provisions of Section 1(a)(3) of this order.

(4) The functions so conferred by Sections 104(d) and 108(c) and (d) of the Act [subsec. (d) of this section and section 2458(c), (d) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(b) The Director of the United States Information Agency shall prepare and transmit to the President the reports which the President is required to submit to the Congress by section 108(b)

of the Act [section 2458(b) of this title] to the extent that they are with respect to activities carried out by the United States Information Agency pursuant to section 102(a)(2)(iii) and section 102(a)(3) of the Act [section 2452(a)(2)(iii) and (a)(3) of this title].

(c) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they are in respect of fairs, expositions, and demonstrations held outside of the United States, but exclusive of the functions delegated by the provisions of Section 1(a)(3) of this order.

(d) The functions so conferred by Sections 104(d) and 108(c) and (d) of the Act [subsec. (d) of this section and section 2458(c), (d) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

Sec. 3. Department of Commerce. Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Secretary of Commerce:

(a) The functions so conferred by Section 102(a)(3) of the Act [section 2452(a)(3) of this title] to the extent that they are in respect of fairs, expositions, and demonstrations held in the United States.

(b) The functions so conferred by Sections 104(e)(4) and 108(c) of the act [subsec. (e)(4) of this section and section 2458(c) of this title] to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

Sec. 4 Department of Education. Subject to the provisions of Section 6 of this order, the functions conferred upon the President by Section 102(b)(6) of the Act [section 2452(b)(6) of this title] are hereby delegated to the Secretary of Education.

Sec. 5. Certain incidental matters. (a) In respect of functions hereinabove delegated to them, there is hereby delegated to the Secretary of State, the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Education, respectively:

(1) The authority conferred upon the President by Sections 105(d)(2) and (f) and 106(d) and (f) of the Act [sections 2455(d)(2), (f) and 2456(d), (f) of this title].

(2) Subject to the provisions of Section 5(b) and (c) of this order, the authority conferred upon the President by Section 104(b) of the Act [subsec. (b) of this section] to employ personnel.

(b) The employment, by any department or other executive agency under Section 5(a)(2) of this order, of any of the not to exceed ten persons who may be compensated with regard to the Classification Act of 1949 [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees] under Section 104(b) of the Act [subsec. (b) of this section] shall require prior authorization by the Secretary of State concurred in by the Director of the Office of Management and Budget.

(c) Persons employed or assigned by a department or other executive agency for the purpose of performing functions under the Act outside the United States shall be entitled, except in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3950). In cases in which the period of employment or assignment exceeds thirty months, persons so employed or assigned shall be entitled to such benefits if agreed

by the agency in which such benefits may be exercised.

(d) Pursuant to Section 104(f) of the Act [subsec. (f) of this section], Executive Order No. 10450 of April 27, 1953 (18 F.R. 2489) [set out as a note under section 7311 of Title 5, Government Organization and Employees] is hereby established as the standards and procedures for the employment or assignment to duties of persons under the Act.

(e) Any officer to whom functions vested in the President by the Act are hereinabove delegated may (1) allocate to any other officer of the executive branch of the Government any funds appropriated or otherwise made available for the functions so delegated to him as he may deem appropriate for the best carrying out of the functions and (2) make available, for use in connection with any funds so allocated by him, any authority he has under this order.

Sec. 6. Policy guidance. In order to assure appropriate coordination of programs, and taking into account the statutory functions of the departments and other executive agencies concerned, the Secretary of State shall exercise primary responsibility for Government-wide leadership and policy guidance with regard to international educational and cultural affairs.

Sec. 7. Functions reserved to the President. (a) There are hereby excluded from the functions delegated by the provisions of this order the functions conferred upon the President with respect to (1) the delegation of powers under Section 104(a) of the Act [subsec. (a) of this section], (2) the establishment of standards and procedures for the investigation of personnel under Section 104(f) of the Act [subsec. (f) of this section], (3) the transfer of appropriations under Section 105(c) of the Act [section 2455(c) of this title], (4) the appointment of members of the Board of Foreign Scholarships under Section 106(a)(1) of the Act [section 2456(a)(1) of this title], (5) the appointment of members, the designation of a chairman, and the receipt of recommendations of the United States Advisory Commission on International Educational and Cultural Affairs under Section 106(b) of the Act [section 2456(b) of this title], (6) the waiver of provisions of law or limitations of authority under Section 108(a) of the Act [section 2458(a) of this title], and (7) the submission of annual reports to the Congress under Section 108(b) of the Act [section 2458(b) of this title].

(b) Notwithstanding the delegations made by this order, the President may in his discretion exercise any function comprehended by such delegations.

Sec. 8. Waivers. (a) It is hereby determined that the performance by any department or other executive agency of functions authorized by Sections 102(a)(2) and 102(a)(3) of the Act (22 U.S.C. 2452(a)(2) and (3)) without regard to prohibitions and limitations of authority contained in the following-specified provisions of law is in furtherance of the purposes of the Act:

(1) Section 15 of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810), as amended (5 U.S.C. 55a) [section 3109(b) of Title 5, Government Organization and Employees] (experts and consultants; but the compensation paid individuals in pursuance of this paragraph shall not exceed the rate of \$100.00 per diem.

(2) Section 16(a) of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810; 5 U.S.C. 78) [section 1343, 1344, and 1349(b) of Title 31, Money and Finance] to the extent

that it pertains to hiring automobiles and aircraft.

(3) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) [section 3324(a) and (b) of Title 31] (advance of funds).

(4) Section 322 of the Act of June 30, 1932, c. 314, 47 Stat. 412 ([former] 40 U.S.C. 278a) (maximum charges).

(5) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(6) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(7) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(8) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(9) Sections 302-305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252-255) (competitive bids; negotiated contracts; advances).

(10) Section 87 of the Act of January 12, 1895, c. 23, 28 Stat. 622, and the second proviso of Section 11 of the Act of March 1, 1919, c. 86, 40 Stat. 1270, as amended (44 U.S.C. 111) [section 501 of Title 44, Public Printing and Documents] to the extent that they pertain to printing by the Government Printing Office.

(11) Section 1 of the Act of June 20, 1978, c. 359, 20 Stat. 216, as amended (44 U.S.C. 322) [section 3703 of Title 44] (advertising).

(12) Section 3828 of the Revised Statutes (44 U.S.C. 324) [section 3702 of Title 44] (advertising).

(13) Section 901(a) of the Merchant Marine Act, 1936 (June 29, 1936, c. 858, 49 Stat. 2015, as amended; 46 U.S.C. [App.] 1241(a)) [now 46 U.S.C. 55302] (official travel overseas of United States officers and employees, and transportation of their personal effects, on ships registered under the laws of the United States).

(14) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit construction of buildings by the United States on property not owned by it.

(15) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit (i) receipt of admission fees or payments under contracts through advances or otherwise, for concessions, services, space, or other consideration, and the credit of such receipts to the applicable appropriation, and (ii) rental or lease for periods not exceeding ten years of buildings and grounds.

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps shall be taken by the administrative agencies concerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

Sec. 9. Definition. As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

Sec. 10. References to orders and acts. Except as may for any reason be inappropriate:

(a) References in this order to the Act or any provision of the

Act shall be deemed to include references thereto as amended from time to time.

(b) References in this order to any prior Executive order not superseded by this order shall be deemed to include references thereto as amended from time to time.

(c) References in this order to this order shall be deemed to include references thereto as amended from time to time.

Sec. 11. Prior directives and actions. (a) This order supersedes Executive Order No. 10716 of June 17, 1957, and Executive Order No. 10912 of January 18, 1961. Except to the extent that they may be inconsistent with law or with this order, other directives, regulations, and actions relating to the functions delegated by this order and in force immediately prior to the issuance of this order shall remain in effect until amended, modified, or revoked by appropriate authority.

(b) This order shall neither limit nor be limited by Executive Order No. 11014 of April 17, 1962 [formerly set out under this section].

(c) To the extent not heretofore superseded, there are hereby superseded the provisions of the letters of the President to the Director of the United States Information Agency dated August 16, 1955, and August 21, 1956 (22 F.R. 101-103).

Sec. 12. Effective date. The provisions of this order shall be effective immediately.

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

EX. ORD. NO. 11380. AMENDING PRIOR EXECUTIVE ORDERS RELATING TO MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE AND TO ALLOWANCES AND BENEFITS FOR GOVERNMENT PERSONNEL ON OVERSEAS DUTY

Ex. Ord. No. 11380, Nov. 8, 1967, 32 F.R. 15627, provided:

By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527; 22 U.S.C. 2451 et seq.) and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

PART I - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE

Section 101. Executive Order No. 11034 of June 25, 1962 [set out as a note above], is hereby amended as follows:

(1) By changing the period at the end of section 1(b) to a comma and by inserting after that comma the following: "excluding, however, the reports for which the Director of the United States Information Agency is responsible under section 2(b) of this order."

(2) By substituting for the paragraph designations (a), (b), (c), and (d) in section 2 new paragraph designations (1), (2), (3), and (4), respectively; by inserting the subsection designation (a) after the catchline of section 2; and by adding a new subsection (b) of section 2, reading as follows:

(b) The Director of the United States Information Agency shall prepare and transmit to the President the reports which the President is required to submit to the Congress by section 108(b) of the Act [section 2458(b) of this title] to the extent that they are with respect to activities carried out by the United States Information Agency pursuant to section 102(a)(2)(iii) and section

102(a)(3) of the Act [section 2452(a)(2)(iii) and (a)(3) of this title].

(3) By adding a new paragraph at the end of section 8(a), reading as follows:

"(15) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit (i) receipt of admission fees or payments under contracts through advances or otherwise, for concessions, services, space, or other consideration, and the credit of such receipts to the applicable appropriation, and (ii) rental or lease for periods not exceeding ten years of buildings and grounds."

(4) By adding a new paragraph at the end of section 10, reading as follows:

"(c) References in this order to this order shall be deemed to include references thereto as amended from time to time."

Sec. 2. It is hereby determined that the performance by any department or other executive agency of functions authorized by sections 102(a)(2) and 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(2) and (3)) without regard to the provisions and limitations referred to in section (8)(a)(15) of Executive Order No. 11034 of June 25, 1962 (to the extent set forth in the latter section) is in furtherance of the purposes of that Act.

PART II - APPROVAL OF CERTAIN REGULATIONS RELATING TO LIVING QUARTERS

Sec. 201. Executive Order No. 10903 of January 9, 1961, as amended [set out as a note under section 5921 of Title 5, Government Organization and Employees], is hereby further amended by inserting at the end of section 1 thereof a new paragraph (g), reading as follows:

"(g) The authority vested in the President by section 5912 of title 5 of the United States Code to approve regulations prescribed by heads of agencies (under which employees who are citizens of the United States permanently stationed in foreign countries may be furnished, without cost to them, living quarters, including heat, fuel, and light, in government-owned or rented buildings)."

Lyndon B. Johnson.

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

EX. ORD. NO. 11770. DELEGATION OF FUNCTIONS RESPECTING INTERNATIONAL SYMPOSIUM ON GEOTHERMAL ENERGY - 1975

Ex. Ord. No. 11770, Feb. 21, 1974, 39 F.R. 7127, provided:

By virtue of the authority vested in me by section 104 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2454; hereinafter referred to as the act), and section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Section 1. The Secretary of the Interior is authorized, with respect to the International Symposium on Geothermal Energy to be held in San Francisco, California, in May 1975, to perform the functions conferred by section 102(b)(5), (7), and (8) of the act [section 2452(b)(5), (7) and (8) of this title].

Sec. 2. I find that the delegation made by section 1 of this order is in the interest of the purposes expressed in the act and the efficient administration of the International Symposium on Geothermal Energy.

Sec. 3. The delegation made by this order shall become effective upon the expiration of sixty days while the Congress is in session. In computing that sixty days, there shall be excluded days on which either House is not in session because of an adjournment of more than three days.

Richard Nixon.

-End-

-CITE-

22 USC Sec. 2455

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2455. Appropriations

-STATUTE-

(a) Availability

Amounts appropriated to carry out the purposes of this chapter are authorized to be made available until expended.

(b) Acquisition of foreign currencies

Funds appropriated for programs under this chapter may, without regard to section 3651 (!) of the Revised Statutes (31 U.S.C. 543), be used for the acquisition from any source of foreign currencies in such amounts as may be necessary for current expenditures and for grants, including grants to foundations and commissions in accordance with international agreements providing for the accomplishment of the purposes of this chapter.

(c) Transfer of funds

Moneys appropriated to any department or agency of the Government in furtherance of the purposes of this chapter for research, technical aid, and educational and cultural programs, may be transferred by the President to any other appropriation available for like purposes, but no appropriation authorized by this chapter shall be increased or decreased by more than 10 per centum by reason of transfers pursuant to this subsection.

(d) Reserve and use of certain funds

The President is authorized -

(1) to reserve in such amounts and for such periods as he shall determine to be necessary to provide for the programs authorized by subsections (a) (1), (2) (i) of section 2452 of this title, and

(2) notwithstanding the provisions of any other law, to use in such amounts as may from time to time be specified in appropriation Acts, to the extent that such use is not restricted by agreement with the foreign nations concerned, for any programs authorized by this chapter,

any currencies of foreign nations received or to be received by the United States or any agency thereof -

- (i) under agreements disposing of surplus property or settling lend-lease and other war accounts concluded after World War II;
- (ii) as the proceeds of sales or loan repayments, including interest, for transactions heretofore or hereafter effected under the Agricultural Trade Development and Assistance Act of 1954, as amended [7 U.S.C. 1691 et seq.];
- (iii) in repayment of principal or interest on any other credit extended or loan heretofore or hereafter made by the United States or any agency thereof; or
- (iv) as deposits to the account of the United States pursuant to section 1513(b) (6) (!1) or section 1513(h) (!1) of this title, or any similar provision of any other law.

(e) Reservation and use of sums due or paid by the Republic of Finland

The Director of the United States Information Agency is further authorized to reserve and use for educational and cultural exchange programs and other activities authorized in subsections (a) and (b) of section 2452 of this title, in relation to Finland and the people of Finland, all sums due or paid on and after August 24, 1949, by the Republic of Finland to the United States as interest on or in retirement of the principal of the debt incurred under the Act of February 25, 1919, as refunded by the agreement dated May 1, 1923, pursuant to the authority contained in the Act of February 9, 1922, or of any other indebtedness incurred by that Republic and owing to the United States as a result of World War I.

(f) Contribution of funds, property, and services by foreign governments, international organizations, and private individuals, firms, associations, and agencies

Foreign governments, international organizations and private individuals, firms, associations, agencies, and other groups shall be encouraged to participate to the maximum extent feasible in carrying out this chapter and to make contributions of funds, property, and services which the President is authorized to accept, to be utilized to carry out the purposes of this chapter. Funds made available for the purposes of this chapter may be used to contribute toward meeting the expenses of activities carried out through normal private channels, by private means, and through foreign governments and international organizations.

(g) Currency exchanges

Notwithstanding any other provision of this chapter, there are authorized to be appropriated for the purposes of making currency exchanges under section 2452(b) (10) of this title, not to exceed \$10,000,000 for the fiscal year ending June 30, 1968, and not to exceed \$15,000,000 for the fiscal year ending June 30, 1969.

-SOURCE-

(Pub. L. 87-256, Sec. 105, Sept. 21, 1961, 75 Stat. 531; Pub. L. 89-698, title II, Sec. 203(c), Oct. 29, 1966, 80 Stat. 1072; 1977 Reorg. Plan No. 2, Sec. 7(a) (2), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 97-241, title III, Sec. 303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 103-236, title II, Sec. 227, Apr. 30, 1994, 108 Stat. 423.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (d), (f), and (g),

was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

Section 3651 of the Revised Statutes (31 U.S.C. 543), referred to in subsec. (b), was repealed by Pub. L. 97-258, Sec. 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31, Money and Finance.

The Agricultural Trade Development and Assistance Act of 1954, as amended, referred to in subsec. (d)(2)(ii), is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified principally to chapter 41 (Sec. 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

Sections 1513(b)(6) and 1513(h) of this title, referred to in subsec. (d)(2)(iv), were repealed by act Aug. 26, 1954, ch. 937, title V, Sec. 542(a), 68 Stat. 861.

The acts of February 25, 1919, and February 9, 1922, referred to in subsec. (e), are not classified to the Code.

-MISC1-

AMENDMENTS

1994 - Subsec. (a). Pub. L. 103-236 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Appropriations to carry out the purposes of this chapter, to remain available until expended, are authorized, and this authorization includes the authority to grant, in any appropriation Act, the authority to enter into contracts, within the amounts so authorized, creating obligations in advance of appropriations."

1966 - Subsec. (g). Pub. L. 89-698 added subsec. (g).

-TRANS-

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. "Director of the United States Information Agency" substituted for "Director of the International Communication Agency" in subsec. (e), pursuant to section 303(b) of Pub. L. 97-241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title. Previously, "Director of the International Communication Agency" substituted for "President" in subsec. (e), pursuant to Reorg. Plan No. 2 of 1977, Sec. 7(a)(2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by President, which transferred functions vested in President, Secretary of State, Department of State, United States Information Agency or Director thereof, under this chapter, to Director of International Communication Agency, except (A) for such functions as are vested by subsecs. (a), (b), and (c) of this section, sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2456(a) and 2458 of this title, (B) for such functions as are vested by subsecs. (d)(2) and (f) of this section, sections 2454(b) and 2456(d), (f) of this title, to the extent that such functions

were assigned to Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such function therein is vested in President or Secretary of State.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, Director of United States Information Agency, Secretary of Commerce, and Secretary of Education, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

-MISC2-

INCREASE IN GRANTS FOR EXCHANGE-OF-PERSONS ACTIVITIES; FUNDS FOR SPECIFIC PROGRAMS, REDUCTIONS, OTHER USE OF FUNDS, REPORT TO CONGRESSIONAL COMMITTEES

Pub. L. 97-241, title III, Sec. 305(c), (d), Aug. 24, 1982, 96 Stat. 294, provided that the amount obligated by United States Information Agency each fiscal year for grants for exchange-of-persons activities should be increased, through regular annual increases, so that by fiscal year 1986 the amount obligated for such grants would at least double (in terms of constant dollars) the amount obligated for such grants for fiscal year 1982 and in furtherance of this purpose provided for appropriations for the United States Information Agency for fiscal year 1983.

-FOOTNOTE-

(!1) See References in Text note below.

-End-

-CITE-

22 USC Sec. 2456

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2456. J. William Fulbright Foreign Scholarship Board

-STATUTE-

(a) Appointment; members; considerations for selection
(1) For the purpose of selecting students, scholars, teachers, trainees, and other persons to participate in the programs authorized under section 2452(a)(1) of this title, and of supervising such programs and the programs authorized under section 2452(b)(4) and (6) of this title, there is continued the authority of the President to appoint a board of foreign scholarships which shall be known as the "J. William Fulbright Foreign Scholarship Board" (hereinafter referred to as the "Board") consisting of twelve members. In connection with appointments to such Board, due

consideration shall be given to the selection of distinguished representatives of cultural, educational, student advisory, and war veterans groups, and representatives of the United States Department of Education, the United States Department of Veterans Affairs, public and private nonprofit educational institutions.

(2) In the selection of American citizens for participation in programs under this chapter, preference shall be given to those who have served in the Armed Forces of the United States, and due consideration shall be given to applicants from all geographical areas of the United States.

(b) Omitted

(c) Repealed. Pub. L. 105-277, div. G, subdiv. A, title XIII, Sec. 1336(2), Oct. 21, 1998, 112 Stat. 2681-790

(d) Creation of interagency and other advisory committees; conferences of persons

The President is authorized to create such interagency and other advisory committees as in his judgment may be of assistance in carrying out the purposes of this chapter, and from time to time to convene conferences of persons interested in educational and cultural affairs to consider matters relating to the purposes of this chapter.

(e) Availability of appropriations for expenses; transportation expenses and per diem; compensation of members of Board and Committees

The provisions of section 1346(b) of title 31 shall be applicable to any interagency committee created pursuant to the provisions of this chapter. Members of the committees provided for in this section shall be entitled (i) to transportation expenses and per diem in lieu of subsistence at the rate prescribed by or established pursuant to section 5703 of title 5 while away from home in connection with attendance at meetings or in consultation with officials of the Government or otherwise carrying out duties as authorized, and (ii) if not otherwise in the employ of the United States Government, to compensation at rates not in excess of \$50 per diem while performing services for such committees. Members of the Board shall be entitled to such expenses and per diem in lieu of subsistence as provided for under clause (i) of the preceding sentence and, while performing services for the Board, to compensation at a rate, prescribed by the Director of the United States Information Agency, not in excess of the daily rate for the first step of GS-15 of the General Schedule under section 5332 of title 5.

(f) Secretarial and staff assistance

The President is authorized to provide for necessary secretarial and staff assistance for the Board and such committees as may be created under this section.

-SOURCE-

(Pub. L. 87-256, Sec. 106, Sept. 21, 1961, 75 Stat. 532; 1977 Reorg. Plan No. 2, Secs. 8(b), 9(a)(3), (6), 42 F.R. 62461, 91 Stat. 1638, 1639; Pub. L. 96-60, title II, Sec. 205(a), Aug. 15, 1979, 93 Stat. 401; Pub. L. 96-88, title III, Sec. 301(b)(2), title V, Sec. 507, Oct. 17, 1979, 93 Stat. 678, 692; Pub. L. 97-241, title III, Sec. 303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 101-246, title II, Sec. 204(a)(1), Feb. 16, 1990, 104 Stat. 49; Pub. L. 102-54, Sec. 13(h)(1), June 13, 1991, 105 Stat. 275; Pub. L. 105-277, div. G, subdiv. A, title XIII, Sec. 1336(2), Oct. 21, 1998,

112 Stat. 2681-790.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (d), and (e), was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

-COD-

CODIFICATION

Subsec. (b), which established the United States Advisory Commission on International Educational and Cultural Affairs to replace the United States Advisory Commission on Educational Exchange, and provided for its functions and the appointment and terms of its members, and the provisions of subsecs. (e) and (f) referring to the "Commission", were omitted pursuant to Reorg. Plan No. 2 of 1977, Sec. 9(a)(3), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, which abolished that Commission effective on or before July 1, 1978, at such time as specified by the President.

In subsec. (e), "section 1346(b) of title 31" substituted for "section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691)" on authority of Pub. L. 97-258, Sec. 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

In subsec. (e), "section 5703 of title 5" substituted for "section 5 of the Administrative Expense Act of 1946, as amended (5 U.S.C. 73b-2)" on authority of Pub. L. 89-554, Sec. 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

-MISC1-

AMENDMENTS

1998 - Subsec. (c). Pub. L. 105-277 repealed subsec. (c), which related to the continuation of the Advisory Committee on the Arts and the appointment, qualifications, and terms of office of its members.

1991 - Subsec. (a)(1). Pub. L. 102-54 substituted "Department of Veterans Affairs" for "Veterans' Administration".

1990 - Subsec. (a)(1). Pub. L. 101-246 substituted "board of foreign scholarships which shall be known as the 'J. William Fulbright Foreign Scholarship Board' " for "Board of Foreign Scholarships".

1979 - Subsec. (e). Pub. L. 96-60 struck from second sentence "the Board," before "the Commission" and from cl. (ii) thereof "such Board," before "Commission" and provided for entitlement of members of the Board to expenses and per diem in lieu of subsistence and to compensation for services not exceeding a daily rate for first step, GS-15 of General Schedule.

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 1979 AMENDMENT

Section 205(b) of Pub. L. 96-60 provided that: "The amendments made by subsection (a) [to subsec. (e) of this section] shall take effect on October 1, 1979."

-TRANS-

TRANSFER OF FUNCTIONS

"Department of Education" substituted for "Office of Education" in subsec. (a), pursuant to sections 301(b)(2) and 507 of Pub. L. 96-88, which are classified to sections 3441(b)(2) and 3507 of Title 20, Education, and which transferred the Office of Education to the Department of Education.

"Director of the United States Information Agency" substituted for "Director of the International Communication Agency" in subsec. (e), pursuant to section 303(b) of Pub. L. 97-241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title. 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.

Functions vested in President, Secretary of State, Department of State, United States Information Agency or Director thereof under this chapter transferred to Director of International Communication Agency by section 7(a)(2) of Reorg. Plan No. 2 of 1977, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by President, except (A) for such functions as are vested by subsec. (a) of this section, sections 2452(b)(6), (10), 2454(a), (e)(1), (2), (f), (g), 2455(a), (b), (c) and 2458 of this title, (B) for such functions as are vested by subsecs. (d) and (f) of this section, sections 2454(b) and 2455(d)(2), (f) of this title, to extent that such functions were assigned to Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by subsecs. (b) and (c) of this section to extent that any function therein is vested in President or Secretary of State.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, Director of United States Information Agency, Secretary of Commerce, and Secretary of Education, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

-MISC2-

TERMINATION OF ADVISORY COMMISSIONS AND COMMITTEES

Advisory commissions or committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a commission or committee established by the President or an officer of the Federal Government, such commission or committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission or committee established by the Congress, its

duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

CONTINUED SERVICE OF BOARD MEMBERS

Section 204(b) of Pub. L. 101-246 provided that: "Each member appointed to the Board of Foreign Scholarships before the date of the enactment of this Act [Feb. 16, 1990] shall continue to serve for the remainder of the term to which each such member was appointed."

REFERENCES TO BOARD OF FOREIGN SCHOLARSHIPS

Section 204(c) of Pub. L. 101-246 provided that: "Any reference in any provision of law to the Board of Foreign Scholarships shall, on and after the date of enactment of this Act [Feb. 16, 1990], be deemed to be a reference to the J. William Fulbright Foreign Scholarship Board."

-End-

-CITE-

22 USC Sec. 2457

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2457. Reports by Board

-STATUTE-

The Board shall submit annual reports to the Congress and such other reports to the Congress as it deems appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs authorized by this chapter.

-SOURCE-

(Pub. L. 87-256, Sec. 107, Sept. 21, 1961, 75 Stat. 534; 1977 Reorg. Plan No. 2, Sec. 9(a)(3), (6), 42 F.R. 62461, 91 Stat. 1639.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

-COD-

CODIFICATION

Provisions relating to the submission of reports to Congress by the United States Advisory Commission on International Educational

and Cultural Affairs [which replaced the United States Advisory Commission on Educational Exchange], and the Advisory Committee on the Arts, were omitted pursuant to Reorg. Plan No. 2 of 1977, Sec. 9(a)(3), (6), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, which abolished the Commission and the Committee effective on or before July 1, 1978, at such time as specified by the President.

-MISC1-

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to submitting annual reports to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 155 of House Document No. 103-7.

TERMINATION OF ADVISORY COMMISSIONS AND COMMITTEES

Advisory commissions or committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a commission or committee established by the President or an officer of the Federal Government, such commission or committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission or committee established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

-End-

-CITE-

22 USC Sec. 2458

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2458. Authority of President

-STATUTE-

(a) Performance of certain functions without regard to other laws; appropriation credits upon reimbursement for services in connection with exchange activities

(1) Whenever the President determines it to be in furtherance of this chapter, the functions authorized in section 2452(a)(2) and (3) of this title may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

(2) Notwithstanding any other provision of law, the Director of the United States Information Agency may provide, on a reimbursable basis, services within the United States in connection with

exchange activities otherwise authorized by this chapter when such services are requested by a department or executive agency. Reimbursements under this paragraph shall be credited to the applicable appropriation of the Agency.

(b) Periodic reports of activities and expenditures

The President shall submit periodic reports to the Congress of activities carried on and expenditures made in furtherance of the purposes of this chapter and of the United States Information and Educational Exchange Act of 1948, as amended [22 U.S.C. 1431 et seq.].

(c) Expenditures in selection, purchase, rental, construction, or other acquisition of exhibits and materials and equipment therefor

In connection with activities authorized by section 2452(a)(2) and (3) of this title, the President is authorized to provide for all necessary expenditures involved in the selection, purchase, rental, construction, or other acquisition of exhibits and materials and equipment therefor, and the actual display thereof, including but not limited to costs of transportation, insurance, installation, safekeeping and storage, maintenance and operation, rental of space, and dismantling.

(d) Utilization of provisions of other laws

The President is authorized to utilize the provisions of title VIII of the United States Information and Educational Exchange Act of 1948, as amended [22 U.S.C. 1471 et seq.], to the extent he deems necessary in carrying out the provisions and purposes of this chapter.

-SOURCE-

(Pub. L. 87-256, Sec. 108, Sept. 21, 1961, 75 Stat. 534; Pub. L. 96-60, title II, Sec. 203(d), Aug. 15, 1979, 93 Stat. 399; Pub. L. 96-470, title II, Sec. 212(a), Oct. 19, 1980, 94 Stat. 2246; Pub. L. 97-241, title III, Sec. 303(b), Aug. 24, 1982, 96 Stat. 291.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), and (d), was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

The United States Information and Educational Exchange Act of 1948, as amended, referred to in subsecs. (b) and (d), is act Jan. 27, 1948, ch. 36, 62 Stat. 6, as amended, which is classified generally to chapter 18 (Sec. 1431 et seq.) of this title. Title VIII of the Act, referred to in subsec. (d), is classified generally to subchapter VII (Sec. 1471 et seq.) of chapter 18 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title and Tables.

-MISC1-

AMENDMENTS

1980 - Subsec. (b). Pub. L. 96-470 substituted provision requiring periodic reports on activities and expenditures made

under this chapter and the United States Information and Educational Exchange Act of 1948 for provision requiring an annual report be made on activities and expenditures under this chapter.

1979 - Subsec. (a). Pub. L. 96-60 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, see section 209 of Pub. L. 96-60, set out as a note under section 1471 of this title.

-TRANS-

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.

"Director of the United States Information Agency" substituted for "Director of the International Communication Agency" in subsec. (a) (2), pursuant to section 303(b) of Pub. L. 97-241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

Functions vested in President, Secretary of State, Department of State, United States Information Agency or Director thereof under this chapter transferred to Director of International Communication Agency by Reorg. Plan No. 2 of 1977, Sec. 7(a) (2), 42 F.R. 62461, 91 Stat. 1637, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by President, except (A) for such functions as are vested by this section, and sections 2452(b) (6), (10), 2454(a), (e) (1), (2), (f), (g), 2455(a), (b), (c), 2456(a) of this title, (B) for such functions as are vested by sections 2454(b), 2455(d) (2), (f), and 2456(d), (f) of this title, to the extent that such functions were assigned to Secretary of Health, Education, and Welfare [now Secretary of Education] immediately prior to effective date of Reorg. Plan No. 2 of 1977, and (C) for such functions as are vested by section 2456(b), (c) of this title to the extent that any such function therein is vested in President or Secretary of State.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, Director of United States Information Agency, and Secretary of Commerce, see Ex. Ord. No. 11034, June 25, 1962, 27 F.R. 6071, set out as a note under section 2454 of this title.

-MISC2-

SOVIET NATIONALS PARTICIPATING IN EXCHANGE PROGRAMS; TOPICS AND LOCATION OF STUDY; NATIONAL SECURITY INTERESTS; REPORT TO CONGRESS

Pub. L. 97-241, title I, Sec. 126(c), Aug. 24, 1982, 96 Stat. 282, directed Secretary of State to submit annually to Congress a list of Soviet nationals participating during the upcoming academic year in the United States-Union of Soviet Socialist Republics graduate student/young faculty exchange or in the United States-Union of Soviet Socialist Republics senior scholar exchange, their topics of study, and where they were to study, such report to also

include a determination by Secretary of State, in consultation with heads of other agencies involved in these exchange programs, that these exchange programs would not jeopardize United States national security interests, prior to repeal by Pub. L. 103-199, title III, Sec. 306, Dec. 17, 1993, 107 Stat. 2324.

-End-

-CITE-

22 USC Sec. 2458a

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2458a. Federal employee participation in cultural exchange programs

-STATUTE-

(a) Grants and other foreign government assistance; family or household expense assistance prohibited; "Federal employee" defined

(1) Congress consents to the acceptance by a Federal employee of grants and other forms of assistance provided by a foreign government to facilitate the participation of such Federal employee in a cultural exchange -

(A) which is of the type described in section 2452(a)(2)(i) of this title,

(B) which is conducted for a purpose comparable to the purpose stated in section 2451 of this title, and

(C) which is specifically approved by the Secretary of State for purposes of this section;

but the Congress does not consent to the acceptance by any Federal employee of any portion of any such grant or other form of assistance which provides assistance with respect to any expenses incurred by or for any member of the family or household of such Federal employee.

(2) For purposes of this section, the term "Federal employee" means any employee as defined in subparagraphs (A) through (F) of section 7342(a)(1) of title 5, but does not include a person described in subparagraph (G) of such section.

(b) Foreign grants and other assistance not gifts for purposes of section 7342 of title 5

The grants and other forms of assistance with respect to which the consent of Congress is given in subsection (a) of this section shall not constitute gifts for purposes of section 7342 of title 5.

(c) Regulations

The Secretary of State is authorized to promulgate regulations for purposes of this section.

-SOURCE-

(Pub. L. 87-256, Sec. 108A, as added Pub. L. 94-350, title I, Sec. 111, July 12, 1976, 90 Stat. 825; amended Pub. L. 96-60, title II,

Sec. 204(d), Aug. 15, 1979, 93 Stat. 400.)

-MISC1-

AMENDMENTS

1979 - Subsec. (a)(2). Pub. L. 96-60 substituted "(F)" for "(E)" and "(G)" for "(F)".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, see section 209 of Pub. L. 96-60, set out as a note under section 1471 of this title.

-End-

-CITE-

22 USC Sec. 2459

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2459. Immunity from seizure under judicial process of cultural objects imported for temporary exhibition or display

-STATUTE-

(a) Agreements; Presidential determination; publication in Federal Register

Whenever any work of art or other object of cultural significance is imported into the United States from any foreign country, pursuant to an agreement entered into between the foreign owner or custodian thereof and the United States or one or more cultural or educational institutions within the United States providing for the temporary exhibition or display thereof within the United States at any cultural exhibition, assembly, activity, or festival administered, operated, or sponsored, without profit, by any such cultural or educational institution, no court of the United States, any State, the District of Columbia, or any territory or possession of the United States may issue or enforce any judicial process, or enter any judgment, decree, or order, for the purpose or having the effect of depriving such institution, or any carrier engaged in transporting such work or object within the United States, of custody or control of such object if before the importation of such object the President or his designee has determined that such object is of cultural significance and that the temporary exhibition or display thereof within the United States is in the national interest, and a notice to that effect has been published in the Federal Register.

(b) Intervention of United States attorney in pending judicial proceedings

If in any judicial proceeding in any such court any such process, judgment, decree, or order is sought, issued, or entered, the United States attorney for the judicial district within which such proceeding is pending shall be entitled as of right to intervene as

a party to that proceeding, and upon request made by either the institution adversely affected, or upon direction by the Attorney General if the United States is adversely affected, shall apply to such court for the denial, quashing, or vacating thereof.

(c) Enforcement of agreements and obligations of carriers under transportation contracts

Nothing contained in this section shall preclude (1) any judicial action for or in aid of the enforcement of the terms of any such agreement or the enforcement of the obligation of any carrier under any contract for the transportation of any such object of cultural significance; or (2) the institution or prosecution by or on behalf of any such institution or the United States of any action for or in aid of the fulfillment of any obligation assumed by such institution or the United States pursuant to any such agreement.

-SOURCE-

(Pub. L. 89-259, Oct. 19, 1965, 79 Stat. 985.)

-COD-

CODIFICATION

Section was not enacted as a part of the Mutual Educational and Cultural Exchange Act of 1961, which comprises this chapter.

-EXEC-

EXECUTIVE ORDER NO. 11312

Ex. Ord. No. 11312, Oct. 14, 1966, 31 F.R. 13415, which related to the delegation of functions to the Secretary of State, was revoked by Ex. Ord. No. 12047, Mar. 27, 1978, 43 F.R. 13359, set out below.

EX. ORD. NO. 12047. IMPORTED OBJECTS OF CULTURAL SIGNIFICANCE

Ex. Ord. No. 12047, Mar. 27, 1978, 43 F.R. 13359, as amended by Ex. Ord. No. 12388, Oct. 14, 1982, 47 F.R. 46245, provided:

By virtue of the authority vested in me by the Act of October 19, 1965, entitled "An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes" (79 Stat. 985, 22 U.S.C. 2459), and as President of the United States of America, it is hereby ordered as follows:

Section 1. The Director of the United States Information Agency is designated and empowered to perform the functions conferred upon the President by the above-mentioned Act and shall be deemed to be authorized, without the approval, ratification, or other action of the President, (1) to determine that any work of art or other object to be imported into the United States within the meaning of the Act is of cultural significance, (2) to determine that the temporary exhibition or display of any such work of art or other object in the United States is in the national interest, and (3) to cause public notices of the determinations referred to above to be published in the Federal Register.

Sec. 2. The Director of the United States Information Agency, in carrying out this Order, shall consult with the Secretary of State with respect to the determination of national interest, and may consult with the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art, and with such other officers and agencies of the Government as may be appropriate, with

respect to the determination of cultural significance.

Sec. 3. The Director of the United States Information Agency is authorized to delegate within the Agency the functions conferred upon him by this Order.

Sec. 4. Executive Order No. 11312 of October 14, 1966 is revoked.

Sec. 5. Any order, regulation, determination or other action which was in effect pursuant to the provisions of Executive Order No. 11312 shall remain in effect until changed pursuant to the authority provided in this Order.

Sec. 6. This Order shall be effective on April 1, 1978.

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

-End-

-CITE-

22 USC Sec. 2460

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2460. Bureau of Educational and Cultural Affairs

-STATUTE-

(a) Establishment; responsibilities

In order to carry out the purposes of this chapter, there is established in the United States Information Agency, or in such appropriate agency of the United States as the President shall determine, a Bureau of Educational and Cultural Affairs (hereinafter in this section referred to as the "Bureau"). The Bureau shall be responsible for managing, coordinating, and overseeing programs established pursuant to this chapter, including but not limited to -

(1) the J. William Fulbright Educational Exchange Program which, by promoting the exchange of scholars, researchers, students, trainees, teachers, instructors, and professors, between the United States and foreign countries, accomplishes the purposes of section 2452(a)(1) of this title;

(2) the Hubert H. Humphrey Fellowship Program which finances (A) study at American universities and institutions of higher learning, including study in degree granting programs, and (B) participation in fellowships, internships, or other programs in American governmental and nongovernmental institutions for public managers and other individuals from developing countries;

(3) the International Visitors Program which provides grants for short-term visits to the United States for foreign nationals who are, or have the potential to be, leaders in their respective fields in their own countries;

(4) the American Cultural Centers and Libraries which make available at selected foreign locations, books, films, sound recordings, and other materials about the United States, its

people and culture, and about other topics;

(5) the American Overseas Schools Program which provides financial assistance to the operations of American-sponsored schools overseas;

(6) the American Studies Program which fosters and supports the study of the United States, and its people and culture, in foreign countries;

(7) a program of working with private, not-for-profit groups through contracts, grants, or cooperative agreements, as authorized by section 2452 of this title, so as to provide financial assistance to nongovernmental organizations engaged in implementing and enhancing exchange-of-persons programs;

(8) the Samantha Smith Memorial Exchange Program which advances understanding between the United States and the independent states of the former Soviet Union and between the United States and Eastern European countries through the exchange of persons under the age of 21 years and of students at an institution of higher education (as defined in section 1001 of title 20) who have not received their initial baccalaureate degree or through other programs designed to promote contact between the young peoples of the United States, the independent states of the former Soviet Union, and Eastern European countries; and

(9) the Arts America program which promotes a greater appreciation and understanding of American art abroad by supporting exhibitions and tours by American artists in other countries.

(b) Revocation or diminution of grants

(1) All recipients of Fulbright Academic Exchange and Humphrey Fellowship awards shall have full academic and artistic freedom, including freedom to write, publish, and create. No award granted pursuant to this chapter may be revoked or diminished on account of the political views expressed by the recipient or on account of any scholarly or artistic activity that would be subject to the protections of academic and artistic freedom normally observed in universities in the United States. The Board shall ensure that the academic and artistic freedoms of all persons receiving grants are protected.

(2) The J. William Fulbright Foreign Scholarship Board shall formulate a policy on revocation of Fulbright grants which shall be made known to all grantees. Such policy shall fully protect the right to due process as well as the academic and artistic freedom of all grantees.

(c) Program requirements

The President shall insure that all programs under the authority of the Bureau shall maintain their nonpolitical character and shall be balanced and representative of the diversity of American political, social, and cultural life. The President shall insure that academic and cultural programs under the authority of the Bureau shall maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement.

(d) Administration of programs

(1) The Bureau shall administer no programs except those operating under the authority of this chapter and consistent with its purposes.

(2) Notwithstanding paragraph (1), the Bureau may also exercise the authorities of this chapter to administer programs authorized by, or funded pursuant to, the FREEDOM Support Act, the Support for

East European Democracy Act [22 U.S.C. 5401 et seq.], the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], or any other Act authorizing educational or cultural exchanges or activities, to the extent that such programs are consistent with the purposes of this chapter.

(e) Office of Citizen Exchanges

There is established in the Bureau of Educational and Cultural Affairs an Office of Citizen Exchanges. The Office shall support private not-for-profit organizations engaged in the exchange of persons between the United States and other countries.

(f) Coordination of exchange programs; reports

(1) The President shall ensure that all exchange programs conducted by the United States Government, its departments and agencies, directly or through agreements with other parties, are reported at a time and in a format prescribed by the Director. The President shall ensure that such exchanges are consistent with United States foreign policy and avoid duplication of effort.

(2) Not later than 90 days after April 30, 1994, and annually thereafter, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report pursuant to paragraph (1). Such report shall include information for each exchange program supported by the United States on the objectives of such exchange, the number of exchange participants supported, the types of exchange activities conducted, the total amount of Federal expenditures for such exchanges, and the extent to which such exchanges are duplicative.

(g) Working Group on United States Government-Sponsored International Exchanges and Training

(1) In order to carry out the purposes of subsection (f) of this section and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the Department of State a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the "Working Group").

(2) For purposes of this subsection, the term "Government-sponsored international exchanges and training" means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

(3) The Working Group shall be composed as follows:

(A) The Assistant Secretary of State for Educational and Cultural Affairs, who shall act as Chair.

(B) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

(C) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

(D) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

(E) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

(F) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the Department of State.

(6) The Working Group shall have the following purposes and responsibilities:

(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

(D) (i) Not later than 1 year after October 21, 1998, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

(ii) Not later than 1 year after October 21, 1998, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

(E) Not later than 2 years after October 21, 1998, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

(G) Not later than 6 months after October 21, 1998, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the Department of State. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of

consolidating such programs under one entity.

(7) All reports prepared by the Working Group shall be submitted to the President, through the Secretary of State, acting through the Under Secretary of State for Public Diplomacy.

(8) The Working Group shall meet at least on a quarterly basis.

(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.

-SOURCE-

(Pub. L. 87-256, Sec. 112, as added Pub. L. 98-164, title II, Sec. 213, Nov. 22, 1983, 97 Stat. 1034; amended Pub. L. 100-204, title III, Secs. 302(a), 303, Dec. 22, 1987, 101 Stat. 1378, 1379; Pub. L. 101-246, title II, Secs. 204(a)(2), 222(a), 223, Feb. 16, 1990, 104 Stat. 50, 55, 56; Pub. L. 103-199, title III, Sec. 301(1), Dec. 17, 1993, 107 Stat. 2322; Pub. L. 103-236, title II, Sec. 229(a), Apr. 30, 1994, 108 Stat. 423; Pub. L. 105-244, title I, Sec. 102(a)(7)(B), Oct. 7, 1998, 112 Stat. 1619; Pub. L. 105-277, div. G, subdiv. B, title XXIV, Sec. 2414, Oct. 21, 1998, 112 Stat. 2681-832; Pub. L. 107-228, div. A, title II, Secs. 221, 229, Sept. 30, 2002, 116 Stat. 1367, 1371.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b)(1), and (d), was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

The FREEDOM Support Act, referred to in subsec. (d)(2), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, also known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The Support for East European Democracy Act, referred to in subsec. (d)(2), probably means the Support for East European Democracy (SEED) Act of 1989, Pub. L. 101-179, Nov. 28, 1989, 103 Stat. 1298, as amended, which is classified principally to chapter 63 (Sec. 5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (d)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (Sec. 2151 et seq.) 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.

-MISC1-

AMENDMENTS

2002 - Subsec. (d). Pub. L. 107-228, Sec. 221, designated existing provisions as par. (1) and added par. (2).

Subsec. (g) (1). Pub. L. 107-228, Sec. 229(1), substituted "Department of State" for "United States Information Agency".

Subsec. (g) (3) (A). Pub. L. 107-228, Sec. 229(2) (A), substituted "Assistant Secretary of State for Educational and Cultural Affairs" for "Associate Director for Educational and Cultural Affairs of the United States Information Agency".

Subsec. (g) (3) (B) to (G). Pub. L. 107-228, Sec. 229(2) (B), (C), redesignated subpars. (C) to (G) as (B) to (F), respectively, and struck out former subpar. (B) which read as follows: "A senior representative of the Department of State, who shall be designated by the Secretary of State."

Subsec. (g) (5). Pub. L. 107-228, Sec. 229(3), substituted "Department of State" for "United States Information Agency".

Subsec. (g) (6) (G). Pub. L. 107-228, Sec. 229(4), substituted "Department of State" for "United States Information Agency".

Subsec. (g) (7). Pub. L. 107-228, Sec. 229(5), substituted "Secretary of State, acting through the Under Secretary of State for Public Diplomacy" for "Director of the United States Information Agency".

1998 - Subsec. (a) (8). Pub. L. 105-244 substituted "section 1001" for "section 1141(a)".

Subsec. (g). Pub. L. 105-277 added subsec. (g).

1994 - Subsec. (f). Pub. L. 103-236 added subsec. (f).

1993 - Subsec. (a) (8). Pub. L. 103-199 substituted "independent states of the former Soviet Union" for "Soviet Union" in two places.

1990 - Subsec. (a) (8). Pub. L. 101-246, Sec. 223, inserted "or through other programs designed to promote contact between the young peoples of the United States, the Soviet Union, and Eastern European countries" after "degree".

Subsecs. (b) to (d). Pub. L. 101-246, Sec. 204(a) (2), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Subsec. (e). Pub. L. 101-246, Sec. 222(a), added subsec. (e).

1987 - Subsec. (a) (8), (9). Pub. L. 100-204 added pars. (8) and (9).

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.

-TRANS-

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 222(b) of Pub. L. 101-246 provided that: "There are hereby transferred to the Office of Citizen Exchanges on the date

of enactment of this Act [Feb. 16, 1990] all functions carried out by the Office of Private Sector Programs on the day before such date."

-MISC2-

PRIVATE SECTOR PROGRAM; RESTRICTIONS ON FUNDS FOR FOREIGN TRAVEL;
WAIVER; REPORTS

Section 207 of Pub. L. 98-164, as amended by Pub. L. 103-236, title I, Sec. 139(11), Apr. 30, 1994, 108 Stat. 398, provided that:

"(a) No funds authorized to be appropriated for the Private Sector Program shall be used to pay for foreign travel by any United States citizen who, in the five years preceding the date of the proposed foreign travel, made two or more trips financed in whole or in substantial part by grants from the Private Sector Program. This limitation shall not apply to escort interpreters accompanying delegations, to artists accompanying exhibitions, to persons engaging in theatrical or musical performances, or to the full-time staff of the grantee organization. In addition, the Director of the Bureau of Educational and Cultural Affairs may waive this limitation in exceptional cases if he determines that foreign travel is essential to the successful completion of the grant program and so certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate at least fifteen days prior to the commencement of the proposed foreign travel.

"[(b) Repealed. Pub. L. 103-236, title I, Sec. 139(11), Apr. 30, 1994, 108 Stat. 398.]"

-EXEC-

EX. ORD. NO. 13055. COORDINATION OF UNITED STATES GOVERNMENT
INTERNATIONAL EXCHANGES AND TRAINING PROGRAMS

Ex. Ord. No. 13055, July 15, 1997, 62 F.R. 39099, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the coordination of United States Government International Exchanges and Training Programs, it is hereby ordered as follows:

Section 1. There is hereby established within the United States Information Agency a senior-level Interagency Working Group on United States Government-Sponsored International Exchanges and Training ("the Working Group"). The purpose of the Working Group is to recommend to the President measures for improving the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training. The Working Group shall establish a clearinghouse to improve data collection and analysis of international exchanges and training.

Sec. 2. The term "Government-sponsored international exchanges and training" shall mean the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

Sec. 3. The Working Group shall consist of the Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair, and a comparable senior representative appointed by the respective Secretary of each of the Departments of State, Defense, Education, and the Attorney General,

by the Administrator of the United States Agency for International Development, and by heads of other interested executive departments and agencies. In addition, representatives of the National Security Council and the Director of the Office of Management and Budget shall participate in the Working Group at their discretion. The Working Group shall be supported by an interagency staff office established in the Bureau of Education and Cultural Affairs of the United States Information Agency.

Sec. 4. The Working Group shall have the following responsibilities:

(a) Collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs;

(b) Promote greater understanding of and cooperation on, among concerned United States Government departments and agencies, common issues and challenges faced in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors;

(c) In order to achieve the most efficient and cost-effective use of Federal resources, identify administrative and programmatic duplication and overlap of activities by the various United States Government agencies involved in Government-sponsored international exchange and training programs, and report thereon;

(d) No later than 1 year from the date of this order, develop initially and thereafter assess annually a coordinated strategy for all United States Government-sponsored international exchange and training programs, and issue a report on such strategy;

(e) No later than 2 years from the date of this order, develop recommendations on performance measures for all United States Government-sponsored international exchange and training programs, and issue a report thereon; and

(f) Develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

Sec. 5. All reports prepared by the Working Group pursuant to section 4 shall be made to the President, through the Director of the United States Information Agency.

Sec. 6. The Working Group shall meet on at least a quarterly basis.

Sec. 7. Any expenses incurred by a member of the Working Group in connection with such member's service on the Working Group shall be borne by the member's respective department or agency.

Sec. 8. If any member of the Working Group disagrees with respect to any matter in any report prepared pursuant to section 4, such member may prepare a statement setting forth the reasons for such disagreement and such statement shall be appended to, and considered a part of, the report.

Sec. 9. Nothing in this Executive order is intended to alter the authorities and responsibilities of the head of any department or agency.

William J. Clinton.

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting

Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

-CROSS-

DEFINITIONS

In subsec. (a) (8), independent states of the former Soviet Union has the meaning given in section 5801 of this title, see section 3 of Pub. L. 103-199, set out as a note under section 5801 of this title.

-End-

-CITE-

22 USC Sec. 2461

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2461. Exchanges between United States and independent states of the former Soviet Union

-STATUTE-

(a) Financing of exchanges with repayments on Lend-Lease debts

The President is authorized to negotiate and implement agreements with the independent states of the former Soviet Union under which repayments made by the independent states on Lend-Lease debts to the United States would be used to finance the exchange of persons between the United States and the independent states for educational, cultural, and artistic purposes. Exchanges authorized pursuant to this section shall be administered subject to the provisions of this chapter. Part of the funds repaid to the United States shall be in convertible currency for the purpose of paying the expenses associated with study and other exchange activities in the United States by citizens of the independent states.

(b) Limitation on availability of funds

Funds made available for the purposes of this section shall be available only to the extent and in the amounts provided for in an appropriation Act.

-SOURCE-

(Pub. L. 87-256, Sec. 113, as added Pub. L. 101-246, title II, Sec. 224, Feb. 16, 1990, 104 Stat. 56; amended Pub. L. 103-199, title III, Sec. 301(2), Dec. 17, 1993, 107 Stat. 2322.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

-MISC1-

AMENDMENTS

1993 - Pub. L. 103-199, Sec. 301(2)(A), substituted "Exchanges between United States and independent states of the former Soviet Union" for "United States-Soviet exchanges" in section catchline.

Subsec. (a). Pub. L. 103-199, Sec. 301(2)(B)-(E), substituted "agreements with the independent states of the former Soviet Union" for "an agreement with the Union of Soviet Socialist Republics", "made by the independent states" for "made by the Soviet Union", "and the independent states" for "and the Soviet Union", and "in the United States by citizens of the independent states" for "by Soviet citizens in the United States".

-CROSS-

DEFINITIONS

In subsec. (a), independent states of the former Soviet Union and independent states have the meanings given in section 5801 of this title, see section 3 of Pub. L. 103-199, set out as a note under section 5801 of this title.

-End-

-CITE-

22 USC Sec. 2462

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2462. Establishment of grant program for foreign study by American college students of limited financial means

-STATUTE-

(a) Establishment

Subject to the availability of appropriations and under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 et seq.], the Secretary of State shall establish and carry out a program in each fiscal year to award grants of up to \$5,000, to individuals who meet the requirements of subsection (b) of this section, toward the cost of up to one academic year of undergraduate study abroad. Grants under this Act shall be known as the "Benjamin A. Gilman International Scholarships".

(b) Eligibility

An individual referred to in subsection (a) of this section is an individual who -

(1) is a student in good standing at an institution of higher education in the United States (as defined in section 101(a) of the Higher Education Act of 1965 [20 U.S.C. 1001(a)]);

(2) has been accepted for up to one academic year of study on a program of study abroad approved for credit by the student's home institution;

(3) is receiving any need-based student assistance under title

IV of the Higher Education Act of 1965 [20 U.S.C. 1070 et seq., 42 U.S.C. 2751 et seq.]; and

(4) is a citizen or national of the United States.

(c) Application and selection

(1) Grant application and selection shall be carried out through accredited institutions of higher education in the United States or a combination of such institutions under such procedures as are established by the Secretary of State.

(2) In considering applications for grants under this section -

(A) consideration of financial need shall include the increased costs of study abroad; and

(B) priority consideration shall be given to applicants who are receiving Federal Pell Grants under title IV of the Higher Education Act of 1965 [20 U.S.C. 1070 et seq., 42 U.S.C. 2751 et seq.].

-SOURCE-

(Pub. L. 106-309, title III, Sec. 303, Oct. 17, 2000, 114 Stat. 1095.)

-REFTEXT-

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (a), is Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

This Act, referred to in subsec. (a), probably means title III of Pub. L. 106-309, Oct. 17, 2000, 114 Stat. 1094, known as the International Academic Opportunity Act of 2000, which enacted this section and provisions set out as notes under this section. For complete classification of this Act to the Code, see Tables.

The Higher Education Act of 1965, referred to in subsecs. (b) (3) and (c) (2) (B), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title IV of the Act is classified generally to subchapter IV (Sec. 1070 et seq.) of chapter 28 of Title 20, Education, and part C (Sec. 2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

-COD-

CODIFICATION

Section was enacted as part of the International Academic Opportunity Act of 2000, and also as part of the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000, and not as part of the Mutual Educational and Cultural Exchange Act of 1961 which comprises this chapter.

-MISC1-

INTERNATIONAL ACADEMIC OPPORTUNITY

Pub. L. 106-309, title III, Oct. 17, 2000, 114 Stat. 1094, provided that:

"SEC. 301. SHORT TITLE.

"This title [enacting this section and this note] may be cited as the 'International Academic Opportunity Act of 2000'.

"SEC. 302. STATEMENT OF PURPOSE.

"It is the purpose of this title to establish an undergraduate grant program for students of limited financial means from the United States to enable such students to study abroad. Such foreign study is intended to broaden the outlook and better prepare such students of demonstrated financial need to assume significant roles in the increasingly global economy.

"SEC. 303. ESTABLISHMENT OF GRANT PROGRAM FOR FOREIGN STUDY BY AMERICAN COLLEGE STUDENTS OF LIMITED FINANCIAL MEANS.

"[Enacted this section.]

"SEC. 304. REPORT TO CONGRESS.

"The Secretary of State shall report annually to the Congress concerning the grant program established under this title. Each such report shall include the following information for the preceding year:

"(1) The number of participants.

"(2) The institutions of higher education in the United States that participants attended.

"(3) The institutions of higher education outside the United States participants attended during their study abroad.

"(4) The areas of study of participants.

"SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$1,500,000 for each fiscal year to carry out this title.

"SEC. 306. EFFECTIVE DATE.

"This title shall take effect October 1, 2000."

-End-

-CITE-

22 USC Sec. 2463

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2463. Allocation of funds transferred to the Bureau of Educational and Cultural Affairs

-STATUTE-

Of each amount transferred to the Bureau of Educational and Cultural Affairs out of appropriations other than appropriations under the heading "Educational and Cultural Exchange Programs" for support of an educational or cultural exchange program, notwithstanding any other provision of law, not more than 7.5 percent shall be made available to cover administrative expenses incurred in connection with support of the program. Amounts made

available to cover administrative expenses shall be credited to the appropriations under the heading "Educational and Cultural Exchange Programs" and shall remain available until expended.

-SOURCE-

(Pub. L. 87-256, Sec. 114, as added Pub. L. 107-77, title IV, Sec. 406, Nov. 28, 2001, 115 Stat. 790.)

-End-

-CITE-

22 USC Sec. 2464

01/08/2008

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 33 - MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

-HEAD-

Sec. 2464. Ethical issues in international health research

-STATUTE-

(a) In general

The Secretary shall make available funds for international exchanges to provide opportunities to researchers in developing countries to participate in activities related to ethical issues in human subject research, as described in subsection (c) of this section.

(b) Coordination with other programs

The Secretary shall coordinate programs conducted pursuant to this section with similar programs that may be conducted by the United States Agency for International Development and other Federal agencies as part of United States international health programs, particularly with respect to research and treatment of infectious diseases.

(c) Ethical issues in human subject research

For purposes of subsection (a) of this section, the phrase "activities related to ethical issues in human subject research" includes courses of study, conferences, and fora on development of and compliance with international ethical standards for clinical trials involving human subjects, particularly with respect to responsibilities of researchers to individuals and local communities participating in such trials, and on management and monitoring of such trials based on such international ethical standards.

-SOURCE-

(Pub. L. 107-228, div. A, title II, Sec. 228, Sept. 30, 2002, 116 Stat. 1371.)

-COD-

CODIFICATION

Section was enacted as part of the Department of State Authorization Act, Fiscal Year 2003, and also as part of the Foreign Relations Authorization Act, Fiscal Year 2003, and not as part of the Mutual Educational and Cultural Exchange Act of 1961

which comprises this chapter.

-CROSS-

DEFINITION

For definition of "Secretary" as used in this section, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.

-End-

34 CFR PART 662, FULBRIGHT-
HAYS DOCTORAL DISSERTATION
RESEARCH ABROAD PROGRAM

e-CFR Data is current as of September 28, 2009

Title 34: Education

PART 662—FULBRIGHT-HAYS DOCTORAL DISSERTATION RESEARCH ABROAD FELLOWSHIP PROGRAM

Section Contents

Subpart A—General

§ 662.1 What is the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program?

§ 662.2 Who is eligible to receive an institutional grant under this program?

§ 662.3 Who is eligible to receive a fellowship under this program?

§ 662.4 What is the amount of a fellowship?

§ 662.5 What is the duration of a fellowship?

§ 662.6 What regulations apply to this program?

§ 662.7 What definitions apply to this program?

Subpart B—Applications

§ 662.10 How does an individual apply for a fellowship?

§ 662.11 What is the role of the institution in the application process?

Subpart C—Selection of Fellows

§ 662.20 How is a Fulbright-Hays Doctoral Dissertation Research Abroad Fellow selected?

§ 662.21 What criteria does the Secretary use to evaluate an application for a fellowship?

§ 662.22 How does the J. William Fulbright Foreign Scholarship Board select fellows?

Subpart D—Post-award Requirements for Institutions

§ 662.30 What are an institution's responsibilities after the award of a grant?

Subpart E—Post-award Requirements for Fellows

§ 662.41 What are a fellow's responsibilities after the award of a fellowship?

§ 662.42 How may a fellowship be revoked?

Authority: Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), 22 U.S.C. 2452(b)(6), unless otherwise noted.

Source: 63 FR 46361, Aug. 31, 1998, unless otherwise noted.

Subpart A—General

§ 662.1 What is the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program?

(a) The Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program is designed to contribute to the development and improvement of the study of modern foreign languages and area studies in the United States by providing opportunities for scholars to conduct research abroad.

(b) Under the program, the Secretary awards fellowships, through institutions of higher education, to doctoral candidates who propose to conduct dissertation research abroad in modern foreign languages and area studies.

(Authority: 22 U.S.C. 2452(b)(6))

§ 662.2 Who is eligible to receive an institutional grant under this program?

An institution of higher education is eligible to receive an institutional grant.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 662.3 Who is eligible to receive a fellowship under this program?

An individual is eligible to receive a fellowship if the individual—

(a)(1) Is a citizen or national of the United States; or

(2) Is a permanent resident of the United States;

(b)(1) Is a graduate student in good standing at an institution of higher education; and

(2) When the fellowship period begins, is admitted to candidacy in a doctoral degree program in modern foreign languages and area studies at that institution;

(c) Is planning a teaching career in the United States upon completion of his or her doctoral program; and

(d) Possesses sufficient foreign language skills to carry out the dissertation research project.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 662.4 What is the amount of a fellowship?

(a) The Secretary pays—

(1) Travel expenses to and from the residence of the fellow and the country or countries of research;

(2) A maintenance stipend for the fellow and his or her dependents related to cost of living in the host country or countries;

(3) An allowance for research-related expenses overseas, such as books, copying, tuition and affiliation fees, local travel, and other incidental expenses; and

(4) Health and accident insurance premiums.

(b) In addition, the Secretary may pay—

(1) Emergency medical expenses not covered by health and accident insurance; and

(2) The costs of preparing and transporting the remains of a fellow or dependent who dies during the term of the fellowship to his or her former home.

(c) The Secretary announces the amount of benefits expected to be available in an application notice published in the Federal Register.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e) (1) and (2))

§ 662.5 What is the duration of a fellowship?

(a) A fellowship is for a period of not fewer than six nor more than twelve months.

(b) A fellowship may not be renewed.

(Authority: 22 U.S.C. 2452(b)(6))

§ 662.6 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in this part 662; and

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR parts 74, 75, 77, 81, 82, 85, and 86).

(Authority: 22 U.S.C. 2452(b)(6))

§ 662.7 What definitions apply to this program?

(a) Definitions of the following terms as used in this part are contained in 34 CFR part 77:

Applicant

Application

Award

EDGAR

Fiscal year

Grant

Secretary

(b) The definition of *institution of higher education* as used in this part is contained in 34 CFR 600.4.

(c) The following definitions of other terms used in this part apply to this program:

Area studies means a program of comprehensive study of the aspects of a society or societies, including the study of their geography, history, culture, economy, politics, international relations, and languages.

Binational commission means an educational and cultural commission established, through an agreement between the United States and either a foreign government or an international organization, to carry out functions in connection with the program covered by this part.

Dependent means any of the following individuals who accompany the recipient of a fellowship under this program to his or her training site for the entire fellowship period if the individual receives more than 50 percent of his or her support from the recipient during the fellowship period:

- (1) The recipient's spouse.
- (2) The recipient's or spouse's children who are unmarried and under age 21.

J. William Fulbright Foreign Scholarship Board means the presidentially-appointed board that is responsible for supervision of the program covered by this part.

(Authority: 22 U.S.C. 2452(b)(6), 2456)

Subpart B—Applications

§ 662.10 How does an individual apply for a fellowship?

(a) An individual applies for a fellowship by submitting an application to the Secretary through the institution of higher education in which the individual is enrolled.

(b) The applicant shall provide sufficient information concerning his or her personal and academic background and proposed research project to enable the Secretary to determine whether the applicant—

- (1) Is eligible to receive a fellowship under §662.3; and
- (2) Should be selected to receive a fellowship under subparts C and D of this part.

(Authority: 22 U.S.C. 2452(b)(6))

§ 662.11 What is the role of the institution in the application process?

An institution of higher education that participates in this program is responsible for—

- (a) Making fellowship application materials available to its students;
- (b) Accepting and screening applications in accordance with its own technical and academic criteria; and
- (c) Forwarding screened applications to the Secretary and requesting an institutional grant.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e)(1))

Subpart C—Selection of Fellows

§ 662.20 How is a Fulbright-Hays Doctoral Dissertation Research Abroad Fellow selected?

(a) The Secretary considers applications for fellowships under this program that have been screened and submitted by eligible institutions. The Secretary evaluates these applications on the basis of the criteria in §662.21.

(b) The Secretary does not consider applications to carry out research in a country in which the United States has no diplomatic representation.

(c) In evaluating applications, the Secretary obtains the advice of panels of United States academic specialists in modern foreign languages and area studies.

(d) The Secretary gives preference to applicants who have served in the armed services of the United States if their applications are equivalent to those of other applicants on the basis of the criteria in §662.21.

(e) The Secretary considers information on budget, political sensitivity, and feasibility from binational commissions or United States diplomatic missions, or both, in the proposed country or countries of research.

(f) The Secretary presents recommendations for recipients of fellowships to the J. William Fulbright Foreign Scholarship Board, which reviews the recommendations and approves recipients.

(Authority: 22 U.S.C. 2452(b)(6), 2456)

§ 662.21 What criteria does the Secretary use to evaluate an application for a fellowship?

(a) *General.* The Secretary evaluates an application for a fellowship on the basis of the criteria in this section. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

(b) *Quality of proposed project.* The Secretary reviews each application to determine the quality of the research project proposed by the applicant. The Secretary considers—

(1) The statement of the major hypotheses to be tested or questions to be examined, and the description and justification of the research methods to be used;

(2) The relationship of the research to the literature on the topic and to major theoretical issues in the field, and the project's originality and importance in terms of the concerns of the discipline;

(3) The preliminary research already completed in the United States and overseas or plans for such research prior to going overseas, and the kinds, quality and availability of data for the research in the host country or countries;

(4) The justification for overseas field research and preparations to establish appropriate and sufficient research contacts and affiliations abroad;

(5) The applicant's plans to share the results of the research in progress and a copy of the dissertation with scholars and officials of the host country or countries; and

(6) The guidance and supervision of the dissertation advisor or committee at all stages of the project, including guidance in developing the project, understanding research conditions abroad, and acquainting the applicant with research in the field.

(c) *Qualifications of the applicant.* The Secretary reviews each application to determine the qualifications of the applicant. The Secretary considers—

(1) The overall strength of the applicant's graduate academic record;

(2) The extent to which the applicant's academic record demonstrates strength in area studies relevant to the proposed project;

(3) The applicant's proficiency in one or more of the languages (other than English and the applicant's native language) of the country or countries of research, and the specific measures to be taken to overcome any anticipated language barriers; and

(4) The applicant's ability to conduct research in a foreign cultural context, as evidenced by the applicant's references or previous overseas experience, or both.

(d) *Priorities.* (1) The Secretary determines the extent to which the application responds to any priority that the Secretary establishes for the selection of fellows in any fiscal year. The Secretary announces any priorities in an application notice published in the Federal Register.

(2) Priorities may relate to certain world areas, countries, academic disciplines, languages, topics, or combinations of any of these categories. For example, the Secretary may establish a priority for—

(i) A specific geographic area or country, such as the Caribbean or Poland;

(ii) An academic discipline, such as economics or political science;

(iii) A language, such as Tajik or Indonesian; or

(iv) A topic, such as public health issues or the environment.

(Approved by the Office of Management and Budget under control number 1840–0005)

(Authority: 22 U.S.C. 2452(b)(6), 2456(a)(2))

[63 FR 46361, Aug. 31, 1998, as amended at 70 FR 13376, Mar. 21, 2005]

§ 662.22 How does the J. William Fulbright Foreign Scholarship Board select fellows?

(a) The J. William Fulbright Foreign Scholarship Board selects fellows on the basis of the Secretary's recommendations and the information described in §662.20(e) from binational commissions or United States diplomatic missions.

(b) No applicant for a fellowship may be awarded more than one graduate fellowship under the Fulbright-Hays Act from appropriations for a given fiscal year.

(Authority: 22 U.S.C. 2452(b)(6), 2456(a)(1))

Subpart D—Post-award Requirements for Institutions

§ 662.30 What are an institution's responsibilities after the award of a grant?

(a) An institution to which the Secretary awards a grant under this part is responsible for administering the grant in accordance with the regulations described in §662.6.

(b) The institution is responsible for processing individual applications for fellowships in accordance with procedures described in §662.11.

(c) The institution is responsible for disbursing funds in accordance with procedures described in §662.4.

(d) The Secretary awards the institution an administrative allowance of \$100 for each fellowship listed in the grant award document.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e)(1))

Subpart E—Post-award Requirements for Fellows

§ 662.41 What are a fellow's responsibilities after the award of a fellowship?

As a condition of retaining a fellowship, a fellow shall—

- (a) Maintain satisfactory progress in the conduct of his or her research;
- (b) Devote full time to research on the approved topic;
- (c) Not engage in unauthorized income-producing activities during the period of the fellowship; and
- (d) Remain a student in good standing with the grantee institution during the period of the fellowship.

(Authority: 22 U.S.C. 2452(b)(6))

§ 662.42 How may a fellowship be revoked?

(a) The fellowship may be revoked only by the J. William Fulbright Foreign Scholarship Board upon the recommendation of the Secretary.

(b) The Secretary may recommend a revocation of a fellowship on the basis of—

- (1) The fellow's failure to meet any of the conditions in §662.41; or
- (2) Any violation of the standards of conduct adopted by the J. William Fulbright Foreign Scholarship Board.

(Authority: 22 U.S.C. 2452(b)(6), 2456, and Policy Statements of the J. William Fulbright Foreign Scholarship Board, 1990)

34 CFR PART 663, FULBRIGHT-
HAYS FACULTY RESEARCH ABROAD
PROGRAM

e-CFR Data is current as of September 28, 2009

Title 34: Education

PART 663—FULBRIGHT-HAYS FACULTY RESEARCH ABROAD FELLOWSHIP PROGRAM

Section Contents

Subpart A—General

§ 663.1 What is the Fulbright-Hays Faculty Research Abroad Fellowship Program?

§ 663.2 Who is eligible to receive an institutional grant under this program?

§ 663.3 Who is eligible to receive a fellowship under this program?

§ 663.4 What is the amount of a fellowship?

§ 663.5 What is the duration of a fellowship?

§ 663.6 What regulations apply to this program?

§ 663.7 What definitions apply to this program?

Subpart B—Applications

§ 663.10 How does an individual apply for a fellowship?

§ 663.11 What is the role of the institution in the application process?

Subpart C—Selection of Fellows

§ 663.20 How is a Fulbright-Hays Faculty Research Abroad Fellow selected?

§ 663.21 What criteria does the Secretary use to evaluate an application for a fellowship?

§ 663.22 How does the J. William Fulbright Foreign Scholarship Board select fellows?

Subpart D—Post-award Requirements for Institutions

§ 663.30 What are an institution's responsibilities after the award of a grant?

Subpart E—Post-award Requirements for Fellows

§ 663.41 What are a fellow's responsibilities after the award of a fellowship?

§ 663.42 How may a fellowship be revoked?

Authority: Sec. 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), 22 U.S.C. 2452(b)(6), unless otherwise noted.

Source: 63 FR 46363, Aug. 31, 1998, unless otherwise noted.

Subpart A—General

§ 663.1 What is the Fulbright-Hays Faculty Research Abroad Fellowship Program?

(a) The Fulbright-Hays Faculty Research Abroad Program is designed to contribute to the development and improvement of modern foreign language and area studies in the United States by providing opportunities for scholars to conduct research abroad.

(b) Under the program, the Secretary awards fellowships, through institutions of higher education, to faculty members who propose to conduct research abroad in modern foreign languages and area studies to improve their skill in languages and knowledge of the culture of the people of these countries.

(Authority: 22 U.S.C. 2452(b)(6))

§ 663.2 Who is eligible to receive an institutional grant under this program?

An institution of higher education is eligible to receive an institutional grant.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 663.3 Who is eligible to receive a fellowship under this program?

An individual is eligible to receive a fellowship if the individual—

(a)(1) Is a citizen or national of the United States; or

(2) Is a permanent resident of the United States;

(b) Is employed by an institution of higher education;

(c) Has been engaged in teaching relevant to his or her foreign language or area studies specialization for the two years immediately preceding the date of the award;

(d) Proposes research relevant to his or her modern foreign language or area specialization which is not dissertation research for a doctoral degree; and

(e) Possesses sufficient foreign language skills to carry out the research project.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 663.4 What is the amount of a fellowship?

(a) The Secretary pays—

(1) Travel expenses to and from the residence of the fellow and the country or countries of research;

(2) A maintenance stipend for the fellow related to his or her academic year salary; and

(3) An allowance for research-related expenses overseas, such as books, copying, tuition and affiliation fees, local travel, and other incidental expenses.

(b) The Secretary may pay—

(1) Emergency medical expenses not covered by the faculty member's health and accident insurance; and

(2) The costs of preparing and transporting the remains of a fellow or dependent who dies during the term of the fellowship to his or her former home.

(c) The Secretary announces the amount of benefits expected to be available in an application notice published in the Federal Register.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e) (1) and (2))

§ 663.5 What is the duration of a fellowship?

(a) A fellowship is for a period of not fewer than three nor more than twelve months.

(b) A fellowship may not be renewed.

(Authority: 22 U.S.C. 2452(b)(6))

§ 663.6 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in this part 663; and

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR parts 74, 75, 77, 81, 82, 85, and 86).

(Authority: 22 U.S.C. 2452(b)(6))

§ 663.7 What definitions apply to this program?

(a) Definitions of the following terms as used in this part are contained in 34 CFR part 77:

Applicant

Application

Award

EDGAR

Fiscal year

Grant

Secretary

(b) The definition of *institution of higher education* as used in this part is contained in 34 CFR 600.4.

(c) The following definitions of other terms used in this part apply to this program:

Area studies means a program of comprehensive study of the aspects of a society or societies, including the study of their geography, history, culture, economy, politics, international relations, and languages.

Binational commission means an educational and cultural commission established, through an agreement between the United States and either a foreign government or an international organization, to carry out functions in connection with the program covered by this part.

Dependent means any of the following individuals who accompany the recipient of a fellowship under this program to his or her training site for the entire fellowship period if the individual receives more than 50 percent of his or her support from the recipient during the fellowship period:

- (1) The recipient's spouse.
- (2) The recipient's or spouse's children who are unmarried and under age 21.

J. William Fulbright Foreign Scholarship Board means the presidentially-appointed board that is responsible for supervision of the program covered by this part.

(Authority: 22 U.S.C. 2452(b)(6), 2456)

Subpart B—Applications

§ 663.10 How does an individual apply for a fellowship?

(a) An individual applies for a fellowship by submitting an application to the Secretary through the institution of higher education at which the individual is employed.

(b) The applicant shall provide sufficient information concerning his or her personal and academic background and proposed research project to enable the Secretary to determine whether the applicant—

- (1) Is eligible to receive a fellowship under §663.3; and
- (2) Should be selected to receive a fellowship under subparts C and D of this part.

(Authority: 22 U.S.C. 2452(b)(6))

§ 663.11 What is the role of the institution in the application process?

An institution of higher education that participates in this program is responsible for—

- (a) Making fellowship application materials available to its faculty;
- (b) Accepting and screening applications in accordance with its own technical and academic criteria; and
- (c) Forwarding screened applications to the Secretary through a request for an institutional grant.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e)(1))

Subpart C—Selection of Fellows

§ 663.20 How is a Fulbright-Hays Faculty Research Abroad Fellow selected?

(a) The Secretary considers applications for fellowships under this program that have been screened and submitted by eligible institutions. The Secretary evaluates these applications on the basis of the criteria in §663.21.

(b) The Secretary does not consider applications to carry out research in a country in which the United States has no diplomatic representation.

(c) In evaluating applications, the Secretary obtains the advice of panels of United States academic specialists in modern foreign languages and area studies.

(d) The Secretary gives preference to applicants who have served in the armed services of the United States if their applications are equivalent to those of other applicants on the basis of the criteria in §663.21.

(e) The Secretary considers information on budget, political sensitivity, and feasibility from binational commissions or United States diplomatic missions, or both, in the proposed country or countries of research.

(f) The Secretary presents recommendations for recipients of fellowships to the J. William Fulbright Foreign Scholarship Board, which reviews the recommendations and approves recipients.

(Authority: 22 U.S.C. 2452(b)(6), 2456)

§ 663.21 What criteria does the Secretary use to evaluate an application for a fellowship?

(a) *General.* The Secretary evaluates an application for a fellowship on the basis of the criteria in this section. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

(b) *Quality of proposed project.* The Secretary reviews each application to determine the quality of the research project proposed by the applicant. The Secretary considers—

(1) The statement of the major hypotheses to be tested or questions to be examined, and the description and justification of the research methods to be used;

(2) The relationship of the research to the literature on the topic and to major theoretical issues in the field, and the project's importance in terms of the concerns of the discipline;

(3) The preliminary research already completed or plans for research prior to going overseas, and the kinds, quality and availability of data for the research in the host country or countries;

(4) The justification for overseas field research, and preparations to establish appropriate and sufficient research contacts and affiliations abroad;

(5) The applicant's plans to share the results of the research in progress with scholars and officials of the host country or countries and the American scholarly community; and

(6) The objectives of the project regarding the sponsoring institution's plans for developing or strengthening, or both, curricula in modern foreign languages and area studies.

(c) *Qualifications of the applicant.* The Secretary reviews each application to determine the qualifications of the applicant. The Secretary considers—

(1) The overall strength of applicant's academic record (teaching, research, contributions, professional association activities);

(2) The applicant's excellence as a teacher or researcher, or both, in his or her area or areas of specialization;

(3) The applicant's proficiency in one or more of the languages (other than English and the applicant's native language), of the country or countries of research, and the specific measures to be taken to overcome any anticipated language barriers; and

(4) The applicant's ability to conduct research in a foreign cultural context, as evidenced by the applicant's previous overseas experience, or documentation provided by the sponsoring institution, or both.

(d) *Priorities.* (1) The Secretary determines the extent to which the application responds to any priority that the Secretary establishes for the selection of fellows in any fiscal year. The Secretary announces any priorities in an application notice published in the Federal Register.

(2) Priorities may relate to certain world areas, countries, academic disciplines, languages, topics, or combinations of any of these categories. For example, the Secretary may establish a priority for—

(i) A specific geographic area or country, such as East Asia or Latvia;

(ii) An academic discipline, such as history or political science;

(iii) A language, such as Hausa or Telegu; or

(iv) A topic, such as religious fundamentalism or migration.

(Approved by the Office of Management and Budget under control number 1840–0005)

(Authority: 22 U.S.C. 2452(b)(6), 2456(a)(2))

[63 FR 46363, Aug. 31, 1998, as amended at 70 FR 13376, Mar. 21, 2005]

§ 663.22 How does the J. William Fulbright Foreign Scholarship Board select fellows?

The J. William Fulbright Foreign Scholarship Board selects fellows on the basis of the Secretary's recommendations and the information described in §663.20(e) from binational commissions or United States diplomatic missions.

(Authority: 22 U.S.C. 2452(b)(6), 2456(a)(1))

Subpart D—Post-award Requirements for Institutions

§ 663.30 What are an institution's responsibilities after the award of a grant?

(a) An institution to which the Secretary awards a grant under this part is responsible for administering the grant in accordance with the regulations described in §663.6.

(b) The institution is responsible for processing individual applications for fellowships in accordance with procedures described in §663.11.

(c) The institution is responsible for disbursing funds in accordance with procedures described in §663.4.

(d) The Secretary awards the institution an administrative allowance of \$100 for each fellowship listed in the grant award document.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e)(1))

Subpart E—Post-award Requirements for Fellows

§ 663.41 What are a fellow's responsibilities after the award of a fellowship?

As a condition of retaining a fellowship, a fellow shall—

(a) Maintain satisfactory progress in the conduct of his or her research;

(b) Devote full time to research on the approved topic;

(c) Not engage in unauthorized income-producing activities during the period of the fellowship; and

(d) Remain employed by the grantee institution during the period of the fellowship.

(Authority: 22 U.S.C. 2452(b)(6))

§ 663.42 How may a fellowship be revoked?

(a) The fellowship may be revoked only by the J. William Fulbright Foreign Scholarship Board upon the recommendation of the Secretary.

(b) The Secretary may recommend a revocation of a fellowship on the basis of—

(1) The fellow's failure to meet any of the conditions in §663.41; or

(2) Any violation of the standards of conduct adopted by the J. William Fulbright Foreign Scholarship Board.

(Authority: 22 U.S.C. 2452(b)(6), 2456, and Policy Statements of the J. William Fulbright Foreign Scholarship Board, 1990)

34 CFR PART 664, FULBRIGHT-
HAYS GROUP PROJECTS ABROAD
PROGRAM

e-CFR Data is current as of September 28, 2009

Title 34: Education

PART 664—FULBRIGHT-HAYS GROUP PROJECTS ABROAD PROGRAM

Section Contents

Subpart A—General

§ 664.1 What is the Fulbright-Hays Group Projects Abroad Program?

§ 664.2 Who is eligible to apply for assistance under the Fulbright-Hays Group Projects Abroad Program?

§ 664.3 Who is eligible to participate in projects funded under the Fulbright-Hays Group Projects Abroad Program?

§ 664.4 What regulations apply to the Fulbright-Hays Group Projects Abroad Program?

§ 664.5 What definitions apply to the Fulbright-Hays Group Projects Abroad Program?

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 664.10 What kinds of projects does the Secretary assist?

§ 664.11 What is a short-term seminar project?

§ 664.12 What is a curriculum development project?

§ 664.13 What is a group research or study project?

§ 664.14 What is an advanced overseas intensive language training project?

Subpart C—How Does the Secretary Make a Grant?

§ 664.30 How does the Secretary evaluate an application?

§ 664.31 What selection criteria does the Secretary use?

§ 664.32 What priorities may the Secretary establish?

§ 664.33 What costs does the Secretary pay?

Subpart D—What Conditions Must Be Met by a Grantee?

§ 664.40 Can participation in a Fulbright-Hays Group Projects Abroad be terminated?

Authority: 22 U.S.C. 2452(b)(6), unless otherwise noted.

Source: 63 FR 46366, Aug. 31, 1998, unless otherwise noted.

Subpart A—General

§ 664.1 What is the Fulbright-Hays Group Projects Abroad Program?

(a) The Fulbright-Hays Group Projects Abroad Program is designed to contribute to the development and improvement of the study of modern foreign languages and area studies in the United States by providing opportunities for teachers, students, and faculty to study in foreign countries.

(b) Under the program, the Secretary awards grants to eligible institutions, departments, and organizations to conduct overseas group projects in research, training, and curriculum development.

(Authority: 22 U.S.C. 2452(b)(6))

§ 664.2 Who is eligible to apply for assistance under the Fulbright-Hays Group Projects Abroad Program?

[↑ top](#)

The following are eligible to apply for assistance under this part:

(a) Institutions of higher education;

(b) State departments of education;

(c) Private non-profit educational organizations; and

(d) Consortia of institutions, departments, and organizations described in paragraphs (a), (b), or (c) of this section.

(Authority: 22 U.S.C. 2452(b)(6))

§ 664.3 Who is eligible to participate in projects funded under the Fulbright-Hays Group Projects Abroad Program?

[↑ top](#)

An individual is eligible to participate in a Fulbright-Hays Group Projects Abroad, if the individual—(a)(1) Is a citizen or national of the United States; or

(2) Is a permanent resident of the United States; and

(b)(1) Is a faculty member who teaches modern foreign languages or area studies in an institution of higher education;

(2) Is a teacher in an elementary or secondary school;

(3) Is an experienced education administrator responsible for planning, conducting, or supervising programs in modern foreign languages or area studies at the elementary, secondary, or postsecondary level; or

(4) Is a graduate student, or a junior or senior in an institution of higher education, who plans a teaching career in modern foreign languages or area studies.

(Authority: 22 U.S.C. 2452(b)(6))

§ 664.4 What regulations apply to the Fulbright-Hays Group Projects Abroad Program?

[↑ top](#)

The following regulations apply to this program:

(a) The regulations in this part 664; and

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR parts 74, 75, 77, 80, 81, 82, 85, and 86).

(Authority: 22 U.S.C. 2452(b)(6), 2454(e)(1), 2456(a)(2))

§ 664.5 What definitions apply to the Fulbright-Hays Group Projects Abroad Program?

(a) Definitions in EDGAR. The following terms used in this part are defined in 34 CFR part 77:

Applicant

Application

Award

EDGAR

Equipment

Facilities

Grant

Grantee

Nonprofit

Project

Private

Public

Secretary

State

State educational agency

Supplies

(Authority: 22 U.S.C. 2452(b)(6))

(b) *Definitions that apply to this program:* The following definitions apply to the Fulbright-Hays Group Projects Abroad Program:

Area studies means a program of comprehensive study of the aspects of a society or societies, including the study of their geography, history, culture, economy, politics, international relations, and languages.

Binational commission means an educational and cultural commission established, through an agreement between the United States and either a foreign government or an international organization, to carry out functions in connection with the program covered by this part.

Institution of higher education means an educational institution in any State that—

- (1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
- (2) Is legally authorized within such State to provide a program of education beyond secondary education;
- (3) Provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;
- (4) Is a public or other nonprofit institution; and
- (5) Is accredited by a nationally recognized accrediting agency or association.

J. William Fulbright Foreign Scholarship Board means the presidentially appointed board that is responsible for supervision of the program covered by this part.

(Authority: 22 U.S.C. 2452(b)(6), 2456)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 664.10 What kinds of projects does the Secretary assist?

The Secretary assists projects designed to develop or improve programs in modern foreign language or area studies at the elementary, secondary, or postsecondary level by supporting overseas projects in research, training, and curriculum development by groups of individuals engaged in a common endeavor. Projects may include, as described in §§664.11 through 664.14, short-term seminars, curriculum development teams, group research or study, and advanced intensive language programs.

(Authority: 22 U.S.C. 2452(b)(6))

§ 664.11 What is a short-term seminar project?

A short-term seminar project is—

- (a) Designed to help integrate international studies into an institution's or school system's general curriculum; and
- (b) Normally four to six weeks in length and focuses on a particular aspect of area study, such as, for example, the culture of the area or a portion of the culture.

(Authority: 22 U.S.C. 2452(b)(6))

§ 664.12 What is a curriculum development project?

(a) A curriculum development project—

- (1) Is designed to permit faculty and administrators in institutions of higher education and elementary and secondary schools, and administrators in State departments of education the opportunity to spend generally from four to eight weeks in a foreign country acquiring resource materials for curriculum development in modern foreign language and area studies; and

(2) Must provide for the systematic use and dissemination in the United States of the acquired materials.

(b) For the purpose of this section, resource materials include artifacts, books, documents, educational films, museum reproductions, recordings, and other instructional material.

(Authority: 22 U.S.C. 2452(b)(6))

§ 664.13 What is a group research or study project?

(a)(1) A group research or study project is designed to permit a group of faculty of an institution of higher education and graduate and undergraduate students to undertake research or study in a foreign country.

(2) The period of research or study in a foreign country is generally from three to twelve months.

(b) As a prerequisite to participating in a research or training project, participants—

(1) Must possess the requisite language proficiency to conduct the research or study, and disciplinary competence in their area of research; and

(2) In a project of a semester or longer, shall have completed, at a minimum, one semester of intensive language training and one course in area studies relevant to the projects.

(Authority: 22 U.S.C. 2452(b)(6))

§ 664.14 What is an advanced overseas intensive language training project?

(a)(1) An advanced overseas intensive language project is designed to take advantage of the opportunities present in the foreign country that are not present in the United States when providing intensive advanced foreign language training.

(2) Project activities may be carried out during a full year, an academic year, a semester, a trimester, a quarter, or a summer.

(3) Generally, language training must be given at the advanced level, i.e., at the level equivalent to that provided to students who have successfully completed two academic years of language training.

(4) The language to be studied must be indigenous to the host country and maximum use must be made of local institutions and personnel.

(b) Generally, participants in projects under this program must have successfully completed at least two academic years of training in the language to be studied.

(Authority: 22 U.S.C. 2452(b)(6))

Subpart C—How Does the Secretary Make a Grant?

§ 664.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a Group Project Abroad on the basis of the criteria in §664.31. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the Federal Register.

(b) All selections by the Secretary are subject to review and final approval by the J. William Fulbright Foreign Scholarship Board.

(c) The Secretary does not recommend a project to the J. William Fulbright Foreign Scholarship Board if the applicant proposes to carry it out in a country in which the United States does not have diplomatic representation.

(Authority: 22 U.S.C. 2452(b)(6), 2456)

[63 FR 46366, Aug. 31, 1998, as amended at 70 FR 13376, Mar. 21, 2005]

§ 664.31 What selection criteria does the Secretary use?

The Secretary uses the criteria in this section to evaluate applications for the purpose of recommending to the J. William Fulbright Foreign Scholarship Board Group Projects Abroad for funding under this part.

(a) *Plan of operation.* (1) The Secretary reviews each application for information to determine the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition.

(b) *Quality of key personnel.* (1) The Secretary reviews each application for information to determine the quality of key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training in fields related to the objectives of the project as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows that the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows that the facilities, equipment, and supplies that the applicant plans to use are adequate.

(f) *Specific program criteria.* (1) In addition to the general selection criteria contained in this section, the Secretary reviews each application for information that shows that the project meets the specific program criteria.

(2) The Secretary looks for information that shows—

(i) The potential impact of the project on the development of the study of modern foreign languages and area studies in American education.

(ii) The project's relevance to the applicant's educational goals and its relationship to its program development in modern foreign languages and area studies.

(iii) The extent to which direct experience abroad is necessary to achieve the project's objectives and the effectiveness with which relevant host country resources will be utilized.

(g) *Priorities.* The Secretary looks for information that shows the extent to which the project addresses program priorities in the field of modern foreign languages and area studies for that year.

(Approved by the Office of Management and Budget under control number 1840–0068)

(Authority: 22 U.S.C. 2452(b)(6), 2456(a)(2))

[63 FR 46366, Aug. 31, 1998, as amended at 70 FR 13376, Mar. 21, 2005]

§ 664.32 What priorities may the Secretary establish?

(a) The Secretary may establish for each funding competition one or more of the following priorities:

(1) Categories of projects described in §664.10.

(2) Specific languages, topics, countries or geographic regions of the world; for example, Chinese and Arabic, Curriculum Development in Multicultural Education and Transitions from Planned Economies to Market Economies, Brazil and Nigeria, Middle East and South Asia.

(3) Levels of education; for example, elementary and secondary, postsecondary, or postgraduate.

(b) The Secretary announces any priorities in the application notice published in the Federal Register.

(Authority: 22 U.S.C. 2452(b)(6), 2456(a)(2))

§ 664.33 What costs does the Secretary pay?

(a) The Secretary pays only part of the cost of a project funded under this part. Other than travel costs, the Secretary does not pay any of the costs for project-related expenses within the United States.

(b) The Secretary pays the cost of the following—

(1) A maintenance stipend related to the cost of living in the host country or countries;

(2) Round-trip international travel;

(3) A local travel allowance for necessary project-related transportation within the country of study, exclusive of the purchase of transportation equipment;

(4) Purchase of project-related artifacts, books, and other teaching materials in the country of study;

(5) Rent for instructional facilities in the country of study;

(6) Clerical and professional services performed by resident instructional personnel in the country of study; and

(7) Other expenses in the country of study, if necessary for the project's success and approved in advance by the Secretary.

(c) The Secretary may pay—

(1) Emergency medical expenses not covered by a participant's health and accident insurance; and

(2) The costs of preparing and transporting the remains of a participant who dies during the term of a project to his or her former home.

(Authority: 22 U.S.C. 2452(b)(6), 2454(e)(1))

Subpart D—What Conditions Must Be Met by a Grantee?

§ 664.40 Can participation in a Fulbright-Hays Group Projects Abroad be terminated?

(a) Participation may be terminated only by the J. William Fulbright Foreign Scholarship Board upon the recommendation of the Secretary.

(b) The Secretary may recommend a termination of participation on the basis of failure by the grantee to ensure that participants adhere to the standards of conduct adopted by the J. William Fulbright Foreign Scholarship Board.

(Authority: 22 U.S.C. 2452(b)(6), 2456, and Policy Statements of the J. William Fulbright Foreign Scholarship Board, 1990)

34 CODE OF FEDERAL
REGULATIONS (CFR) PART 655,
GENERAL PROVISIONS FOR
INTERNATIONAL EDUCATION
PROGRAMS, SECTION 655.1
THROUGH 655.4, 655.10, 655.30
THROUGH 655.32

e-CFR Data is current as of September 28, 2009

Title 34: Education

PART 655—INTERNATIONAL EDUCATION PROGRAMS—GENERAL PROVISIONS

Section Contents

Subpart A—General

§ 655.1 Which programs do these regulations govern?

§ 655.3 What regulations apply to the International Education Programs?

§ 655.4 What definitions apply to the International Education Programs?

Subpart B—What Kinds of Projects Does the Secretary Assist?

§ 655.10 What kinds of projects does the Secretary assist?

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 655.30 How does the Secretary evaluate an application?

§ 655.31 What general selection criteria does the Secretary use?

§ 655.32 What additional factors does the Secretary consider in making grant awards?

Authority: 20 U.S.C 1121–1130b, unless otherwise noted.

Source: 47 FR 14116, Apr. 1, 1982, unless otherwise noted.

Subpart A—General

§ 655.1 Which programs do these regulations govern?

The regulations in this part govern the administration of the following programs in international education:

(a) The National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies (section 602 of the Higher Education Act of 1965, as amended);

(b) The Language Resource Centers Program (section 603);

(c) The Undergraduate International Studies and Foreign Language Program (section 604);

(d) The International Research and Studies Program (section 605); and

(e) The Business and International Education Program (section 613).

(Authority: 20 U.S.C. 1121–1130b)

[47 FR 14116, Apr. 1, 1982, as amended at 58 FR 32575, June 10, 1993; 64 FR 7739, Feb. 16, 1999]

§ 655.3 What regulations apply to the International Education Programs?

The following regulations apply to the International Education Programs:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

- (1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).
- (2) 34 CFR part 75 (Direct Grant Programs).
- (3) 34 CFR part 77 (Definitions that Apply to Department Regulations).
- (4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities), except that part 79 does not apply to 34 CFR parts 660, 669, and 671.
- (5) 34 CFR part 82 (New Restrictions on Lobbying).
- (6) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).
- (7) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 655; and

(c) As appropriate, the regulations in—

- (1) 34 CFR part 656 (National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies);
- (2) 34 CFR part 657 (Foreign Language and Area Studies Fellowships Program);
- (3) 34 CFR part 658 (Undergraduate International Studies and Foreign Language Program);
- (4) 34 CFR part 660 (International Research and Studies Program);
- (5) 34 CFR part 661 (Business and International Education Program); and
- (6) 34 CFR part 669 (Language Resource Centers Program).

(Authority: 20 U.S.C. 1121–1127; 1221e–3)

[47 FR 14116, Apr. 1, 1982, as amended at 58 FR 32575, June 10, 1993; 64 FR 7739, Feb. 16, 1999]

§ 655.4 What definitions apply to the International Education Programs?

(a) *Definitions in EDGAR.* The following terms used in this part and 34 CFR parts 656, 657, 658, 660, 661, and 669 are defined in 34 CFR part 77:

Acquisition
Applicant
Application
Award
Budget
Contract
EDGAR
Equipment
Facilities
Fiscal year
Grant
Grantee
Grant period
Local educational agency
Nonprofit
Project
Project period
Private
Public
Secretary
State educational agency
Supplies

(Authority: 20 U.S.C. 1121–1127)

(b) *Definitions that apply to these programs:* The following definitions apply to International Education Programs:

Consortium of institutions of higher education means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit

agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

Critical languages means each of the languages contained in the list of critical languages designated by the Secretary pursuant to section 212(d) of the Education for Economic Security Act, except that, in the implementation of this definition, the Secretary may set priorities according to the purposes of title VI of the Higher Education Act of 1965, as amended.

Institution of higher education means, in addition to an institution that meets the definition of section 101(a) of the Higher Education Act of 1965, as amended, an institution that meets the requirements of section 101(a) except that (1) it is not located in the United States, and (2) it applies for assistance under title VI of the Higher Education Act of 1965, as amended, in consortia with institutions that meet the definitions in section 101(a).

(Authority: 20 U.S.C. 1121–1127, and 1141)

[47 FR 14116, Apr. 1, 1982, as amended at 58 FR 32575, June 10, 1993; 64 FR 7739, Feb. 16, 1999; 74 FR 35072, July 17, 2009]

Subpart B—What Kinds of Projects Does the Secretary Assist?

§ 655.10 What kinds of projects does the Secretary assist?

Subpart A of 34 CFR parts 656, 657, and 669 and subpart B of 34 CFR parts 658, 660, 661 describe the kinds of projects that the Secretary assists under the International Education Programs.

(Authority: 20 U.S.C. 1121–1127)

[74 FR 35072, July 17, 2009]

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 655.30 How does the Secretary evaluate an application?

The Secretary evaluates an applications for International Education Programs on the basis of—

- (a) The general criteria in §655.31; and
- (b) The specific criteria in, as applicable, subpart D of 34 CFR parts 658, 660, 661, and 669.

(Authority: 20 U.S.C. 1121–1127)

[64 FR 7739, Feb. 16, 1999]

§ 655.31 What general selection criteria does the Secretary use?

(a) *Plan of operation.* (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

- (i) High quality in the design of the project;

- (ii) An effective plan of management that ensures proper and efficient administration of the project;
 - (iii) A clear description of how the objectives of the project relate to the purpose of the program;
 - (iv) The way the applicant plans to use its resources and personnel to achieve each objective; and
 - (v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—
 - (A) Members of racial or ethnic minority groups;
 - (B) Women; and
 - (C) Handicapped persons.
- (b) *Quality of key personnel.* (1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.
- (2) The Secretary looks for information that shows—
- (i) The qualifications of the project director (if one is to be used);
 - (ii) The qualifications of each of the other key personnel to be used in the project. In the case of faculty, the qualifications of the faculty and the degree to which that faculty is directly involved in the actual teaching and supervision of students; and
 - (iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and
 - (iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.
- (3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.
- (c) *Budget and cost effectiveness.* (1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.
- (2) The Secretary looks for information that shows—
- (i) The budget for the project is adequate to support the project activities; and
 - (ii) Costs are reasonable in relation to the objectives of the project.
- (d) *Evaluation plan.* (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.
- (2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.
- (e) *Adequacy of resources.* (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.
- (2) The Secretary looks for information that shows—

- (i) Other than library, facilities that the applicant plans to use are adequate (language laboratory, museums, etc.); and
- (ii) The equipment and supplies that the applicant plans to use are adequate.

(Authority: 20 U.S.C. 1121–1127)

§ 655.32 What additional factors does the Secretary consider in making grant awards?

Except for 34 CFR parts 656, 657, and 661, to the extent practicable and consistent with the criterion of excellence, the Secretary seeks to achieve an equitable distribution of funds throughout the Nation.

(Authority: 20 U.S.C. 1126(b)).

[58 FR 32575, June 10, 1993]

EDUCATION DEPARTMENT
GENERAL ADMINISTRATIVE
REGULATION (EDGAR), 34 CFR PART
74, SECTION 74.51 AND 34 CFR PART
75, SECTIONS 75.118, 75.253, 75.720

[Code of Federal Regulations]
[Title 34, Volume 1]
[Revised as of January 1, 2008]
From the U.S. Government Printing Office via GPO Access
[CITE: 34CFR74.51]

[Page 123-124]

TITLE 34--EDUCATION

PART 74 ADMINISTRATION OF GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS--Table of Contents

Subpart C Post-Award Requirements

Sec. 74.51 Monitoring and reporting program performance.

(a) Recipients are responsible for managing and monitoring each project, program, subaward, function, or activity supported by the award. Recipients shall monitor subawards to ensure subrecipients have met the audit requirements in Sec. 74.26.

(b) The Secretary prescribes the frequency with which the performance reports shall be submitted. Except as provided in Sec. 74.51(f), performance reports are not required more frequently than quarterly or, less frequently than annually. Annual reports are due 90 calendar days after the grant year; quarterly or semi-annual reports are due 30 days after the reporting period.

[[Page 124]]

The Secretary may require annual reports before the anniversary dates of multiple year awards in lieu of these requirements. The final performance reports are due 90 calendar days after the expiration or termination of the award.

(c) If inappropriate, a final technical or performance report is not required after completion of the project.

(d) When required, performance reports must generally contain, for each award, brief information on each of the following:

(1) A comparison of actual accomplishments with the goals and objectives established for the period, the findings of the investigator, or both. Whenever appropriate and the output of programs or projects can be readily quantified, this quantitative data should be related to cost data for computation of unit costs.

(2) Reasons why established goals were not met, if appropriate.

(3) Other pertinent information including, when appropriate, analysis, and explanation of cost overruns or high unit costs.

(e) Recipients are not required to submit more than the original and two copies of performance reports.

(f) Recipients shall immediately notify the Secretary of developments that have a significant impact on the award-supported activities. Also, notification must be given in the case of problems, delays, or adverse conditions which materially impair the ability to meet the objectives of the award. This notification must include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

(g) The Secretary may make site visits, as needed.

(h) The Secretary complies with the clearance requirements of 5 CFR part 1320 when requesting performance data from recipients.

(Approved by the Office of Management and Budget under control number 1880-0513)

(Authority: 20 U.S.C. 1221e-3, 3474; OMB Circular A-110)

[59 FR 34724, July 6, 1994, as amended at 60 FR 6660, Feb. 3, 1995]

[Code of Federal Regulations]
[Title 34, Volume 1]
[Revised as of January 1, 2008]
From the U.S. Government Printing Office via GPO Access
[CITE: 34CFR75.118]

[Page 138]

TITLE 34--EDUCATION

PART 75 DIRECT GRANT PROGRAMS--Table of Contents

Subpart C_How To Apply for a Grant

Sec. 75.118 Requirements for a continuation award.

(a) A recipient that wants to receive a continuation award shall submit a performance report that provides the most current performance and financial expenditure information, as directed by the Secretary, that is sufficient to meet the reporting requirements of 34 CFR 74.51, 75.590, 75.720, and 80.40.

(b) If a recipient fails to submit a performance report that meets the requirements of paragraph (a) of this section, the Secretary denies continued funding for the grant.

(Approved by the Office of Management and Budget under control number 1875-0102)

(Authority: 20 U.S.C. 1221e-3(a) (1) and 3474)

Cross reference: See Sec. 75.117 Information needed for a multi-year project, and Sec. Sec. 75.250 through 75.253 Approval of multi-year projects, Sec. 75.590 Evaluation by the recipient, Sec. 75.720 Financial and performance reports, Sec. 74.51 Monitoring and reporting program performance, and Sec. 80.40 Monitoring and reporting program performance.

[59 FR 30261, June 10, 1994, as amended at 64 FR 50391, Sept. 16, 1999]

[Code of Federal Regulations]
[Title 34, Volume 1]
[Revised as of January 1, 2008]
From the U.S. Government Printing Office via GPO Access
[CITE: 34CFR75.253]

[Page 149-150]

TITLE 34--EDUCATION

PART 75 DIRECT GRANT PROGRAMS--Table of Contents

Subpart D How Grants Are Made

Sec. 75.253 Continuation of a multi-year project after the first budget period.

(a) The Secretary may make a continuation award for a budget period after the first budget period of an approved multi-year project if:

- (1) The Congress has appropriated sufficient funds under the program;
- (2) The recipient has either--
 - (i) Made substantial progress toward meeting the objectives in its approved application; or
 - (ii) Obtained the Secretary's approval of changes in the project that--
 - (A) Do not increase the cost of the grant; and
 - (B) Enable the recipient to meet those objectives in succeeding budget periods;
- (3) The recipient has submitted all reports as required by Sec. 75.118, and
- (4) Continuation of the project is in the best interest of the Federal Government.

(b) Subject to the criteria in paragraph (a) of this section, in selecting applications for funding under a program the Secretary gives priority to continuation awards over new grants.

[[Page 150]]

(c) (1) Notwithstanding any regulatory requirements in 34 CFR part 80, a grantee may expend funds that have not been obligated at the end of a budget period for obligations of the subsequent budget period if--

- (i) The obligation is for an allowable cost that falls within the scope and objectives of the project; and
- (ii) ED regulations other than 34 CFR part 80, statutes, or the conditions of the grant do not prohibit the obligation.

Note: See 34 CFR 74.25(e) (2).

- (2) The Secretary may--
 - (i) Require the grantee to send a written statement describing how the funds made available under this section will be used; and
 - (ii) Determine the amount of new funds that the Department will make available for the subsequent budget period after considering the statement the grantee provides under paragraph (c) (2) (i) of this section

or any other information available to the Secretary about the use of funds under the grant.

(3) In determining the amount of new funds to make available to a grantee under this section, the Secretary considers whether the unobligated funds made available are needed to complete activities that were planned for completion in the prior budget period.

(d) (1) If the Secretary decides, under this section, not to make a continuation award, the Secretary may authorize a no-cost extension of the last budget period of the grant in order to provide for the orderly closeout of the grant.

(2) If the Secretary makes a continuation award under this section--

(i) The Secretary makes the award under Sec. Sec. 75.231-75.236; and

(ii) The new budget period begins on the day after the previous budget period ends.

(e) Unless prohibited by program regulations, a recipient that is in the final budget period of a project period may seek continued assistance for the project under the procedures for selecting new projects.

(Authority: 20 U.S.C. 1221e-3 and 3474)

[45 FR 22497, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 57 FR 30338, July 8, 1992; 59 FR 30261, June 10, 1994; 62 FR 40424, July 28, 1997]

Cross references: 1. See Subpart C--How to Apply for a Grant.

2. See Sec. 75.117 Information needed for a multi-year project; and Sec. 75.118 Application for a continuation award.

[Code of Federal Regulations]

[Title 34, Volume 1]

[Revised as of January 1, 2008]

From the U.S. Government Printing Office via GPO Access

[CITE: 34CFR75.720]

[Page 161]

TITLE 34--EDUCATION

PART 75 DIRECT GRANT PROGRAMS--Table of Contents

Subpart F_What Are the Administrative Responsibilities of a Grantee?

Sec. 75.720 Financial and performance reports.

(a) This section applies to the reports required under--

(1) 34 CFR 74.51 (Monitoring and reporting program performance) and 34 CFR 74.52 (Financial reporting); and

(2) 34 CFR 80.40 (Monitoring and reporting program performance) and 34 CFR 80.41 (Financial reporting).

(b) A grantee shall submit these reports annually, unless the Secretary allows less frequent reporting. However, the Secretary may

require a grantee of a grant made under 34 CFR part 700, 706, 707, or 708 (certain programs of the Office of Educational Research and Improvement) to submit performance reports more often than annually.

(c) The Secretary may require a grantee to report more frequently than annually under 34 CFR 74.14 (Special award conditions), 34 CFR 74.21 (Standards for financial management systems), 34 CFR 80.12 (Special grant or subgrant conditions for ``high-risk'' grantees) or 34 CFR 80.20 (Standards for financial management systems).

(Authority: 20 U.S.C. 1221e-3 and 3474)

[57 FR 30340, July 8, 1992, as amended at 64 FR 50392, Sept. 16, 1999]

Subpart F—What Are the Administrative Responsibilities of a Grantee?

See 34 CFR 74.51, Monitoring and reporting program performance; 34 CFR 74.52, Financial reporting; 34 CFR 80.40, Monitoring and reporting program performance; and 34 CFR 80.41 Financial reporting.

§ 75.720 Financial and performance reports.

(a) This section applies to the reports required under—

(1) 34 CFR 74.51 (Monitoring and reporting program performance) and 34 CFR 74.52 (Financial reporting); and

(2) 34 CFR 80.40 (Monitoring and reporting program performance) and 34 CFR 80.41 (Financial reporting).

(b) A grantee shall submit these reports annually, unless the Secretary allows less frequent reporting. However, the Secretary may require a grantee of a grant made under 34 CFR part 700, 706, 707, or 708 (certain programs of the Office of Educational Research and Improvement) to submit performance reports more often than annually.

(c) The Secretary may require a grantee to report more frequently than annually under 34 CFR 74.14 (Special award conditions), 34 CFR 74.21 (Standards for financial management systems), 34 CFR 80.12 (Special grant or subgrant conditions for “high-risk” grantees) or 34 CFR 80.20 (Standards for financial management systems).

(Authority: 20 U.S.C. 1221e–3 and 3474)

[57 FR 30340, July 8, 1992, as amended at 64 FR 50392, Sept. 16, 1999]

§ 75.721 [Reserved]

Electronic Code of Federal Regulations
e-CFR
TM

e-CFR Data is current as of September 28, 2009