States in the Bank and the entry into force of the Agreement.

(Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 708], Sept. 30, 1996, 110 Stat. 3009–121, 3009–180.)

§ 290*o*–7. Exemption from securities laws for certain securities issued by Bank; reports required

(a) Exemption from securities laws; reports to Securities and Exchange Commission

Any securities issued by the Bank (including any guaranty by the Bank, whether or not limited in scope) in connection with borrowing of funds, or the guarantee of securities as to both principal and interest, shall be deemed to be exempted securities within the meaning of section 77c(a)(2) of title 15 and section 78c(a)(12) of title 15. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors.

(b) Authority of Securities and Exchange Commission to suspend exemption; reports to Congress

The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, may suspend the provisions of subsection (a) of this section at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to the Congress such information as it shall deem advisable with regard to the operations and effect of this section.

(Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 709], Sept. 30, 1996, 110 Stat. 3009–121, 3009–180.)

CHAPTER 8—FOREIGN SERVICE BUILDINGS

Sec.
291. Lease of buildings, etc., for offices, living quarters, heat, light, and equipment.
292. Acquisition of sites and buildings for diplomatic and consular establishments; allotment of space; credit of payments without regard to limitations of amounts.
292a. Demonstration of solar and other renewable energy technologies in foreign countries.
293. Repealed.
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300. Dispositions of property; damage payments; acceptance of gifts or services.
301. Lease or rental arrangements of not less than ten years; approval by Secretary; delegation of authority; information to Congress.
302. Award of contracts.
303. Annual report on overseas surplus properties.

§ 291. Lease of buildings, etc., for offices, living quarters, heat, light, and equipment

The Secretary of State may lease or rent, for periods not exceeding ten years, such buildings and grounds for the use of the Foreign Service as may be necessary; and he may, in accordance with existing practice without cost to them, and within the limit of any appropriation made by Congress, furnish the officers and employees in the Foreign Service with living quarters, heat, light, and household equipment in Government-owned or rented buildings, at places where, in his judgment, it would be in the public interest to do so, notwithstanding the provisions of section 5536 of title 5; and appropriations for ''Contingent expenses, foreign missions,'' and ''Contingent expenses, consulates,'' are made available for such purposes.

(Apr. 18, 1930, ch. 184, title I, 46 Stat. 177.)

CODIFICATION

Section was not enacted as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

''Section 5536 of title 5'' substituted in text for ''section 1765 of the Revised Statutes (U.S.C., title 5, sec. 70; U.S.C., Supp. III, title 5, sec. 70)'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

§ 292. Acquisition of sites and buildings for diplomatic and consular establishments; allotment of space; credit of payments without regard to limitations of amounts

(a) Authority of Secretary of State

The Secretary of State is empowered to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations made to carry out this chapter, by exchange, in whole or in part, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State, sites and buildings in foreign capitals and in other foreign cities, and to alter, repair, and furnish such buildings for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating within one or more buildings, the embassies, legation, consulates, and other agencies of the United States Government there maintained. The space in such buildings shall be allotted by the Secretary of State among the several agencies of the United States Government.

(b) Payments from other than appropriated funds for acquisition of property

Payments made for rent or otherwise by the United States from funds other than appropriations made to carry out this chapter may be credited toward the acquisition of property under this chapter without regard to limitations of amounts imposed by this chapter.

(May 7, 1926, ch. 250, § 1, 44 Stat. 403; May 29, 1928, ch. 876, § 1, 45 Stat. 971; Pub. L. 88–94, § 2(b), Aug. 12, 1963, 77 Stat. 122; Pub. L. 89–636, § 2, Oct. 10, 1966, 80 Stat. 881; Pub. L. 95–105, title I, § 106(a), Aug. 17, 1977, 91 Stat. 845.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95–105, § 106(a)(1), substituted ''to carry out'' for ''pursuant to''.

Subsec. (b). Pub. L. 95–105, § 106(a)(2), substituted ''to carry out'' for ''under authority of''.

1966—Pub. L. 89–636 designated existing provisions as subsec. (a) and added subsec. (b).

1963—Pub. L. 88–94 struck out '', subject to the direction of the commission hereinafter established,'' after ''is empowered'', ''under such terms and conditions as in the judgment of the commission may best protect the interests of the United States,'' after ''in part,'' and '', to the extent deemed advisable by the commission,'' after ''consolidating'' and substituted ''. The space in such buildings shall be allotted by the Secretary of State'' for '', which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission.''

1928—Act May 29, 1928, inserted ''or by exchange, in whole or in part, under such terms and conditions as in the judgment of the commission may best protect the interest of the United States, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State''.

PROPERTY AGREEMENTS

Pub. L. 103–236, title I, § 134, Apr. 30, 1994, 108 Stat. 396, as amended by Pub. L. 103–415, § 1(z), Oct. 25, 1994, 108 Stat. 4302, provided that: ''Whenever the Department of State enters into lease-purchase agreements involving property in foreign countries pursuant to section 1 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292), the Department shall account for such transactions in accordance with fiscal year obligations.''

§ 292a. Demonstration of solar and other renewable energy technologies in foreign countries

(a) Use of renewable energy systems in United States buildings in foreign countries

It is the purpose of this section to provide for the demonstration of solar energy and other renewable energy technologies in foreign countries through the use of such energy in buildings acquired under subsection (a) of section 292 of this title, in order that—

(1) countries in which such buildings are located may be given visible incentives to develop and use local solar energy or other renewable energy resources to reduce dependence upon petroleum and petroleum products;

(2) markets may be developed for American solar energy systems and components in order to stimulate investment in such systems and components and to reduce the costs of such systems and components to reasonable levels;

(3) in furtherance of the purpose of section 2151q[1] of this title, cooperation may be developed between the United States and other countries in an effort to develop solar energy or other renewable energy systems within a short period of time; and

(4) equipment which is vital to the operation of sensitive systems within United States missions abroad may be made more reliable and less dependent upon interruptible local energy supplies.

(b) Implementation of renewable energy projects by Secretary

(1) The Secretary of State shall implement projects for the application of solar energy or other forms of renewable energy in buildings acquired under subsection (a) section 292 of this title.

(2) The Secretary of State shall select projects under paragraph (1) in consultation with the Secretary of Energy. Such projects shall apply available solar energy and other renewable energy technologies, including those for—

(A) the heating and cooling of buildings;

(B) solar thermal electric systems;

(C) solar photovoltaic conversion systems;

(D) wind energy systems; and

(E) systems for developing fuels from biomass.

The Secretary of Energy shall inform the Secretary of State of all such technologies which are feasible for such projects, taking into account the resources and environmental conditions of the countries in which such projects are to be implemented. Upon the request of the Secretary of State, the Secretary of Energy shall provide to the Secretary of State any technical information or other technical assistance which the Secretary of State considers necessary with respect to any such project. Any project selected under this section should be similar to projects which have been demonstrated by the Department of Energy (or any of its predecessor agencies) to be reliable, maintainable, and technically feasible.

(3) Any project selected under this section shall be adaptable to the local resources, climatic conditions, and economic circumstances of the country in which such project is implemented in order that such country will be more likely to implement similar projects.

(4) The Secretary of State shall insure that any project selected under this section is demonstrated to, and available for inspection by, officials and other citizens of the country in which such project is implemented.

(5) In selecting projects under this section, the Secretary of State shall give priority to projects to be implemented in developing countries.

(c) Planning for use of renewable energy systems in construction of new buildings

Whenever any building is constructed under the authority contained in section 292 of this title, the Secretary of State shall insure that the planning for such construction takes into account those renewable energy systems which are available in the country in which the building is to be constructed.

(d) Availability of sums previously authorized to be appropriated

In addition to amounts otherwise available for such purposes, $4,000,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available only to carry out the purposes of this section.

(Pub. L. 95–426, title I, § 105, Oct. 7, 1978, 92 Stat. 965.)

REFERENCES IN TEXT

Section 2151q of this title, referred to in subsec. (a)(3), was repealed by Pub. L. 96–533, title III, § 304(g), Dec. 16, 1980, 94 Stat. 3147. See section 2151d(a)(2), (b)(2), (c) of this title.

Section 101(a)(1) of this Act, referred to in subsec. (d), means section 101(a)(1) of Pub. L. 95–426, which is not classified to the Code.

CODIFICATION

Section was not enacted as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

[1] See References in Text note below.

§ 293. Repealed. Pub. L. 88–94, § 2(a), Aug. 12, 1963, 77 Stat. 122

Section, acts May 7, 1926, ch. 250, § 2, 44 Stat. 404; May 29, 1928, ch. 876, § 2, 45 Stat. 971; June 19, 1952, ch. 446, § 1, 66 Stat. 140, established the Foreign Service Buildings Commission, prescribed its duties, abolished the prior commission, authorized the issuance of rules and regulations, required annual reports to Congress and provided for appointment of personnel.

FOREIGN SERVICE BUILDINGS COMMISSION; REFERENCES IN OTHER LAWS

Section 2(g) of Pub. L. 88–94 provided that: ''All references to the Foreign Service Buildings Commission, originally established by the Foreign Service Buildings Act, 1926 [this chapter] in all laws of the United States are hereby repealed.''

§ 294. Manner of use of buildings; contracts for construction, etc.

Buildings and grounds acquired under this chapter or prior to May 7, 1926, acquired or authorized for the use of the diplomatic and consular establishments in foreign countries may be used, in the case of buildings and grounds for the diplomatic establishment, as Government offices or residences or as such offices and residences; or, in the case of other buildings and grounds, as such offices or such offices and residences. The contracts for purchases of buildings, for leases, and for all work of construction, alteration, and repair under this chapter are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States and without regard to section 3324(a) and (b) of title 31.

(May 7, 1926, ch. 250, § 3, 44 Stat. 404; Pub. L. 88–94, § 2(c), Aug. 12, 1963, 77 Stat. 122; Pub. L. 102–138, title I, § 115(c), Oct. 28, 1991, 105 Stat. 656.)

CODIFICATION

''Section 3324(a) and (b) of title 31'' substituted in text for ''section 3648 of the Revised Statutes of the United States (31 U.S.C. 529)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1991—Pub. L. 102–138 inserted ''purchases of buildings, for leases, and for'' after ''contracts for''.

1963—Pub. L. 88–94 struck out '', subject to the direction of the commission,'' before ''be used'' and ''in the judgment of the commission,'' after ''where necessary,'' and inserted ''and without regard to section 529 of title 31''.

§ 294a. Contracts requiring payment in foreign currency

Whenever a contract is made for the construction, alteration, or repair of a Foreign Service building which requires payments in a foreign currency, the Secretary of State is authorized to purchase such currency at such times and in such amounts (within the total amount of the payments to be made under such contract) as he may deem necessary, the currency so purchased to be disbursed and accounted for at its cost price.

(May 14, 1940, ch. 189, title I, 54 Stat. 186.)

CODIFICATION

Section was not enacted as a part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

PRIOR PROVISIONS

Prior similar provisions were contained in act June 29, 1939, ch. 248, title I, 53 Stat. 890.

§ 295. Authorization of appropriations; Foreign Service Building Fund; expenditures; foreign currencies

(a) For the purpose of carrying into effect the provisions of this chapter there is authorized to be appropriated an amount not exceeding $10,000,000, and the appropriations made pursuant to this authorization shall constitute a fund to be known as the Foreign Service Building Fund, to remain available until expended. Under this authorization not more than $2,000,000 shall be appropriated for any one year, but within the total authorization provided in this chapter the Secretary of State may enter into contracts for the acquisition of the buildings and grounds authorized by this chapter. In the case of the buildings and grounds authorized by this chapter, after the initial alterations, repairs, and furnishing have been completed, subsequent expenditures for such purposes may be made out of the appropriations authorized by this chapter in amounts authorized by the Congress each fiscal year.

(b) For the purpose of carrying into effect the provisions of this chapter there is authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed $90,000,000, which shall be available exclusively for payments representing the value, in whole or in part, of property or credits in accordance with the provisions of section 295b[1] of this title. Sums appropriated pursuant to this authorization shall remain available until expended.

(c) For the purpose of carrying into effect the provisions of this chapter there is hereby authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed $10,000,000, which shall remain available until expended.

(d) In addition to amounts authorized before the date of enactment of this section, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition, by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed $7,140,000 of which not to exceed $3,270,000 may be appropriated for the fiscal year 1964;

(B) for use in the American Republics, not to exceed $5,360,000, of which not to exceed $4,030,000 may be appropriated for the fiscal year 1964;

(C) for use in Europe, not to exceed $6,839,000, of which not to exceed $1,820,000 may be appropriated for the fiscal year 1964;

[1] See References in Text note below.

(D) for use in the Far East, not to exceed $2,350,000, of which not to exceed $2,200,000 may be appropriated for the fiscal year 1964;

(E) for use in the Near East, not to exceed $2,710,000, of which not to exceed $2,100,000 may be appropriated for the fiscal year 1964;

(F) for facilities for the United States Information Agency, not to exceed $1,125,000, of which not to exceed $720,000 may be appropriated for the fiscal year 1964, and

(G) for facilities for agricultural and defense attaché housing, not to exceed $800,000, of which not to exceed $400,000 may be appropriated for the fiscal year 1964;

(2) for use to carry out the other purposes of this chapter, not to exceed $11,500,000 for the fiscal year 1964, $12,000,000 for the fiscal year 1965, $12,200,000 for the fiscal year 1966, $12,400,000 for the fiscal year 1967.

(e) For the purpose of carrying into effect the provisions of this chapter in South Vietnam, there is hereby authorized to be appropriated, in addition to amounts previously authorized prior to May 21, 1965, $2,600,000, to remain available until expended.

(f) In addition to amounts authorized before October 10, 1966, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed $5,485,000, of which not to exceed $1,885,000 may be appropriated for the fiscal year 1967;

(B) for use in the American Republics, not to exceed $7,920,000, of which not to exceed $3,585,000 may be appropriated for the fiscal year 1967;

(C) for use in Europe, not to exceed $3,310,000, of which not to exceed $785,000 may be appropriated for the fiscal year 1967;

(D) for use in the Far East, not to exceed $3,150,000, of which not to exceed $560,000 may be appropriated for the fiscal year 1967;

(E) for use in the Near East, not to exceed $6,930,000, of which not to exceed $1,890,000 may be appropriated for the fiscal year 1967;

(F) for facilities for the United States Information Agency, not to exceed $615,000, of which not to exceed $430,000 may be appropriated for the fiscal year 1967;

(G) for facilities for agricultural and defense attaché housing, not to exceed $800,000, of which not to exceed $400,000 may be appropriated for the fiscal year 1967;

(2) for use to carry out the other purposes of this chapter, not to exceed $12,600,000 for the fiscal year 1968, not to exceed $12,750,000 for the fiscal year 1969, not to exceed $13,500,000 for the fiscal year 1970, not to exceed $14,300,000 for the fiscal year 1971, not to exceed $15,000,000 for the fiscal year 1972, and not to exceed $15,900,000 for the fiscal year 1973.

(g) In addition to amounts authorized before June 22, 1973, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed $850,000, of which not to exceed $631,000 may be appropriated for the fiscal year 1974;

(B) for use in the American Republics, not to exceed $240,000, of which not to exceed $240,000 may be appropriated for the fiscal year 1974;

(C) for use in Europe, not to exceed $682,000, of which not to exceed $204,000 may be appropriated for the fiscal year 1974;

(D) for use in East Asia, not to exceed $1,243,000, of which not to exceed $985,000 may be appropriated for the fiscal year 1974;

(E) for use in the Near East and South Asia, not to exceed $10,433,000, of which not to exceed $2,287,000 may be appropriated for the fiscal year 1974;

(F) for facilities for the United States Information Agency, not to exceed $45,000 for use beginning in the fiscal year 1975;

(G) for facilities for agricultural and defense attaché housing, not to exceed $318,000 for use beginning in the fiscal year 1974; and

(2) for use to carry out other purposes of this chapter for fiscal years 1974 and 1975, $48,532,000, of which not to exceed $23,066,000 may be appropriated for fiscal year 1974.

(h) In addition to amounts authorized before November 29, 1975, there is authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Europe, not to exceed $225,000 for fiscal year 1977;

(B) for use in the Near East and South Asia, not to exceed $12,885,000, of which not to exceed $3,985,000 may be appropriated for fiscal year 1976;

(C) for facilities for the United States Information Agency, not to exceed $3,400,000, of which not to exceed $2,800,000 may be appropriated for fiscal year 1976;

(D) for facilities for agricultural and defense attaché housing, not to exceed $150,000 for fiscal year 1977; and

(E) for facilities for the United States Agency for International Development, not to exceed $17,200,000 for fiscal year 1977; and

(2) for use to carry out the other purposes of this chapter for fiscal years 1976 and 1977, $73,058,000, of which not to exceed $32,840,000 may be appropriated for fiscal year 1976.

(i)(1) Sums appropriated under authority of this chapter shall remain available until expended. To the maximum extent feasible, expenditures under this chapter shall be made out of foreign currencies owned by or owed to the United States.

(2) Not to exceed 10 per centum of the funds authorized by any subparagraph under para-

graph (1) of subsections (d), (f), (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraph (1).

(3) There are hereby authorized to be appropriated to the Secretary of State such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(May 7, 1926, ch. 250, § 4, 44 Stat. 404; June 19, 1952, ch. 446, § 2, 66 Stat. 140; Pub. L. 86–723, § 49, Sept. 8, 1960, 74 Stat. 847; Pub. L. 88–94, §§ 1, 2(d), Aug. 12, 1963, 77 Stat. 121, 122; Pub. L. 88–414, Aug. 10, 1964, 78 Stat. 387; Pub. L. 89–22, May 21, 1965, 79 Stat. 112; Pub. L. 89–636, § 1, Oct. 10, 1966, 80 Stat. 881; Pub. L. 90–442, July 30, 1968, 82 Stat. 461; Pub. L. 91–586, Dec. 24, 1970, 84 Stat. 1578; Pub. L. 93–47, June 22, 1973, 87 Stat. 98; Pub. L. 93–263, Apr. 12, 1974, 88 Stat. 83; Pub. L. 94–141, title I, § 171, Nov. 29, 1975, 89 Stat. 760; Pub. L. 94–350, title I, § 109, July 12, 1976, 90 Stat. 824; Pub. L. 95–45, § 3, June 15, 1977, 91 Stat. 221; Pub. L. 103–199, title V, § 503, Dec. 17, 1993, 107 Stat. 2327.)

REFERENCES IN TEXT

Section 295b of this title, referred to in subsec. (b), was omitted from the Code.

Date of enactment of this section, referred to in subsec. (d), probably means the date of enactment of Pub. L. 88–94, which was approved on Aug. 12, 1963.

AMENDMENTS

1993—Subsec. (j). Pub. L. 103–199 struck out subsec. (j) which read as follows: ''For the purpose of carrying into effect the provisions of this chapter in the Union of Soviet Socialist Republics, there is authorized to be appropriated, in addition to amounts authorized prior to July 12, 1976, $30,000,000, which amount is authorized to remain available until expended.''

1977—Subsec. (h)(1). Pub. L. 95–45 substituted ''$225,000'' for ''$6,725,000'' in subpar. (A), ''$12,885,000'' for ''$8,005,000'' in subpar. (B), ''$3,400,000'' for ''$3,745,000'' in subpar. (C), ''$150,000'' for ''$420,000'' in subpar. (D), added subpar. (E), authorizing an appropriation of not to exceed $17,200,000 for facilities for the United States Agency for International Development for fiscal year 1977, and struck out subpars. which had authorized appropriations for Africa, the American Republics, and East Asia for fiscal year 1977.

1976—Subsec. (h)(2). Pub. L. 94–350, § 109(1), increased appropriations authorization for fiscal years 1976 and 1977 to $73,058,000 from $71,600,000.

Subsec. (j). Pub. L. 94–350, § 109(2), added subsec. (j).

1975—Subsec. (g)(1). Pub. L. 94–141, § 171(a), substituted ''$850,000'' for ''$2,190,000'' in subpar. (A), ''$240,000'' for ''$375,000'' in subpar. (B), ''$682,000'' for ''$4,780,000'' in subpar. (C), ''$1,243,000'' for ''$2,585,000'' in subpar. (D), and ''$10,433,000'' for ''$3,518,000'' in subpar. (E).

Subsec. (h). Pub. L. 94–141, § 171(b)(1), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 94–141, § 171(b), redesignated former subsec. (h) as (i), and, as so redesignated, in par. (2) inserted reference to subsec. (h) of this section.

1974—Subsec. (g)(1). Pub. L. 93–263, § 1(1)–(3), increased appropriations authorization for fiscal year 1974, in subpar. (A) to $631,000 from $590,000, in subpar. (C) to $204,000 from $160,000, and in subpar. (E) to $2,287,000 from $2,218,000.

Subsec. (g)(2). Pub. L. 92–263, § 1(4), increased appropriations authorization for fiscal years 1974 and 1975 to $48,532,000 from $45,800,000 and increased limitation for fiscal year 1974, to $23,066,000 from $21,700,000.

1973—Subsec. (g). Pub. L. 93–47, § 1(1), added subsec. (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 93–47, § 1(1), (2), redesignated former subsec. (g) as (h), struck out from par. (2) provision for application of the paragraph beginning with the fiscal year 1966, inserted reference to subsec. (g), and added par. (3), respectively.

1970—Subsec. (f)(2). Pub. L. 91–586 authorized appropriations of not more than $15,000,000 for fiscal year 1972, and not more than $15,900,000 for fiscal year 1973.

1968—Subsec. (f)(2). Pub. L. 90–442 authorized appropriations not to exceed $13,500,000 for fiscal year 1970, and not to exceed $14,300,000 for fiscal year 1971.

1966—Subsec. (d). Pub. L. 89–636, § 1(1), struck out last three sentences providing for availability of appropriated funds until expended, use of foreign currencies for expenditures, and use of funds authorized by any subpar. of par. (1) of subsec. (d), now incorporated in subsec. (g)(1) and (2) of this section, respectively.

Subsec. (e). Pub. L. 89–636, § 1(2), substituted ''$2,600,000'' for ''$1,000,000''.

Subsec. (f). Pub. L. 89–636, § 1(3), added subsec. (f).

Subsec. (g). Pub. L. 89–636, § 1(3), redesignated second and third sentences of subsec. (d) as par. (1) and last sentence of subsec. (d) as par. (2), inserting therein provision for use of funds authorized by any subpar. of par. (1) of subsec. (f).

1965—Subsec. (e). Pub. L. 89–22 added subsec. (e).

1964—Subsec. (d). Pub. L. 88–414 authorized appropriations of not more than $12,200,000 for fiscal year 1966, $12,400,000 for fiscal year 1967, and beginning with fiscal year 1966, permitted use of not more than 10 per centum of the funds authorized for any subparagraph under par. (1) of this subsection for the purposes of any other subparagraph of such par. (1).

1963—Subsec. (a). Pub. L. 88–94, § 2(d), struck out '', subject to the direction of the commission,'' after ''Secretary of State''.

Subsec. (d). Pub. L. 88–94, § 1, added subsec. (d).

1960—Subsec. (c). Pub. L. 86–723 added subsec. (c).

Subsec. (b). Act June 19, 1952, added subsec. (b).

1952—Act June 19, 1952, designated existing provisions as subsec. (a), permitted the expenditure of the authorized and appropriated funds for continuing alterations, repairs, and furnishings, and added subsec. (b).

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86–723 effective on first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86–723.

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.

§§ 295a, 295b. Omitted

CODIFICATION

Section 295a, act May 25, 1938, ch. 275, 52 Stat. 441, authorized additional appropriations of an amount not to exceed $5,000,000.

Section 295b, act June 25, 1946, ch. 643, 60 Stat. 663, authorized additional appropriations of an amount not to exceed $125,000,000 of which $110,000,000 was to be used exclusively for the payments representing the value of property or credits held abroad by the Government or owing to the Government which could have been used by the Department of State for buildings, equipment, etc.

DIPLOMATIC ESTABLISHMENTS IN PHILIPPINE ISLANDS

Acts July 9, 1947, ch. 211, title I, § 101, 61 Stat. 288; June 3, 1948, ch. 400, title I, § 1, 62 Stat. 315; July 20, 1949, ch. 354, title I, § 101, 63 Stat. 456, provided in part that the construction of diplomatic and consular establishments in the Philippines should be without regard to the limitation proviso of section 295a.

§ 296. Duties of Secretary of State with respect to commission and properties

For the purposes of this chapter the Secretary of State is authorized to supervise, preserve, maintain, operate, and, when deemed necessary, to insure the Foreign Service properties in foreign countries and the other properties acquired in accordance with the provisions of this chapter; to rent and insure objects of art; to collect information and formulate plans; and, without regard to civil service and classification laws, to obtain architectural and other expert technical services as may be necessary and pay therefor the scale of professional fees as established by local authority, law or custom, and to make expenditures without regard to section 295a of this title requiring purchase of articles manufactured in the United States.

(May 7, 1926, ch. 250, § 5, 44 Stat. 404; June 19, 1952, ch. 446, § 3, 66 Stat. 140.)

REFERENCES IN TEXT

The civil service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in text, are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5.

Section 295a of this title, referred to in text, was omitted from the Code.

AMENDMENTS

1952—Act June 19, 1952, amended section generally to authorize Secretary of State to supervise, preserve, maintain, operate, and insure Foreign Service property in foreign countries.

§ 296a. Maintenance management of overseas property

The Director of the Office of Foreign Buildings Operations shall—

(1) direct overseas posts to make annual building condition assessments of buildings and facilities used by the post;

(2) not later than 90 days after October 28, 1991, revise the Foreign Affairs Manual to stipulate that the Buildings and Maintenance Handbook shall be used by each post to identify their maintenance needs, standardize their maintenance operations, and conduct annual assessments as required by paragraph (1);

(3) direct the Office of Foreign Buildings Operations to provide proper training and assistance to posts to ensure that annual surveys are effectively completed; and

(4) direct overseas posts to ensure that all maintenance program fiscal transactions are properly encoded in the Department of State accounting system to enable compilation of actual expenditures on routine maintenance and specific maintenance funded by the Office of Foreign Buildings Operations.

(Pub. L. 102–138, title I, § 125, Oct. 28, 1991, 105 Stat. 659.)

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, and not as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

AUTHORITY OF SECRETARY OF STATE

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

§ 297. Acquisition of property by lease

The authority granted to acquire sites and buildings by purchase or otherwise shall include authority to acquire leaseholds.

(May 7, 1926, ch. 250, § 6, 44 Stat. 405; June 19, 1952, ch. 446, § 4, 66 Stat. 140; Pub. L. 95–105, title I, § 106(b), Aug. 17, 1977, 91 Stat. 845.)

AMENDMENTS

1977—Pub. L. 95–105 struck out ''of not less than ten years'' after ''acquire leaseholds''.

1952—Act June 19, 1952, provided for leaseholds of not less than 10 years.

§ 297a. Omitted

CODIFICATION

Section, which related to leaseholds of not less than ten years, was from the Department of State Appropriation Act, 1953, act July 10, 1952, ch. 651, title I, 66 Stat. 550, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

1951—Oct. 22, 1951, ch. 533, title I, 65 Stat. 577.

1950—Sept. 6, 1950, ch. 896, ch. III, title I, 64 Stat. 610.

1949—July 20, 1949, ch. 354, title I, 63 Stat. 449.

§ 298. Omitted

CODIFICATION

Section, act May 7, 1926, ch. 250, § 7, 44 Stat. 405, repealed act Feb. 17, 1911, ch. 105, 36 Stat. 917, incorporated as section 133 of this title, with a provision that the repeal ''shall not invalidate appropriations already made under the authority of such Act.''

§ 299. Short title

This chapter may be cited as the ''Foreign Service Buildings Act, 1926.''

(May 7, 1926, ch. 250, § 8, 44 Stat. 405.)

§ 300. Dispositions of property; damage payments; acceptance of gifts or services

(a) Authority of Secretary of State

The Secretary of State is authorized—

(1) to sell, exchange, lease, or license any property or property interest acquired under this chapter, or under other authority, for use of diplomatic and consular establishments in foreign countries or in the United States pursuant to section 4304(b)(5) of this title,

(2) to receive payment in whatever form, or in kind, he determines to be in the interest of the United States for damage to or destruction of property acquired for use of diplomatic and consular establishments abroad, and the contents of such buildings, and

(3) to accept on behalf of the United States gifts of property or services of any kind made by will or otherwise for the purposes of this chapter.

(b) Disposition of proceeds; report to Congress

Proceeds derived from dispositions, payments, or gifts under subsection (a) of this section

shall, notwithstanding the provisions of any other law, be applied toward acquisition, construction, or other purposes authorized by this chapter or held in the Foreign Service Buildings Fund, as in the judgment of the Secretary may best serve the Government's interest: *Provided*, That the Secretary shall report all such transactions annually to the Congress with the budget estimates of the Department of State.

(c) Proceeds from sale of furniture, furnishings, and equipment

Notwithstanding subsection (b) of this section, proceeds from the disposition of furniture, furnishings, and equipment from diplomatic and consular establishments in foreign countries shall be deposited into the Foreign Service Building Fund to be available for obligation or expenditure as directed by the Secretary.

(May 7, 1926, ch. 250, § 9, as added Apr. 19, 1945, ch. 78, 59 Stat. 53; amended Pub. L. 88–94, § 2(e), Aug. 12, 1963, 77 Stat. 122; Pub. L. 89–636, § 3, Oct. 10, 1966, 80 Stat. 882; Pub. L. 99–399, title IV, § 401(h)(2), Aug. 27, 1986, 100 Stat. 863; Pub. L. 101–246, title I, § 116(c), Feb. 16, 1990, 104 Stat. 25.)

AMENDMENTS

1990—Subsec. (a)(1). Pub. L. 101–246 inserted before comma at end ''or in the United States pursuant to section 4304(b)(5) of this title''.

1986—Subsec. (c). Pub. L. 99–399 added subsec. (c).

1966—Subsec. (a). Pub. L. 89–636 substituted provisions designated as subsec. (a) and authorizing the Secretary to sell, exchange, lease, or license any property or property interest acquired under this chapter, to receive payment in whatever form, or in kind, for damage to or destruction of buildings or their contents, and to accept gifts of property or services for former provisions which authorized the Secretary, when he found it to be in the Government's interest, to sell buildings and grounds acquired for use of diplomatic and consular establishments in foreign countries.

Subsec. (b). Pub. L. 89–636 substituted provisions designated as subsec. (b) and providing for application of proceeds derived from dispositions, payments, or gifts under subsec. (a) toward acquisition, construction, or other purposes authorized by this chapter, as in the judgment of the Secretary may best serve the Government's interest, for former provision for application of proceeds of sales toward purchase and construction, furnishing, and preservation of other properties.

1963—Pub. L. 88–94 struck out ''with the concurrence of the Foreign Service Buildings Commission,'' after ''Government,'' and '', as in the judgment of the Commission may best serve the Government's interest'' after ''Foreign Service building fund''.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b) of this section relating to the Secretary reporting transactions annually 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 129 of House Document No. 103–7.

§ 301. Lease or rental arrangements of not less than ten years; approval by Secretary; delegation of authority; information to Congress

(a) Leases

Notwithstanding the provisions of this chapter or any other Act, no lease or other rental arrangement for a period of less than ten years, and requiring an annual payment in excess of $50,000 shall be entered into by the Secretary of State for the purpose of renting or leasing offices, buildings, grounds, or living quarters for the use of the Foreign Service abroad, unless such lease or other rental arrangement is approved by the Secretary. The Secretary may delegate his authority under this section only to the Deputy Under Secretary of State for Administration or to the Director of the Office of Foreign Buildings. The Secretary shall keep the Congress fully and currently informed with respect to leases or other rental arrangements approved under this section.

(b) Advance payments for long-term leases and lease purchase

The Secretary may, subject to the availability of appropriations, make advance payments for long-term leases and lease-purchase agreements, if the Secretary or his designee determines, in each case, that such payments are in the interest of the United States Government in carrying out the purposes of this chapter.

(May 7, 1926, ch. 250, § 10, as added Pub. L. 89–636, § 4, Oct. 10, 1966, 80 Stat. 882; amended Pub. L. 102–138, title I, § 115(a), (b), Oct. 28, 1991, 105 Stat. 655.)

AMENDMENTS

1991—Pub. L. 102–138 designated existing provisions as subsec. (a), inserted heading, substituted ''$50,000'' for ''$25,000,'', and added subsec. (b).

AUTHORITY OF SECRETARY OF STATE

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

§ 302. Award of contracts

(a) Eligibility limitation for construction, etc., abroad

Eligibility for award of contracts under this chapter or of any other contract by the Secretary of State, including lease-back or other agreements, the purpose of which is to obtain the construction, alteration, or repair of buildings and grounds abroad, when estimated to exceed $5,000,000, including any contract alternatives or options, shall be limited, after a determination that adequate competition will be obtained thereby, to (1) American-owned bidders and (2) bidders from countries which permit or agree to permit substantially equal access to American bidders for comparable diplomatic and consular building projects, except that participation may be permitted by or limited to host-country bidders where required by international agreement or by the law of the host country or where determined by the Secretary of State to be necessary in the interest of bilateral relations or necessary to carry out the construction project.

(b) Foreign laws and regulations; competitive status and adequacy; bidder qualifications

(1) Generally applicable laws and regulations pertaining to licensing and other qualifications to do business in the country in which the con-

tract is to be performed shall not be deemed a limitation of access for purposes of this section.

(2) For purposes of determining competitive status, bids qualifying under subsection (a)(1) of this section shall be reduced by 10 per centum.

(3) A determination of adequacy of competition for purposes of subsection (a) of this section shall be made after advance publication by the Secretary of State of the proposed project, and receipt from not less than two prospective responsible bidders of intent to submit a bid or proposal. If competition is not determined to be adequate, contracts may be awarded without regard to subsection (a) of this section and this subsection.

(4) Bidder qualification under subsection (a) of this section shall be determined on the basis of nationality of ownership, the burden of which shall be on the prospective bidder. Qualification under subsection (a)(1) of this section shall require evidence of (A) performance of similar construction work in the United States or at a United States diplomatic or consular establishment abroad, and (B) either (i) ownership in excess of fifty percent by United States citizens or permanent residents, or (ii) incorporation in the United States for more than three years and employment of United States citizens or permanent residents in more than half of the corporation's permanent full-time professional and managerial positions in the United States.

(5) Qualification under this section shall be established on the basis of determinations at the time bids are requested.

(c) Contracts for construction, etc., in United States

Contracts for construction, alteration, or repair in the United States for or on behalf of any foreign mission (as defined in section 202(a)(4)[1] of title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(4)) may, pursuant to the authority of that title [22 U.S.C. 4301 et seq.], only be awarded to or performed by bidders qualifying under subsection (a) (1) or (2) or by nationals of the country for which the contract is being performed who are granted the right of entry into the United States for that purpose.

(d) Discretionary determinations by Secretary of State

Determinations under this section shall be committed to the discretion of the Secretary of State.

(e) Termination of requirements

This section shall cease to be effective when the Secretary of State determines that there are internationally-agree-upon[2] rules in effect on bidding for construction contracts.

(May 7, 1926, ch. 250, §11, as added Pub. L. 98–164, title I, §136, Nov. 22, 1983, 97 Stat. 1029; amended Pub. L. 107–228, div. A, title II, §206(a), Sept. 30, 2002, 116 Stat. 1364.)

REFERENCES IN TEXT

Title II of the State Department Basic Authorities Act of 1956, referred to in subsec. (c), is title II of act Aug. 1, 1956, ch. 841, as added Aug. 24, 1982, Pub. L. 97–241, title II, §202(b), 96 Stat. 283, known as the Foreign Missions Act, which is classified principally to chapter 53 (§4301 et seq.) of this title. Section 202(a)(4) of title II was redesignated section 202(a)(3), and former section 202(a)(5) was redesignated section 202(a)(4), by Pub. L. 103–236, title I, §162(*o*)(1), Apr. 30, 1994, 108 Stat. 409. For complete classification of title II to the Code, see Short Title note set out under section 4301 of this title and Tables.

AMENDMENTS

2002—Subsec. (b)(4)(A). Pub. L. 107–228 inserted ''or at a United States diplomatic or consular establishment abroad'' after ''United States''.

[1] See References in Text note below.

[2] So in original. Probably should be ''internationally-agreed-upon''.

§303. Annual report on overseas surplus properties

Not later than March 1 of each year, the Secretary of State shall submit to Congress a report listing overseas United States surplus properties that are administered under this chapter and that have been identified for sale.

(May 7, 1926, ch. 250, §12, as added Pub. L. 105–277, div. G, subdiv. B, title XXII, §2215, Oct. 21, 1998, 112 Stat. 2681–814.)

CHAPTER 9—FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY

SUBCHAPTER I—WAR MATERIALS

Sec.
401. Illegal exportation of war materials.
402 to 405. Repealed.
406. Interference with foreign trade.
407. Repealed.
408. Use of land and naval forces to prevent exportation.
408a. ''United States'' defined.
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421. Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States.
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SUBCHAPTER II—NEUTRALITY

441. Proclamation of state of war between foreign states.
442, 443. Repealed.
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447. Financial transactions.
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450. Restrictions on use of American ports.
451. Submarines and armed merchant vessels.
452. Repealed.
453. Regulations.
454. Unlawful use of the American flag by vessel of foreign state.
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SUBCHAPTER III—PREVENTION OF OFFENSES AGAINST NEUTRALITY

461. Enforcement by courts; employment of land or naval forces.
462. Compelling foreign vessels to depart.
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PROCLAMATIONS RESPECTING WAR AND NEUTRALITY

See notes preceding section 1 of Title 50, Appendix, War and National Defense.