(Pub. L. 87–510, § 8, as added Pub. L. 99–93, title I, § 113, Aug. 16, 1985, 99 Stat. 411; amended Pub. L. 101–246, title VII, § 701, Feb. 16, 1990, 104 Stat. 74; Pub. L. 104–66, title I, § 1111(a), Dec. 21, 1995, 109 Stat. 723.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original ''this Act'', meaning Pub. L. 87–510, June 28, 1962, 76 Stat. 121, as amended, known as the Migration and Refugee Assistance Act of 1962, which enacted this chapter, amended section 1104 of Title 8, Aliens and Nationality, repealed sections 1925(a), (c), (d), and 1951(c) of this title, enacted a provision set out as a note under section 2601 of this title, and amended a provision set out as a note under section 1182 of Title 8. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

AMENDMENTS

1995—Subsecs. (b), (c). Pub. L. 104–66 redesignated subsec. (c) as (b) and struck out heading and text of former subsec. (b). Text read as follows: ''The Comptroller General of the United States shall inspect each such audit and submit a report of that inspection to the Congress.''

1990—Subsec. (a). Pub. L. 101–246 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''Funds may not be made available to the United Nations High Commissioner for Refugees under this chapter or any other Act unless by June 1, 1986, the High Commissioner provides for—

''(1) annual program audits by an independent consultant, as selected by the Executive Committee of the United Nations High Commissioner for Refugees, to determine the use of such funds, including audits of the use of such funds by private and voluntary organizations; and

''(2) such audits to be made available through the Executive Committee to the Department of State and for inspection by the Comptroller General of the United States.''

CHAPTER 37—FOREIGN GIFTS AND DECORATIONS

Sec.
2621. Definitions.
2622 to 2624. Repealed.
2625. Gifts or decorations on deposit with State Department.
2626. Repealed.

§ 2621. Definitions

In this chapter—

(1) The term ''person'' includes every person who occupies an office or a position in the Government of the United States, its territories and possessions, the Canal Zone government, and the government of the District of Columbia, or is a member of the Armed Forces of the United States, or a member of the family and household of any such person.

(2) The term ''foreign government'' includes every foreign government and every official, agent, or representative thereof.

(3) The term ''gift'' includes any present or thing, other than a decoration, tendered by or received from a foreign government.

(4) The term ''decoration'' includes any order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government.

(Pub. L. 89–673, § 2, Oct. 15, 1966, 80 Stat. 952.)

REPEAL

Section was repealed by Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224, except insofar as it applies to section 2625 of this title.

SHORT TITLE

Section 1 of Pub. L. 89–673, which provided that Pub. L. 89–673, enacting this chapter, amending section 804 of this title, and repealing sections 114, 115, and 115a of former Title 5, Executive Departments and Government Officers and Employees, could be cited as the ''Foreign Gifts and Decorations Act of 1966'', was repealed by Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224. See section 7342 of Title 5, Government Organization and Employees.

§§ 2622 to 2624. Repealed. Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224

Section 2622, Pub. L. 89–673, § 3, Oct. 15, 1966, 80 Stat. 952, prohibited request for or encouragement of a tender of a gift or decoration. See section 7342(b) of Title 5, Government Organization and Employees.

Section 2623, Pub. L. 89–673, § 4, Oct. 15, 1966, 80 Stat. 952, permitted acceptance of a gift of minimal value. See section 7342(c) of Title 5.

Section 2624, Pub. L. 89–673, § 5, Oct. 15, 1966, 80 Stat. 952, permitted acceptance of decorations tendered in recognition of active field service in time of combat operations. See section 7342(d) of Title 5.

§ 2625. Gifts or decorations on deposit with State Department

Any gift or decoration on deposit with the Department of State on October 15, 1966, shall, when approved by the Secretary of State and the appropriate department, agency, office, or other entity, be released to the donee or his legal representative. Such donee may, if authorized, be entitled to wear any decoration so approved. A gift or decoration not approved for release, because of any special or unusual circumstances involved, shall be deemed a gift to the United States and shall be deposited by the donee in accordance with the rules and regulations issued pursuant to this chapter.

(Pub. L. 89–673, § 6, Oct. 15, 1966, 80 Stat. 952.)

§ 2626. Repealed. Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224

Section, Pub. L. 89–673, § 7, Oct. 15, 1966, 80 Stat. 952, authorized President to prescribe rules and regulations to carry out purposes of this chapter. See section 7342(e) of Title 5, Government Organization and Employees.

CHAPTER 38—DEPARTMENT OF STATE

Sec.
2651. Establishment of Department.
2651a. Organization of Department of State.
(a) Secretary of State.
(b) Under Secretaries.
(c) Assistant Secretaries.
(d) Deputy Assistant Secretaries.
(e) Other senior officials.
2652, 2652a. Repealed.
2652b. Assistant Secretary of State for South Asian Affairs.
(a) Establishment of position.
(b) Appointment.
(c) Repealed.
(d) Repealed and Omitted.
(e) Implementation.
2653 to 2655. Repealed.

Sec.
2655a. Bureau of Oceans and International Environmental and Scientific Affairs within Department of State; Assistant Secretary of State as head of Bureau.
2656. Management of foreign affairs.
2656a. Congressional declaration of findings of major significance of modern scientific and technological advances in foreign policy.
2656b. Congressional declaration of policy regarding consequences of science and technology on conduct of foreign policy.
2656c. Responsibilities of President.
(a) Identification, evaluation and initiation of scientific and technological developments.
(b) Repealed.
(c) Disclosure of sensitive information.
(d) Availability to United States Trade Representative of information and recommendations.
2656d. Responsibilities of Secretary of State.
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(b) Long-term contracts, grants, to obtain studies, etc., with respect to application of science and technology to foreign policy.
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(d) Detached service for graduate studies.
2656e. Terrorism-related travel advisories.
2656f. Annual country reports on terrorism.
(a) Requirement of annual country reports on terrorism.
(b) Provisions to be included in report.
(c) Classification of report.
(d) Definitions.
(e) Reporting period.
2656g. Report on terrorist assets in United States.
(a) Reports to Congress.
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2659. State statutes to be procured.
2660. Copies of treaties furnished to Public Printer.
2661. Procurement of information for corporations, firms and individuals; expense of cablegrams and telephone service involved; appropriation.
2661a. Foreign contracts or arrangements; discrimination.
2662, 2663. Transferred or Omitted.
2664. Distribution of duties of officers, clerks, and employees.
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(a) Findings.
(b) Equitable reduction of budget.
(c) Establishment of Office of the Ombudsman for Civil Service Employees.
(d) ''Civil Service employees'' defined.
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2665a. Foreign Service fellowships.
2666, 2667. Repealed.
2668. Requisitions for advances to pay lawful obligations.
(a) Authorization; accounting.
(b) Removal of outstanding charges.
(c) Financial liability of disbursing agent or official.
2668a. Disposition of trust funds received from foreign governments for citizens of United States.
2669. Printing and binding outside continental United States; settlement and payment of claims by foreign governments; employment of aliens; official functions and courtesies; purchase of uniforms; payment of tort claims; payment of assumed obligations in Germany; telecommunications services; security.
2669a. Diplomatic Telecommunications Service.
(a) Diplomatic Telecommunications Service financial management.
(b) DTS Policy Board.
(c) DTS consolidation pilot program.
(d) DTS planning report.
2670. Insurance on motor vehicles in foreign countries; tie lines and teletype equipment; ice and drinking water; excise taxes on negotiable instruments; remains of deceased persons; relief, protection, and burial of seamen; acknowledgment of services of foreign vessels and aircraft; rentals and leases.
2671. Emergency expenditures.
(a) Delegation of authority pertaining to certification of expenditures.
(b) Activities subject to expenditures.
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2674. Availability of exchange allowances or proceeds derived from exchange or sale of motor vehicles.
2675. Allocation or transfer to other agencies of funds appropriated to Department of State; authority for expenditure of funds.
2676. Contracts in foreign countries.
2677. Availability of funds for travel expenses and transportation of personal effects, household goods, or automobiles.
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(b) Cancellation of contracts.
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(b) Specified committees.
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(a) Procedures to facilitate access.
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2684. Capital fund for Department of State to centralize reproduction, editorial, data processing, audiovisual and other services; maximum amount; operation of fund.
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(c) Availability.
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2695. Administrative services.
(a) Agreements.
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2695a. Foreign language services.
(a) Surcharge for certain foreign language services.
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2695b. Cost of presence of departments and agencies outside United States.
2696. Nondiscretionary personnel costs, currency fluctuations, and other contingencies.
(a) Additional appropriations.
(b) Appropriations authorization based on currency fluctuations.
(c) Availability of appropriations until expended.
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(e) Availability of funds for twelve-month contracts to be performed in two fiscal years.
2697. Acceptance of gifts on behalf of United States.
(a) Unconditional and conditional gifts.
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(d) Compromise or settlement of claims.
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(b) Rewards for information relating to international narcoterrorism and drug trafficking.
(c) Reward limitation; Presidential approval.
(d) Advice; consultation; Attorney General.
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(a) General authority.
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2710. Expenses relating to participation in arbitrations of certain disputes.
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2711. Counterterrorism Protection Fund.
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(c) Designation of Fund.
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(b) Services subject to control.
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(f) Violations.
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(d) Emergency and humanitarian exceptions.
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(a) Sense of Congress.
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2717. Defense trade controls registration fees.
(a) Defense trade controls registration fees.
(b) Budget Act compliance.
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(a) Prohibited uses of funds.
(b) Post closing notification.
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(e) ''Consular or diplomatic post'' defined.
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2722. International meetings.
(a) Authority to pay expenses.
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2723. Denial of visas.
(a) Report to Congress.
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(c) Appropriate committees.
2724. Fees for commercial services.
(a) Authority to charge fee.
(b) Use of fees.

§ 2651. Establishment of Department

There shall be at the seat of government an executive department to be known as the ''Department of State'', and a Secretary of State, who shall be the head thereof.

(R.S. § 199.)

CODIFICATION

R.S. § 199 derived from acts July 27, 1789, ch. 4, § 1, 1 Stat. 28; Sept. 15, 1789, ch. 14, § 1, 1 Stat. 68.

Section was formerly classified to section 151 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100–204, title XIII, § 1301, Dec. 22, 1987, 101 Stat. 1432, provided that: ''Except as otherwise provided in this Act [see Short Title of 1987 Amendment note below], this Act shall take effect on the date of its enactment [Dec. 22, 1987].''

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103–236, § 1, Apr. 30, 1994, 108 Stat. 382, provided that: ''This Act [see Tables for classification] may be cited as the 'Foreign Relations Authorization Act, Fiscal Years 1994 and 1995'.''

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102–138, § 1, Oct. 28, 1991, 105 Stat. 647, provided that: ''This Act [enacting sections 269, 276c–4, 276*l*, 276m, 296a, 1475g, 1475h, 2075, 2652b, 2656g, 2656h, 2679b, 2680–1, 2686a, 2720, 2721, 2722, 2723, 2798, 4012a, 4351 to 4357, and 5601 to 5606 of this title and section 2410c of the Appendix to Title 50, War and National Defense, amending sections 277d–3, 290f, 294, 301, 1465ee, 1471, 1474, 1477c, 1928e, 2669, 2670, 2695, 2696, 2703, 2706, 2717, 2718, 2780, 2797b, 2797c, 2877, 2905, 3005, 3942, 3961, 3968, 4010, 4053, 4081, 4115, 4131, 4134, 4136, 4137, 4139, 4140, 4413, and 4852 of this title, sections 202 and 208 of Title 3, The President, sections 5315, 5523, 5551, 5922, 5923, and 5924 of Title 5, Government Organization and Employees, section 2051 of Title 19, Customs Duties, and section 2405 of the Appendix to Title 50, repealing section 4509 of this title and former sections 269 and 2075 of this title, enacting provisions set out as notes under this section, sections 287e, 290f, 1475g, 2452, 2778, 4001, 4115, 4351, 4354, 4356, and 5601 of this title, sections 202 and 208 of Title 3, sections 5315, 5551, and 5561 of Title 5, and section 1182 of Title 8, Aliens and Nationality, amending provisions set out as notes under sections 287e, 2680, and 4021 of this title and section 5561 of Title 5, and repealing provisions set out as notes under this section and sections 287e, 1461, 2656, and 4010 of this title] may be cited as the 'Foreign Relations Authorization Act, Fiscal Years 1992 and 1993'.''

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–246, § 1(a), Feb. 16, 1990, 104 Stat. 15, provided that: ''This Act [enacting sections 1464a, 1464b, 1465aa to 1465ff, 1475f, 2414a, 2461, 2665a, 2678, 2715 to 2719, 2877a, 4027, 4141, 4141a to 4141c, 4863, and 4864 of this title, amending sections 277a, 277b, 277d–12, 290f, 300, 1461, 1465c, 1469, 1474, 1475e, 2456, 2460, 2606, 2656f, 2669, 2684, 2696, 2698, 2703, 2708, 2709, 2871, 2877, 3905, 3968, 4002, 4010, 4056, 4057, 4069a to 4069c, 4081, 4303, 4304, 4403, 4801, 4802, and 4852 of this title, sections 8345 and 9101 of Title 5, Government Organization and Employees, and section 1101 and 1182 of Title 8, Aliens and Nationality, repealing section 4192 of this title, enacting provisions set out as notes under this section, sections 287e, 1461, 1463, 1465aa, 1465c, 1469, 2151, 2456, 2460, 2656, 2715, 3941, 3968, 4001, 4140, 4171, 4301, and 4852 of this title, sections 5921 and 5928 of Title 5, and section 1102 of Title 8, amending provisions set out as notes under this section and sections 287, 2151, and 4851 of this title and section 1182 of Title 8, and repealing provisions set out as notes under sections 2414a and 2656 of this title] may be cited as the 'Foreign Relations Authorization Act, Fiscal Years 1990 and 1991'.''

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100–204, § 1(a), Dec. 22, 1987, 101 Stat. 1331, provided that: ''This Act [enacting sections 288f–3, 1464, 2656f, 2664a, 2713, 4069a to 4069c, 4315, 4316, 4341 to 4343, and 5201 to 5203 of this title, amending sections 288h, 290j–1, 1469, 1471, 1475e, 1477c, 1627, 1928a, 1928b, 2151n, 2291, 2304, 2460, 2661, 2670, 2697, 2706, 2707, 2778, 2877, 3905, 3922a, 3927, 3941, 3942, 3946, 3949, 3961, 3965, 4001, 4010, 4023, 4137, 4173, 4302, 4303, 4305, 4403, 4412, 4413, 4831, 4834, 4851, 4861, and 4904 of this title, sections 5313, 5315, and 8332 of Title 5, Government Organization and Employees, section 1182 of Title 8, Aliens and Nationality, sections 2492 and 2605 of Title 19, Customs Duties, and section 1364 of Title 28, Judiciary and Judicial Procedure, enacting provisions set out as notes under this section, sections 287, 287e, 1461, 1463, 1471, 2601, 2656, 2680, 2697, 2707, 3922a, 3941 to 3943, 3946, 3965, 4041, 4301, 4315, 4316, 4341, 4802, 4851, and 5201 of this title, section 112b of Title 1, General Provisions, section 5313 of Title 5, sections 1182, 1201, and 1255a of Title 8, section 2901 of Title 15, Commerce and Trade, section 3181 of Title 18, Crimes and Criminal Procedure, section 2605 of Title 19, and section 1364 of Title 28, and amending provisions

set out as notes under this section and sections 287, 287b, 287e, and 4021 of this title] may be cited as the 'Foreign Relations Authorization Act, Fiscal Years 1988 and 1989'.''

SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99–93, § 1(a), Aug. 16, 1985, 99 Stat. 405, provided that: ''This Act [enacting sections 1461–1a, 2592, 2606, 2709, 2710, 2883, 3922a, 3929a, 4309a, 4314, 4414, 4415, and 4701 to 4715 of this title, amending sections 290j–1, 1477c, 2357, 2589, 2601, 2605, 2652, 2669, 2685, 2704, 2871, 2875, 2877, 3930, 3945, 4084, 4301, 4302, 4304, 4305, 4403, and 4413 of this title, section 208 of Title 3, The President, sections 5314, 5315, and 5316 of Title 5, Government Organization and Employees, sections 2 and 11 of the Appendix to Title 5, section 1622 of Title 50, War and National Defense, and section 39 of Title 50, Appendix, repealing sections 2666 and 2667 of this title, enacting provisions set out as notes under sections 287e, 1477c, 1928, 2291, 2605, 2656, 2669, 2697, 2875, 2877, 3943, 3945, 4021, and 4314 of this title, section 1182 of Title 8, Aliens and Nationality, section 3181 of Title 18, Crimes and Criminal Procedure, section 701 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, and section 1701 of Title 50, amending provisions set out as notes under this section and sections 287 and 287e of this title, and repealing provisions set out as a note under section 3901 of this title] may be cited as the 'Foreign Relations Authorization Act, Fiscal Years 1986 and 1987'.''

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94–350, § 1, July 12, 1976, 90 Stat. 823, provided: ''That this Act [enacting sections 817, 1065, 1076a, 1463, 1475a, 1928e, 2458a, 2661a, 2689, and 2690 of this title, amending sections 276e, 276i, 295, 889, 915, 1001, 1002, 1004, 1007, 1063, 1064, 1071, 1076, 1081, 1082, 1084, 1086, 1091, 1105, 1111, 1116, 1121, 1229, 1474, 1754, 2872, 2873, 2877, 2902, 2905, and 2906 of this title, repealing sections 1083, 1092, and 1094 of this title, and enacting provisions set out as notes under sections 801, 915, 1001, 1063, 1064, 1076, 1076a, 1086, 1091, 1121, 1229, and 2871 of this title] may be cited as the 'Foreign Relations Authorization Act, Fiscal Year 1977'.''

SHORT TITLE OF 1975 AMENDMENT

Pub. L. 94–141, § 1, Nov. 29, 1975, 89 Stat. 756, provided: ''That this Act [enacting sections 276a–1, 1037 to 1037c, 2576, 2687, and 2688 of this title, amending sections 276, 276c, 295, 966, 991, 995, 1934, 2321d, 2551, 2562, 2585, 2589, 2590, 2601, 2666, 2679a, and 2791 of this title and section 5924 of Title 5, Government Organization and Employees, enacting provisions set out as notes under sections 1037a and 2679a of this title, amending provision set out as a note under section 287e, and repealing provision set out as a note under section 966 of this title] may be cited as the 'Foreign Relations Authorization Act, Fiscal Year 1976'.''

SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93–475, § 1, Oct. 26, 1974, 88 Stat. 1439, provided: ''That this Act [enacting sections 966, 2679a, 2680a, and 2686 of this title, amending sections 901a, 1439, 1476, and 2680 of this title, and section 5924 of Title 5, Government Organization and Employees, enacting provisions set out as notes under sections 901a, 966, and 2151 of this title and amending provisions set out as notes preceding section 1 of Title 50, Appendix, War and National Defense] may be cited as the 'State Department/USIA Authorization Act, Fiscal Year 1975'.''

SHORT TITLE OF 1973 AMENDMENT

Pub. L. 93–126, § 1, Oct. 18, 1973, 87 Stat. 451, provided: ''That this Act [enacting sections 287e–1, 901a, 2655a, and 2685 of this title and amending sections 276, 277d–28, 277d–29, 277d–31, 993, 1754, and 2823 of this title, section 194a of Title 2, The Congress, section 5924 of Title 5, Government Organization and Employees, and provisions set out as a note under section 214 of this title] may be cited as the 'Department of State Appropriations Authorization Act of 1973'.''

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92–352, § 1, July 13, 1972, 86 Stat. 489, provided: ''That this Act [enacting sections 1474, 1475, 2291a, and 2821 to 2826 of this title and section 194a of Title 2, The Congress, amending sections 901, 1461, 1476, 2291, 2501a, 2502, 2589, 2652, 2653, and 2680 of this title, sections 5313, 5314, 5315, and 8331 of Title 5, Government Organization and Employees, and section 241 of former Title 31, Money and Finance, repealing section 2511 of this title, and enacting provisions set out as notes under sections 2511, 2571, and 2652 of this title, section 8331 of Title 5, and section 241 of former Title 31] may be cited as the 'Foreign Relations Authorization Act of 1972'.''

SHORT TITLE OF 1956 AMENDMENT

Act Aug. 1, 1956, ch. 841, § 1 [part], as added by Pub. L. 102–138, title I, § 111(2), Oct. 28, 1991, 105 Stat. 654, provided: ''That this Act [enacting sections 2662, 2669 to 2672, 2673 to 2680a, 2684, 2687 to 2692, 2695 to 2723, 4301 to 4316, 4341 to 4343, and 4351 to 4357 of this title] may be cited as the 'State Department Basic Authorities Act of 1956'.''

Act Aug. 1, 1956, ch. 841, title I, § 48, formerly § 33, as added Oct. 17, 1980, Pub. L. 96–465, title II, § 2201(a), 94 Stat. 2157, and renumbered § 34 and redesignated title I, Aug. 24, 1982, Pub. L. 97–241, title I, § 117, title II, § 202(a), 96 Stat. 279, 282; renumbered § 35 and § 36, Nov. 22, 1983, Pub. L. 98–164, title I, §§ 123, 124, 97 Stat. 1025; renumbered § 37, Oct. 19, 1984, Pub. L. 98–533, title I, § 102, 98 Stat. 2708; renumbered § 38 and § 39, Aug. 16, 1985, Pub. L. 99–93, title I, §§ 125(a), 128, 99 Stat. 415, 419; renumbered § 40 and § 41, Aug. 27, 1986, Pub. L. 99–399, title V, §§ 504(1), 506(1), 100 Stat. 871; renumbered § 42, Dec. 22, 1987, Pub. L. 100–204, title I, § 126(a)(1), 101 Stat. 1341; renumbered § 43, Nov. 18, 1988, Pub. L. 100–690, title IV, § 4603(1), 102 Stat. 4287; renumbered § 44, § 45, § 46, § 47, and § 48, Feb. 16, 1990, Pub. L. 101–246, title I, §§ 115(c)(1), 117(1), 118(1), 119(1), 150(1), 104 Stat. 23, 25, 26, 42, which provided that act Aug. 1, 1956, ch. 841, was to be cited as the ''State Department Basic Authorities Act of 1956'', was repealed by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of State, see Parts 1, 2, and 13 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

ORDER OF SUCCESSION

For order of succession in case of death, resignation, absence, or sickness of Secretary, see Ex. Ord. No. 10839, Sept. 30, 1959, 24 F.R. 7939, set out as a note under section 3347 of Title 5, Government Organization and Employees.

COMPLIANCE WITH CONGRESSIONAL BUDGET ACT

Pub. L. 101–246, title XI, § 1101, Feb. 16, 1990, 104 Stat. 90, provided that:

''(a) LIMITATION ON SPENDING AUTHORITY.—Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974 [2 U.S.C. 651]) which is provided under this Act [see Short Title of 1990 Amendment note above] shall be effective for any fiscal year only to the extent or in such amounts as are provided in advance in appropriation Acts.

''(b) LIMITATION ON CONTRACT AUTHORITY.—Any authority provided by this Act to enter into contracts shall be effective only—

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

''(2) to the extent or in such amounts as are provided in advance in appropriation Acts.''

CHALLENGES TO APPOINTMENT AND CONTINUANCE IN OFFICE OF SECRETARY OF STATE FIRST APPOINTED AFTER MAY 3, 1980; CONSTITUTIONAL PROVISIONS GOVERNING COMPENSATION AND EMOLUMENTS

Pub. L. 96–241, § 2, May 3, 1980, 94 Stat. 343, provided that:

''(a) Any person aggrieved by an action of the Secretary of State may bring a civil action in an appropriate United States district court to contest the constitutionality of the appointment and continuance in office of the Secretary of State on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States district courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

''(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. Any review of the action of a court convened pursuant to such section shall be by petition of certiorari to the Supreme Court.

''(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

''(d) This section applies only with respect to the Secretary of State who is first appointed to that office after the enactment of this Act [May 3, 1980].''

CROSS REFERENCES

Compensation of Secretary, see section 5312 of Title 5, Government Organization and Employees.

Immigration and Nationality Act, powers and duties of Secretary of State with respect to administration and enforcement, see section 1104 of Title 8, Aliens and Nationality.

§ 2651a. Organization of Department of State

(a) Secretary of State

(1) The Department of State shall be administered, in accordance with this Act and other provisions of law, under the supervision and direction of the Secretary of State (hereinafter referred to as the ''Secretary'').

(2) The Secretary and the Deputy Secretary of State shall be appointed by the President, by and with the advice and consent of the Senate.

(3)(A) Notwithstanding any other provision of law and except as provided in this section, the Secretary shall have and exercise any authority vested by law in any office or official of the Department of State. The Secretary shall administer, coordinate, and direct the Foreign Service of the United States and the personnel of the Department of State, except where authority is inherent in or vested in the President.

(B)(i) The Secretary shall not have the authority of the Inspector General or the Chief Financial Officer.

(ii) The Secretary shall not have any authority given expressly to diplomatic or consular officers.

(4) The Secretary is authorized to promulgate such rules and regulations as may be necessary to carry out the functions of the Secretary of State and the Department of State. Unless otherwise specified in law, the Secretary may delegate authority to perform any of the functions of the Secretary or the Department to officers and employees under the direction and supervision of the Secretary. The Secretary may delegate the authority to redelegate any such functions.

(b) Under Secretaries

There shall be in the Department of State not more than 5 Under Secretaries of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5.

(c) Assistant Secretaries

(1) In general

There shall be in the Department of State not more than 20 Assistant Secretaries of State, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5.

(2) Assistant Secretary of State for Democracy, Human Rights, and Labor

(A) There shall be in the Department of State an Assistant Secretary of State for Democracy, Human Rights, and Labor who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to prisoners of war and members of the United States Armed Forces missing in action) in the conduct of foreign policy and such other related duties as the Secretary may from time to time designate. The Secretary of State shall carry out the Secretary's responsibility under section 2304 of this title through the Assistant Secretary.

(B) The Assistant Secretary of State for Democracy, Human Rights, and Labor shall maintain continuous observation and review all matters pertaining to human rights and humanitarian affairs (including matters relating to prisoners of war and members of the United States Armed Forces missing in action) in the conduct of foreign policy including the following:

(i) Gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each country to which requirements of sections 2151n and 2304 of this title are relevant.

(ii) Preparing the statements and reports to Congress required under section 2304 of this title.

(iii) Making recommendations to the Secretary of State and the Administrator of the Agency for International Development regarding compliance with sections 2151n and 2304 of this title, and as part of the Assistant Secretary's overall policy responsibility for the creation of United States Government human rights policy, advising the Administrator of the Agency for International Development on the policy framework under which section 2151n(e) projects are developed and consulting with the Administrator on the selection and implementation of such projects.

(iv) Performing other responsibilities which serve to promote increased observance

of internationally recognized human rights by all countries.

(d) Deputy Assistant Secretaries

There shall be in the Department of State not more than 66 Deputy Assistant Secretaries of State.

(e) Other senior officials

In addition to officials of the Department of State who are otherwise authorized to be appointed by the President, by and with the advice and consent of the Senate, and to be compensated at level IV of the Executive Schedule of[1] section 5315 of title 5 four other such appointments are authorized.

(Aug. 1, 1956, ch. 841, title I, § 1 [part], 70 Stat. 890; renumbered title I and amended Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282; Pub. L. 103–236, title I, § 161(a), Apr. 30, 1994, 108 Stat. 402; Pub. L. 103–415, § 1(f)(1), Oct. 25, 1994, 108 Stat. 4299.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(1), is act Aug. 1, 1956, ch. 841, 70 Stat. 890, as amended, known as the State Department Basic Authorities Act of 1956, which enacted sections 2651a, 2669 to 2672, 2673 to 2679a, 2680, 2680a, 2684, 2687 to 2690, 2692, 2695, and 2696 to 2724 of this title and chapters 53 (§ 4301 et seq.), 53A (§ 4341 et seq.), and 53B (§ 4351 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1956 Amendment note set out under section 2651 of this title and Tables.

CODIFICATION

Section was formerly classified to section 2662 of this title.

Section was also formerly classified to section 170f of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1994—Pub. L. 103–236 amended section generally. Prior to amendment, section read as follows: ''The Secretary of State is authorized to establish, maintain, and operate passport and despatch agencies.''

Subsec. (a)(2). Pub. L. 103–415 inserted ''and the Deputy Secretary of State'' after ''Secretary''.

1982—Pub. L. 97–241 substituted ''The Secretary'' for ''That the Secretary''.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 161(b) of Pub. L. 103–236, as amended by Pub. L. 103–415, § 1(f)(2), Oct. 25, 1994, 108 Stat. 4300, provided that: ''The amendments made by this section and section 162 [amending this section, sections 2151n, 2304, 2314, 2349aa–2, 2384, 2652b, 2655a, 2669, 2670, 2707, 2755, 4302 to 4305, 4308, 4801, 4802, 4806, 4821 to 4823, and 4852 of this title, sections 5314 and 5315 of Title 5, Government Organization and Employees, sections 1101, 1104, 1105, and 1521 to 1523 of Title 8, Aliens and Nationality, repealing sections 811a, 2652, 2652a, 2653 to 2655, 2658, 4803, and 4804 of this title and section 1525 of Title 8, and amending provisions set out as a note under section 113 of Title 10, Armed Forces] shall apply with respect to officials, offices, and bureaus of the Department of State when executive orders, regulations, or departmental directives implementing such amendments become effective, or 90 days after the date of enactment of this Act [Apr. 30, 1994], whichever comes earlier.''

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–241, effective Oct. 1, 1982, see section 204 of Pub. L. 97–241, set out as an Effective Date note under section 4301 of this title.

[1] So in original. Probably should be ''under''.

TRANSITION; REAPPOINTMENT OF OFFICERS HOLDING OFFICE AS OF APRIL 30, 1994, NOT REQUIRED

Section 161(c) of Pub. L. 103–236 provided that: ''Any officer of the Department of State holding office on the date of the enactment of this Act [Apr. 30, 1994] shall not be required to be reappointed to any other office, at the Department of State at the same level performing similar functions, as determined by the President, by reason of the enactment of the amendments made by this section and section 162 [see Effective Date of 1994 Amendment note above for classification].''

[Functions of President under section 161(c) of Pub. L. 103–236, set out above, delegated to Secretary of State by Memorandum of President of the United States, July 26, 1994, 59 F.R. 40205, set out as a note under section 2370a of this title.]

REFERENCES TO OFFICIALS AND OFFICES OF DEPARTMENT OF STATE WHOSE AUTHORITY IS VESTED IN SECRETARY OF STATE DEEMED REFERENCES TO SECRETARY OF STATE OR DEPARTMENT OF STATE

Section 161(d) of Pub. L. 103–236 provided that: ''Except as specifically provided in this Act [see Tables for classification], or the amendments made by this Act, a reference in any other provision of law to an official or office of the Department of State affected by the amendment made by subsection (a) [amending this section] (other than the Inspector General of the Department of State and the Chief Financial Officer of the Department of State) shall be deemed to be a reference to the Secretary of State or the Department of State, as may be appropriate.''

OFFICE OF COORDINATOR FOR COUNTERTERRORISM

Section 161(e) of Pub. L. 103–236 provided that: ''Notwithstanding any other provision of this section [amending this section and enacting provisions set out as notes under this section], for not less than one year after the date of the enactment of this Act [Apr. 30, 1994] there shall be in the Department of State an Office of the Coordinator for Counterterrorism which shall be headed by a Coordinator for Counterterrorism. The office shall have the same responsibilities and functions as the Office of the Coordinator for Counterterrorism at the Department of State had as of January 20, 1993.''

DEPUTY ASSISTANT SECRETARY FOR BURDENSHARING

Section 161(f) of Pub. L. 103–236, as amended by Pub. L. 103–415, § 1(f)(3), Oct. 25, 1994, 108 Stat. 4300, provided that:

''(1) ESTABLISHMENT.—None of the funds authorized to be appropriated by this Act [see Tables for classification] shall be available for obligation or expenditure during fiscal year 1995 unless, not later than 90 days after the date of enactment of this Act [Apr. 30, 1994], the Secretary of State has established within the Department of State the position of Deputy Assistant Secretary for Burdensharing, the incumbent of which shall be an official of ambassadorial rank, appointed by the President by and with the advice and consent of the Senate.

''(2) RESPONSIBILITIES.—The Deputy Assistant Secretary for Burdensharing shall perform such duties and exercise such authorities as the Secretary of State shall prescribe, including the following:

''(A) The principal duty of negotiating increased in-kind and financial support (including increased payment of basing costs) by countries allied to the United States for Department of Defense military units and personnel assigned to permanent duty ashore outside the United States in support of the security of such countries.

''(B) In consultation with the Department of Defense, assist in negotiations with the host governments for the recoupment of funds associated with financial commitments from such countries for paying the United States the residual value of United States facilities in such countries that the United States re-

linquishes to such countries upon the termination of the use of such facilities by the United States.''

AUTHORIZATION TO REDELEGATE CERTAIN RESPONSIBILITIES VESTED IN THE PRESIDENT AND DELEGATED TO THE SECRETARY OF STATE

Memorandum of President of the United States, Nov. 4, 1997, 62 F.R. 60995, provided:

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and laws of the United States, including section 301 of Title 3 of the United States Code, to the extent that you consider doing so appropriate to facilitate the consolidation of the Arms Control and Disarmament Agency and the Department of State, I hereby authorize you to redelegate to any officer of the executive branch any or all authorities vested in the President that are delegated to the Secretary of State by any act, order, determination, delegation of authority, regulation, or Executive order heretofore or hereinafter enacted or issued and that have been or may be redelegated to the Under Secretary of State for Arms Control and International Security Affairs.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§§ 2652, 2652a. Repealed. Pub. L. 103–236, title I, § 162(a), (b), Apr. 30, 1994, 108 Stat. 405

Section 2652, May 26, 1949, ch. 143, § 1, 63 Stat. 111; Feb. 7, 1953. ch. 2, 67 Stat. 4; Aug. 5, 1955, ch. 576, § 1, 69 Stat. 536; June 30, 1958, Pub. L. 85–477, ch. V, § 502(j)(1), 72 Stat. 274; July 18, 1958, Pub. L. 85–524, § 1, 72 Stat. 363; July 13, 1972, Pub. L. 92–352, title I, § 103(a)(1), 86 Stat. 490; Aug. 17, 1977, Pub. L. 95–105, title I, § 109(c), 91 Stat. 847; Oct. 7, 1978, Pub. L. 95–426, title I, § 114(a)(1), 92 Stat. 968; Aug. 16, 1985, Pub. L. 99–93, title I, §§ 115(a), 116(a), 99 Stat. 411; Aug. 27, 1986, Pub. L. 99–399, title I, § 104(b), 100 Stat. 856, established positions in Department of State of Deputy Secretary of State, Under Secretary of State for Political Affairs, Under Secretary of State for Economic and Agricultural Affairs, Under Secretary of State for Management, and Assistant Secretaries of State.

Section 2652a, Pub. L. 95–426, title I, § 115(a), Oct. 7, 1978, 92 Stat. 969, established position in Department of State of Assistant Secretary of State for International Narcotics Matters.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as an Effective Date of 1994 Amendment note under section 2651a of this title.

§ 2652b. Assistant Secretary of State for South Asian Affairs

(a) Establishment of position

There is established in the Department of State the position of Assistant Secretary of State for South Asian Affairs.

(b) Appointment

The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Repealed. Pub. L. 103–236, title I, § 162(c)(1), Apr. 30, 1994, 108 Stat. 405

(d) Repealed and Omitted

(1) Repealed. Pub. L. 103–236, title I, § 162(c)(3), Apr. 30, 1994, 108 Stat. 405.

(2) Omitted.

(e) Implementation

In order to carry out this section, the Secretary of State shall reprogram the position of Deputy Assistant Secretary for South Asian Affairs.

(Pub. L. 102–138, title I, § 122, Oct. 28, 1991, 105 Stat. 658; Pub. L. 103–236, title I, § 162(c), Apr. 30, 1994, 108 Stat. 405.)

CODIFICATION

Section is comprised of section 122 of Pub. L. 102–138. Subsec. (d)(2) of section 122 of Pub. L. 102–138 enacted provisions set out as a note under section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–236, § 162(c)(2), struck out '', which is in addition to the positions provided under section 2652 of this title'' after ''Asian Affairs''.

Subsec. (c). Pub. L. 103–236, § 162(c)(1), struck out subsec. (c) which read as follows: ''The Assistant Secretary shall have responsibility within the Department of State with respect to India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives.''

Subsec. (d)(1). Pub. L. 103–236, § 162(c)(3), struck out par. (1) which amended section 5315 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

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.

§§ 2653 to 2655. Repealed. Pub. L. 103–236, title I, § 162(a), (p), Apr. 30, 1994, 108 Stat. 405, 410

Section 2653, acts May 26, 1949, ch. 143, § 2, 63 Stat. 111; Aug. 5, 1955, ch. 576, § 2, 69 Stat. 536; June 30, 1958, Pub. L. 85–477, ch. V, § 502(j)(2), 72 Stat. 274; July 30, 1959, Pub. L. 86–117, 73 Stat. 265; Aug. 14, 1964, Pub. L. 88–426, title III, § 305(14), 78 Stat. 424; July 13, 1972, Pub. L. 92–352, title I, § 103(a)(2), 86 Stat. 490; Nov. 22, 1983, Pub. L. 98–164, title I, § 125(a), 97 Stat. 1026, related to appointment and rank of Secretary of State and other officers of Department of State.

Section 2654, act May 24, 1924, ch. 182, § 30, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1214; amended Oct. 15, 1949, ch. 695, § 6(d), 63 Stat. 881, related to office and appointment of legal adviser in Department of State.

Section 2655, act May 18, 1937, ch. 220, 50 Stat. 169, related to position and appointment of Counselor of Department of State.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of

Pub. L. 103–236, as amended, set out as an Effective Date of 1994 Amendment note under section 2651a of this title.

§ 2655a. Bureau of Oceans and International Environmental and Scientific Affairs within Department of State; Assistant Secretary of State as head of Bureau

There is established within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs. There shall be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, appointed by the President, by and with the advice and consent of the Senate, who shall be the head of the Bureau and who shall have responsibility for matters relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs and for such other related duties as the Secretary may from time to time designate.

(Pub. L. 93–126, § 9(a), formerly § 9, Oct. 18, 1973, 87 Stat. 453, renumbered Pub. L. 93–312, § 9, June 8, 1974, 88 Stat. 238; Pub. L. 103–236, title I, § 162(q)(1), Apr. 30, 1994, 108 Stat. 410; Pub. L. 103–415, § 1(f)(4)(B), Oct. 25, 1994, 108 Stat. 4300.)

AMENDMENTS

1994—Pub. L. 103–236, as amended by Pub. L. 103–415, substituted ''There shall'' for ''In addition to the positions provided under section 2652 of this title, there shall'' and inserted before period at end ''and for such other related duties as the Secretary may from time to time designate''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

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.

§ 2656. Management of foreign affairs

The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the Department, and he shall conduct the business of the Department in such manner as the President shall direct.

(R.S. § 202.)

CODIFICATION

R.S. § 202 derived from acts July 27, 1789, ch. 4, § 1, 1 Stat. 28; Sept. 15, 1789, ch. 14, § 1, 1 Stat. 68.

Section was formerly classified to section 156 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

DELEGATION OF FUNCTIONS

Functions of President respecting certain facilities constructed and maintained on United States borders delegated to Secretary of State, see Ex. Ord. No. 11423, Aug. 16, 1968, 33 F.R. 11741, set out as a note under section 301 of Title 3, The President.

AUTHORITY OF DIRECTOR OF UNITED STATES INFORMATION AGENCY

Exercise of authority available under this section by Director of United States Information Agency, see Ex. Ord. No. 10477, Aug. 1, 1953, 18 F.R. 4540, set out as a note under section 1472 of this title.

PRESIDENTIAL DIRECTIVE

National Intelligence Authority and Central Intelligence Group, established by Presidential Directive, Feb. 1, 1946, 11 F.R. 1337, to coordinate Federal foreign intelligence activities, ceased to exist upon creation of Central Intelligence Agency; personnel, property and records of the group were transferred to the Agency; and unexpended funds of the group were made available to the Agency, by act July 26, 1947, ch. 343, title I, § 102, 61 Stat. 497, set out as section 403 of Title 50, War and National Defense.

REPORT TO CONGRESS ON ACTIVITIES OF NORTH KOREAN ARMED FORCES

Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 585], Sept. 30, 1996, 110 Stat. 3009–121, 3009–171, provided that: ''Ninety days after the date of enactment of this Act [Sept. 30, 1996], and every 180 days thereafter, the Secretary of State, in consultation with the Secretary of Defense, shall provide a report in a classified or unclassified form to the Committee on Appropriations including the following information:

''(a) a best estimate on fuel used by the military forces of the Democratic People's Republic of Korea (DPRK);

''(b) the deployment position and military training and activities of the DPRK forces and best estimate of the associated costs of these activities;

''(c) steps taken to reduce the DPRK level of forces; and

''(d) cooperation, training, or exchanges of information, technology or personnel between the DPRK and any other nation supporting the development or deployment of a ballistic missile capability.''

REPORTS TO WAR CRIMES TRIBUNAL FOR FORMER YUGOSLAVIA

Pub. L. 105–118, title V, § 553, Nov. 26, 1997, 111 Stat. 2422, provided in part: ''That 60 days after the date of enactment of this Act [Nov. 26, 1997], and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 555], Sept. 30, 1996, 110 Stat. 3009–121, 3009–160.

Pub. L. 104–107, title V, § 556, Feb. 12, 1996, 110 Stat. 743.

Pub. L. 103–306, title V, § 575, Aug. 23, 1994, 108 Stat. 1653.

REPORTING REQUIREMENTS ON OCCUPIED TIBET

Pub. L. 103–236, title V, § 536, Apr. 30, 1994, 108 Stat. 481, provided that:

''(a) REPORT ON UNITED STATES-TIBET RELATIONS.—Because Congress has determined that Tibet is an occupied sovereign country under international law and that its true representatives are the Dalai Lama and the Tibetan Government in exile—

''(1) it is the sense of the Congress that the United States should seek to establish a dialogue with those recognized by Congress as the true representatives of the Tibetan people, the Dalai Lama, his representatives and the Tibetan Government in exile, concerning the situation in Tibet and the future of the Tibetan people and to expand and strengthen United States-Tibet cultural and educational relations, including promoting bilateral exchanges arranged directly with the Tibetan Government in exile; and

''(2) not later than 6 months after the date of enactment of this Act [Apr. 30, 1994], and every 12 months thereafter, the Secretary of State shall transmit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a report on the state of relations between the United States and those recognized by Congress as the true representatives of the Tibetan people, the Dalai Lama, his representatives and the Tibetan Government in exile, and on conditions in Tibet.

''(b) SEPARATE TIBET REPORTS.—

''(1) It is the sense of the Congress that whenever a report is transmitted to the Congress on a country-by-country basis there should be included in such report, where applicable, a separate report on Tibet listed alphabetically with its own state heading.

''(2) The reports referred to in paragraph (1) include, but are not limited to, reports transmitted under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2151n(d), 2304(b)] (relating to human rights).''

CAMBODIAN GENOCIDE

Pub. L. 103–236, title V, part D, Apr. 30, 1994, 108 Stat. 486, provided that:

''SEC. 571. SHORT TITLE.

''This part may be cited as the 'Cambodian Genocide Justice Act'.

''SEC. 572. POLICY.

''(a) IN GENERAL.—Consistent with international law, it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975, and January 7, 1979.

''(b) SPECIFIC ACTIONS URGED.—To that end, the Congress urges the President—

''(1) to collect, or assist appropriate organizations and individuals to collect relevant data on crimes of genocide committed in Cambodia;

''(2) in circumstances which the President deems appropriate, to encourage the establishment of a national or international criminal tribunal for the prosecution of those accused of genocide in Cambodia; and

''(3) as necessary, to provide such national or international tribunal with information collected pursuant to paragraph (1).

''SEC. 573. ESTABLISHMENT OF STATE DEPARTMENT OFFICE.

''(a) ESTABLISHMENT.—(1) None of the funds authorized to be appropriated by this Act for 'Diplomatic and Consular Programs' shall be available for obligation or expenditure during fiscal years 1994 and 1995 unless, not later than 90 days after the date of enactment of this Act [Apr. 30, 1994], the Secretary of State has established within the Department of State under the Assistant Secretary for East Asia and Pacific Affairs (or any successor Assistant Secretary) the Office of Cambodian Genocide Investigation (hereafter in this part referred to as the 'Office').

''(2) The Office may carry out its activities inside or outside of Cambodia, except that not less than 75 percent of the funds made available for the Office and its activities shall be used to carry out activities within Cambodia.

''(b) PURPOSE.—The purpose of the Office shall be to support, through organizations and individuals with whom the Secretary of State may contract to carry out the operations of the Office, as appropriate, efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975, and January 7, 1979, including—

''(1) to investigate crimes against humanity committed by national Khmer Rouge leaders during that period;

''(2) to provide the people of Cambodia with access to documents, records, and other evidence held by the Office as a result of such investigation;

''(3) to submit the relevant data to a national or international penal tribunal that may be convened to formally hear and judge the genocidal acts committed by the Khmer Rouge; and

''(4) to develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of those accused of genocide in Cambodia.

''(c) CONTRACTING AUTHORITY.—The Secretary of State shall, subject to the availability of appropriations, contract with appropriate individuals and organizations to carry out the purpose of the Office.

''(d) NOTIFICATION TO CONGRESS.—The Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs [now Committee on International Relations] and the Committee on Appropriations of the House of Representatives shall be notified of any exercise of the authority of section 34 of the State Department Basic Authorities Act of 1956 [22 U.S.C. 2706] with respect to the Office or any of its programs, projects, or activities at least 15 days in advance in accordance with procedures applicable to notifications under that section.

''SEC. 574. REPORTING REQUIREMENT.

''(a) IN GENERAL.—Beginning 6 months after the date of enactment of this Act [Apr. 30, 1994], and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees—

''(1) that describes the activities of the Office, and sets forth new facts learned about past Khmer Rouge practices, during the preceding 6-month period; and

''(2) that describes the steps the President has taken during the preceding 6-month period to promote human rights, to support efforts to bring to justice the national political and military leadership of the Khmer Rouge, and to prevent the recurrence of human rights abuses in Cambodia through actions which are not related to United Nations activities in Cambodia.

''(b) DEFINITION.—For purposes of this section, the term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs [now Committee on International Relations] of the House of Representatives.''

[Functions of President under section 574 of Pub. L. 103–236, set out above, delegated to Secretary of State by Memorandum of President of the United States, July 26, 1994, 59 F.R. 40205, set out as a note under section 2370a of this title.]

BROADENING CULTURAL, GEOGRAPHIC, AND ETHNIC REPRESENTATION OF FOREIGN SERVICE AND DEPARTMENT OF STATE; PLAN

Pub. L. 101–246, title I, § 153(a), (b), Feb. 16, 1990, 104 Stat. 43, as amended by Pub. L. 101–302, title III, § 320(b)(2), May 25, 1990, 104 Stat. 247, provided that:

''(a) FINDINGS.—The Congress finds that a primary role of the Department of State is to represent the interests of the American people in foreign affairs and, as such, should strive to represent and include, among its

policy and professional employees, the great diversity of the American people.

''(b) RECRUITMENT.—(1) Not later than 120 days after the date of enactment of this Act [Feb. 16, 1990], the Secretary of State shall provide the Congress with a plan to assure that equal efforts are undertaken in each of the regions of the United States to recruit policy and professional Government Service employees and Foreign Service officers for the Department of State and each of its affiliated agencies.

''(2) Not later than January 1, 1991, the Secretary of State shall implement the plan provided for in paragraph (1).''

PROHIBITION ON USE OF FUNDS FOR POLITICAL PURPOSES

Pub. L. 100–204, title I, § 109, Dec. 22, 1987, 101 Stat. 1339, provided that: ''No funds authorized to be appropriated by this Act or by any other Act authorizing funds for any entity engaged in any activity concerning the foreign affairs of the United States shall be used—

''(1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress;

''(2) to influence in any way the outcome of a political election in the United States; or

''(3) for any publicity or propaganda purposes not authorized by Congress.''

CONSULAR AND DIPLOMATIC POSTS ABROAD

Pub. L. 100–204, title I, § 122, Dec. 22, 1987, 101 Stat. 1339, prohibited use of appropriated funds for closing United States consular or diplomatic posts abroad, or for paying expenses related to Bureau of Administration of Department of State if a post was closed after Jan. 1, 1987, and not reopened, provided funding for certain consulates, provided exceptions for prohibition on use of appropriated funds, permitted Secretary of State, in case of a sequestration order, to submit a report proposing a list of consular posts to be downgraded or closed in order to comply with sequestration order, and provided that the prohibitions were to be effective 180 days after Dec. 22, 1987, prior to repeal by Pub. L. 102–138, title I, § 112(b), Oct. 28, 1991, 105 Stat. 655. See section 2720 of this title.

CLOSING OF DIPLOMATIC AND CONSULAR POSTS IN ANTIGUA AND BARBUDA

Pub. L. 100–204, title I, § 123, Dec. 22, 1987, 101 Stat. 1339, directed that none of the funds made available for the Department of State for any fiscal year be used for expenses of maintaining a United States diplomatic or consular post in Antigua and Barbuda and provided that such prohibition take effect 60 days after Dec. 22, 1987, unless the President made a determination that such closing would not be in the national security interest of the United States and informed both the Chairman of the Senate Foreign Relations Committee and the House Foreign Affairs Committee of such determination, prior to repeal by Pub. L. 101–246, title I, § 121, Feb. 16, 1990, 104 Stat. 27.

CLOSURE OF MISSION IN ANTIGUA AND BARBUDA NOT IN UNITED STATES INTERESTS

Determination of the President of the United States, No. 88–9, Feb. 9, 1988, 53 F.R. 5749, provided:

Memorandum for the Secretary of State

In accordance with Section 123 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) [set out above], I have determined that closure of the U.S. Diplomatic and Consular Mission in Antigua and Barbuda is not in the national security interests of the United States.

You are hereby authorized and directed to report this determination to the Congress, as required by law. This determination shall be published in the Federal Register.

RONALD REAGAN.

ASSIGNMENT OF DRUG ENFORCEMENT ADMINISTRATION AGENTS ABROAD

Pub. L. 100–204, title VIII, § 801, Dec. 22, 1987, 101 Stat. 1397, provided that: ''If the Secretary of State, in exercising his authority to establish overseas staffing levels for Federal agencies with activities abroad, authorizes the assignment of any Drug Enforcement Administration agent to a particular United States mission abroad, the Secretary shall authorize the assignment of at least two such agents to that mission.''

WAIVER OF PROVISIONS OF PUBLIC LAW 100–204 DURING FISCAL YEARS 1988 AND 1989

Pub. L. 100–202, § 101(a) [title III, § 305], Dec. 22, 1987, 101 Stat. 1329, 1329–23, provided that: ''The following sections of H.R. 1777 (the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 [Pub. L. 100–204]) are waived during Fiscal Years 1988 and 1989 in the event that H.R. 1777 is enacted into law: Sec. 122 [set out above], Sec. 151, and Sec. 204 [22 U.S.C. 1461 note].''

REPORT TO CONGRESS ON SOVIET BREACH OF DUTIES OBLIGATIONS TO UNITED STATES DIPLOMATS OR MISSIONS

Pub. L. 99–500, § 101(b) [title III, § 300], Oct. 18, 1986, 100 Stat. 1783–39, 1783–58, and Pub. L. 99–591, § 101(b) [title III, § 300], Oct. 30, 1986, 100 Stat. 3341–39, 3341–58, provided: ''That beginning on February 1, 1987, the Secretary of State shall report every six months to the Speaker of the House of Representatives and the President of the Senate on any failures during the past six months by Soviet agencies to perform obligations to United States diplomats or United States missions to the Soviet Union and the actions undertaken by the Department of State to redress these failures.''

RESPONSIBILITY OF UNITED STATES MISSIONS TO PROMOTE FREEDOM OF PRESS ABROAD

Pub. L. 99–93, title I, § 138, Aug. 16, 1985, 99 Stat. 422, provided that:

''(a) RESPONSIBILITY.—The United States chief of mission to a foreign country in which there is not respect for freedom of the press shall actively promote respect for freedom of the press in that country.

''(b) DEFINITION.—As used in this section, the term 'respect for freedom of the press' means that a government—

''(1) allows foreign news correspondents into the country and does not subject them to harassment or restrictions;

''(2) allows nongovernment-owned press to operate in the country; and

''(3) does not subject the press in the country to systematic censorship.''

EMERGENCY TELEPHONE SERVICE AT UNITED STATES CONSULAR OFFICES

Pub. L. 99–93, title I, § 139, Aug. 16, 1985, 99 Stat. 422, provided that: ''It is the sense of the Congress that the Secretary of State should ensure that all United States consular offices are equipped with 24-hour emergency telephone service through which United States citizens can contact a member of the staff of any such office. The Secretary should publicize the telephone number of each such service for the information of United States citizens. Not more than 90 days after the date of the enactment of this Act [Aug. 16, 1985], the Secretary shall submit a report to the Congress on steps taken in accordance with this section.''

TORTURE BY FOREIGN GOVERNMENTS; UNITED STATES POLICY IN OPPOSITION; IMPLEMENTATION

Pub. L. 98–447, Oct. 4, 1984, 98 Stat. 1721, provided: ''That the Congress reaffirms that it is the continuing policy of the United States Government to oppose the practice of torture by foreign governments through public and private diplomacy and, when necessary and appropriate, through the enactment and vigorous im-

plementation of laws intended to reinforce United States policies with respect to torture. The United States Government opposes acts of torture wherever they occur, without regard to ideological or regional considerations, and will make every effort to work cooperatively with other governments and with nongovernmental organizations to combat the practice of torture worldwide.

''SEC. 2. (a) The President is requested—

''(1) to instruct the Permanent Representative of the United States to the United Nations to continue to raise the issue of torture practiced by governments; and

''(2) to continue to involve the United States Government in the formulation of international standards and effective implementing mechanisms, particularly the draft Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

''(b) In order to implement the policy expressed in the first section of this resolution, the Secretary of State is requested to issue formal instructions to each United States chief of mission regarding United States policy with respect to torture, including—

''(1) instructions—

''(A) to examine allegations of the practice of torture, particularly allegations concerning the existence of secret detention, extended incommunicado detention, and restrictions on access by family members, lawyers, and independent medical personnel to detainees; and

''(B) to forward such information as may be gathered, including information regarding any efforts made by the host government to reduce and eliminate the practice of torture, to the Assistant Secretary of State for Human Rights and Humanitarian Affairs for analysis in preparing the Department's annual country reports on human rights practices;

''(2) in the case of a chief of mission assigned to a country where torture is regularly practiced, instructions to report on a periodic basis as circumstances require to the Assistant Secretary of State for Human Rights and Humanitarian Affairs regarding efforts made by the respective United States diplomatic mission to implement United States policy with respect to combating torture;

''(3) instructions to meet with indigenous human rights monitoring groups knowledgeable about the practice of torture for the purpose of gathering information about such practice; and

''(4) instructions to express concern in individual cases of torture brought to the attention of a United States diplomatic mission including, whenever feasible, sending United States observers to trials when there is reason to believe that torture has been used against the accused.

''(c) The Secretary of Commerce should continue to enforce vigorously the current restrictions on the export of crime control equipment pursuant to the Export Administration Act of 1979 [50 App. U.S.C. 2401 et seq.].

''(d) The heads of the appropriate departments of the United States Government that furnish military and law enforcement training to foreign personnel, particularly personnel from countries where the practice of torture has been a documented concern, shall include in such training, when relevant, instruction regarding international human rights standards and the policy of the United States with respect to torture.''

[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.]

UNITED STATES DIPLOMATIC RELATIONS WITH THE VATICAN

Pub. L. 98–164, title I, § 134, Nov. 22, 1983, 97 Stat. 1029, provided that: ''In order to provide for the establishment of United States diplomatic relations with the Vatican, the Act entitled 'An Act making Appropriations for the Consular and Diplomatic Expenses of the Government for the Year ending thirtieth June, eighteen hundred and sixty-eight, and for other purposes', approved February 28, 1867, is amended by repealing the following sentence (14 Stat. 413): 'And no money hereby or otherwise appropriated shall be paid for the support of an American legation at Rome, from and after the thirtieth day of June, eighteen hundred and sixty-seven.'.''

REOPENING CERTAIN UNITED STATES CONSULATES

Pub. L. 97–241, title I, § 103(b), (c), Aug. 24, 1982, 96 Stat. 273, as amended by Pub. L. 98–164, title I, § 137, Nov. 22, 1983, 97 Stat. 1030; Pub. L. 103–236, title I, § 139(8), Apr. 30, 1994, 108 Stat. 398, provided that:

''(b) None of the funds made available under this [Pub. L. 97–241] or any other Act for 'Administration of Foreign Affairs' may be used for the establishment or operation of any United States consulate that did not exist on the date of enactment of this Act [Aug. 24, 1982] (other than the consulates specified in subsection (c)) until all the United States consulates specified in subsection (c) have been reopened as required by section 108 of the Department of State Authorization Act, Fiscal Years 1980 and 1981 [section 108 of Pub. L. 96–60, set out as a note below], to the extent such reopening is authorized by the foreign government involved.

''(c) The consulates referred to in subsections (a) [section 103(a) of Pub. L. 97–241, which was not classified to the Code] and (b) of this section are the consulates in the following locations: Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.''

UNITED STATES CONSULATES

Pub. L. 96–60, title I, § 108, Aug. 15, 1979, 93 Stat. 397, provided that:

''(a) The following United States consulates shall not be closed or, if closed on the date of enactment of this Act [Aug. 15, 1979], shall be reopened as soon as possible after such date: Salzburg, Austria; Bremen, Germany; Nice, France; Turin, Italy; Goteborg, Sweden; Adana, Turkey; Tangier, Morocco; Mandalay, Burma; Brisbane, Australia; and Surabaya, Indonesia.

''(b) Personnel assigned to the consulates described in subsection (a) shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget.''

ACTION WITH REGARD TO INTERNATIONAL JOURNALISTIC FREEDOM

Pub. L. 95–426, title VI, § 603, Oct. 7, 1978, 92 Stat. 985, as amended by Pub. L. 97–241, title V, § 505(a)(2), Aug. 24, 1982, 96 Stat. 299, provided that:

''(a) The Congress finds that—

''(1) news dissemination and the free flow of information across national boundaries are vital to international understanding and to healthy relations among countries; and

''(2) recurring and reliable reports strongly indicate that in many countries foreign news correspondents are subject to governmental harassment and restriction, including the denial of access to legitimate news sources, the imposition of censorship, and detention, incarceration, and expulsion.

''(b) It is therefore the sense of the Congress that the President should—

''(1) advise the appropriate officials of any foreign government which subjects foreign news correspondents to harassment and restrictions that the United States considers such mistreatment a significant and potentially damaging factor in overall relations of the United States with such country; and

''(2) raise in appropriate international forums the issue of the treatment of foreign news correspondents, with a view toward gaining multilateral support for the legitimate rights of such correspondents.

''(c) [Repealed. Pub. L. 97–241, title V, § 505(a)(2), Aug. 24, 1982, 96 Stat. 299.]''

DIPLOMATIC RELATIONS WITH FOREIGN GOVERNMENT NOT INDICATION OF APPROVAL OF SUCH GOVERNMENT

Pub. L. 95–426, title VI, § 607, Oct. 7, 1978, 92 Stat. 988, provided that: ''The Congress finds that the conduct of diplomatic relations with a foreign government has as its principal purpose the discussion and negotiation with that government of outstanding issues and, like the recognition of a foreign government, does not in itself imply approval of that government or of the political-economic system it represents.''

§ 2656a. Congressional declaration of findings of major significance of modern scientific and technological advances in foreign policy

The Congress finds that—

(1) the consequences of modern scientific and technological advances are of such major significance in United States foreign policy that understanding and appropriate knowledge of modern science and technology by officers and employees of the United States Government are essential in the conduct of modern diplomacy;

(2) many problems and opportunities for development in modern diplomacy lie in scientific and technological fields;

(3) in the formulation, implementation, and evaluation of the technological aspects of United States foreign policy, the United States Government should seek out and consult with both public and private industrial, academic, and research institutions concerned with modern technology; and

(4) the effective use of science and technology in international relations for the mutual benefit of all countries requires the development and use of the skills and methods of long-range planning.

(Pub. L. 95–426, title V, § 501, Oct. 7, 1978, 92 Stat. 982.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3503 of this title.

§ 2656b. Congressional declaration of policy regarding consequences of science and technology on conduct of foreign policy

In order to maximize the benefits and to minimize the adverse consequences of science and technology in the conduct of foreign policy, the Congress declares the following to be the policy of the United States:

(1) Technological opportunities, impacts, changes, and threats should be anticipated and assessed, and appropriate measures should be implemented to influence such technological developments in ways beneficial to the United States and other countries.

(2) The mutually beneficial applications of technology in bilateral and multilateral agreements and activities involving the United States and foreign countries or international organizations should be recognized and supported as an important element of United States foreign policy.

(3) The United States Government should implement appropriate measures to insure that individuals are trained in the use of science and technology as an instrument in international relations and that officers and employees of the United States Government engaged in formal and informal exchanges of scientific and technical information, personnel, and hardware are knowledgeable in international affairs.

(4) In recognition of the environmental and technological factors that change relations among countries and in recognition of the growing interdependence between the domestic and foreign policies and programs of the United States, United States foreign policy should be continually reviewed by the executive and legislative branches of the Government to insure appropriate and timely application of science and technology to the conduct of United States foreign policy.

(5) Federally supported international science and technology agreements should be negotiated to ensure that—

(A) intellectual property rights are properly protected; and

(B) access to research and development opportunities and facilities, and the flow of scientific and technological information, are, to the maximum extent practicable, equitable and reciprocal.

(Pub. L. 95–426, title V, § 502, Oct. 7, 1978, 92 Stat. 982; Pub. L. 100–418, title V, § 5171(a), Aug. 23, 1988, 102 Stat. 1452.)

AMENDMENTS

1988—Par. (5). Pub. L. 100–418 added par. (5).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2656d, 3503 of this title.

§ 2656c. Responsibilities of President

(a) Identification, evaluation and initiation of scientific and technological developments

The President, in consultation with the Director of the Office of Science and Technology Policy and other officials whom the President considers appropriate, shall—

(1) notwithstanding any other provision of law, insure that the Secretary of State is informed and consulted before any agency of the United States Government takes any major action, primarily involving science or technology, with respect to any foreign government or international organization;

(2) identify and evaluate elements of major domestic science and technology programs and activities of the United States Government with significant international implications;

(3) identify and evaluate international scientific or technological developments with significant implications for domestic programs and activities of the United States Government; and

(4) assess and initiate appropriate international scientific and technological activities which are based upon domestic scientific and technological activities of the United States Government and which are beneficial to the United States and foreign countries.

(b) Repealed. Pub. L. 104–66, title I, § 1111(b), Dec. 21, 1995, 109 Stat. 723

(c) Disclosure of sensitive information

Except as otherwise provided by law, nothing in this section shall be construed as requiring the public disclosure of sensitive information relating to intelligence sources or methods or to persons engaged in monitoring scientific or technological developments for intelligence purposes.

(d) Availability to United States Trade Representative of information and recommendations

(1) The information and recommendations developed under subsection (b)(3) of this section shall be made available to the United States Trade Representative for use in his consultations with Federal agencies pursuant to Executive orders pertaining to the transfer of science and technology.

(2) In providing such information and recommendations, the President shall utilize information developed by any Federal departments, agencies, or interagency committees as he may consider necessary.

(Pub. L. 95–426, title V, § 503, Oct. 7, 1978, 92 Stat. 983; Pub. L. 100–418, title V, § 5171(b), (c), Aug. 23, 1988, 102 Stat. 1453; Pub. L. 104–66, title I, § 1111(b), Dec. 21, 1995, 109 Stat. 723.)

AMENDMENTS

1995—Subsec. (b). Pub. L. 104–66 struck out subsec. (b) which related to reports to Congress.

1988—Subsec. (b). Pub. L. 100–418, § 5171(b)(1), (2), substituted ''the Speaker of the House of Representatives and the Committees on Foreign Relations and Governmental Affairs of the Senate a report containing information and recommendations'' for ''Congress a report containing recommendations''.

Subsec. (b)(3). Pub. L. 100–418, § 5171(b)(3)–(5), added par. (3).

Subsec. (d). Pub. L. 100–418, § 5171(c), added subsec. (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2656d, 3503 of this title.

§ 2656d. Responsibilities of Secretary of State

(a) Coordination and oversight over science and technology agreements between United States and foreign countries, etc.

(1) In order to implement the policies set forth in section 2656b of this title, the Secretary of State (hereafter in this section referred to as the ''Secretary'') shall have primary responsibility for coordination and oversight with respect to all major science or science and technology agreements and activities between the United States and foreign countries, international organizations, or commissions of which the United States and one or more foreign countries are members.

(2) In coordinating and overseeing such agreements and activities, the Secretary shall consider (A) scientific merit; (B) equity of access as described in section 2656c(b) of this title; (C) possible commercial or trade linkages with the United States which may flow from the agreement or activity; (D) national security concerns; and (E) any other factors deemed appropriate.

(3) Prior to entering into negotiations on such an agreement or activity, the Secretary shall provide Federal agencies which have primary responsibility for, or substantial interest in, the subject matter of the agreement or activity, including those agencies responsible for—

(A) Federal technology management policies set forth by Public Law 96–517 and the Stevenson-Wydler Technology Innovation Act of 1980 [15 U.S.C. 3701 et seq.];

(B) national security policies;

(C) United States trade policies; and

(D) relevant Executive orders,

with an opportunity to review the proposed agreement or activity to ensure its consistency with such policies and Executive orders, and to ensure effective interagency coordination.

(b) Long-term contracts, grants, to obtain studies, etc., with respect to application of science and technology to foreign policy

The Secretary shall, to such extent or in such amounts as are provided in appropriation Acts, enter into long-term contracts, including contracts for the services of consultants, and shall make grants and take other appropriate measures in order to obtain studies, analyses, and recommendations from knowledgeable persons and organizations with respect to the application of science or technology to problems of foreign policy.

(c) Long-term and short-term contracts, grants, to train officers and employees in application of science and technology to problems of foreign policy

The Secretary shall, to such extent or in such amounts as are provided in appropriation Acts, enter into short-term and long-term contracts, including contracts for the services of consultants, and shall make grants and take other appropriate measures in order to obtain assistance from knowledgeable persons and organizations in training officers and employees of the United States Government, at all levels of the Foreign Service and Civil Service—

(1) in the application of science and technology to problems of United States foreign policy and international relations generally; and

(2) in the skills of long-range planning and analysis with respect to the scientific and technological aspects of United States foreign policy.

(d) Detached service for graduate studies

In obtaining assistance pursuant to subsection (c) of this section in training personnel who are officers or employees of the Department of State, the Secretary may provide for detached service for graduate study at accredited colleges and universities.

(Pub. L. 95–426, title V, § 504, Oct. 7, 1978, 92 Stat. 983; Pub. L. 97–241, title V, § 505(a)(2), Aug. 24, 1982, 96 Stat. 299; Pub. L. 100–418, title V, § 5171(d), Aug. 23, 1988, 102 Stat. 1453.)

REFERENCES IN TEXT

Public Law 96–517, referred to in subsec. (a)(3)(A), is Pub. L. 96–517, Dec. 12, 1980, 94 Stat. 3015, which enacted sections 200 to 211 and 301 to 307 of Title 35, Patents,

amended section 1113 of Title 15, Commerce and Trade, sections 101 and 117 of Title 17, Copyrights, sections 41, 42, and 154 of Title 35, and sections 2186, 2457, and 5908 of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under sections 14 and 41 of Title 35. For complete classification of this Act to the Code, see Short Title of 1980 Amendment note set out under section 41 of Title 35 and Tables.

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (a)(3)(A), is Pub. L. 96–480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§ 3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–418 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''In order to implement the policy set forth in section 2656b of this title, the Secretary of State (hereafter in this section referred to as the 'Secretary') shall have primary responsibility for coordination and oversight with respect to all major science or science and technology agreements and activities between the United States and foreign countries, international organizations, or commissions of which the United States and one or more foreign countries are members.''

1982—Subsec. (e). Pub. L. 97–241 struck out subsec. (e) which provided that not later than Jan. 20, 1979, the Secretary transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives, and to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, a report on the implementation of his responsibilities under this title, which report was to include an assessment of the personnel required in order to carry out such responsibilities, existing and planned programs for research and analysis to support long-range planning for the application of science and technology to foreign policy, existing and planned programs for training officers and employees of the United States Government pursuant to subsec. (c) of this section, and existing and planned programs to enter into long-term contracts with academic and other organizations for assistance in training and in obtaining studies, analyses, and recommendations with respect to the application of science or technology to problems of foreign policy.

MULTILATERAL AGREEMENT GOVERNING USE OF NUCLEAR-POWERED SATELLITES

Section 608 of Pub. L. 95–426, as amended by Pub. L. 97–241, title V, § 505(a)(2), Aug. 24, 1982, 96 Stat. 299, provided that:

''(a) The Congress finds that—

''(1) no international regime governs the use of nuclear-powered satellites in space;

''(2) the unregulated use of such technology poses the possibility of catastrophic damage to human life and the global environment; and

''(3) this danger has been evidenced by mishaps encountered, despite certain precautions, by nuclear-powered satellites of both the United States and the Soviet Union.

''(b) It is therefore the sense of the Congress that the United States should take the initiative immediately in seeking a multilateral agreement governing the use of nuclear-powered satellites in space.

''(c) [Repealed. Pub. L. 97–241, title V, § 505(a)(2), Aug. 24, 1982, 96 Stat. 299.]''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3503 of this title.

§ 2656e. Terrorism-related travel advisories

The Secretary of State shall promptly advise the Congress whenever the Department of State issues a travel advisory, or other public warning notice for United States citizens traveling abroad, because of a terrorist threat or other security concern.

(Pub. L. 99–399, title V, § 505, Aug. 27, 1986, 100 Stat. 871.)

§ 2656f. Annual country reports on terrorism

(a) Requirement of annual country reports on terrorism

The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by April 30 of each year, a full and complete report providing—

(1) detailed assessments with respect to each foreign country—

(A) in which acts of international terrorism occurred which were, in the opinion of the Secretary, of major significance;

(B) about which the Congress was notified during the preceding five years pursuant to section 2405(j) of the Appendix to title 50; and

(C) which the Secretary determines should be the subject of such report;

(2) all relevant information about the activities during the preceding year of any terrorist group, and any umbrella group under which such terrorist group falls, known to be responsible for the kidnapping or death of an American citizen during the preceding five years, any terrorist group known to be financed by countries about which Congress was notified during the preceding year pursuant to section 2405(j) of the Appendix to title 50, and any other known international terrorist group which the Secretary determines should be the subject of such report;

(3) with respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the investigation or prosecution of an act of international terrorism against United States citizens or interests, information on—

(A) the extent to which the government of the foreign country is cooperating with the United States Government in apprehending, convicting, and punishing the individual or individuals responsible for the act; and

(B) the extent to which the government of the foreign country is cooperating in preventing further acts of terrorism against United States citizens in the foreign country; and

(4) with respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the prevention of an act of international terrorism against such citizens or interests, the information described in paragraph (3)(B).

(b) Provisions to be included in report

The report required under subsection (a) of this section should to the extent feasible include (but not be limited to)—

(1) with respect to subsection (a)(1)—

(A) a review of major counterterrorism efforts undertaken by countries which are the

subject of such report, including, as appropriate, steps taken in international fora;

(B) the response of the judicial system of each country which is the subject of such report with respect to matters relating to terrorism affecting American citizens or facilities, or which have, in the opinion of the Secretary, a significant impact on United States counterterrorism efforts, including responses to extradition requests; and

(C) significant support, if any, for international terrorism by each country which is the subject of such report, including (but not limited to)—

(i) political and financial support;

(ii) diplomatic support through diplomatic recognition and use of the diplomatic pouch;

(iii) providing sanctuary to terrorists or terrorist groups; and

(iv) the positions (including voting records) on matters relating to terrorism in the General Assembly of the United Nations and other international bodies and fora of each country which is the subject of such report; and

(2) with respect to subsection (a)(2) of this section, any—

(A) significant financial support provided by foreign governments to those groups directly, or provided in support of their activities;

(B) provisions of significant military or paramilitary training or transfer of weapons by foreign governments to those groups;

(C) provision of diplomatic recognition or privileges by foreign governments to those groups;

(D) provision by foreign governments of sanctuary from prosecution to these groups or their members responsible for the commission, attempt, or planning of an act of international terrorism; and

(E) efforts by the United States to eliminate international financial support provided to those groups directly or provided in support of their activities.

(c) Classification of report

(1) Except as provided in paragraph (2), the report required under subsection (a) of this section shall, to the extent practicable, be submitted in an unclassified form and may be accompanied by a classified appendix.

(2) If the Secretary of State determines that the transmittal of the information with respect to a foreign country under paragraph (3) or (4) of subsection (a) of this section in classified form would make more likely the cooperation of the government of the foreign country as specified in such paragraph, the Secretary may transmit the information under such paragraph in classified form.

(d) Definitions

As used in this section—

(1) the term ''international terrorism'' means terrorism involving citizens or the territory of more than 1 country;

(2) the term ''terrorism'' means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents; and

(3) the term ''terrorist group'' means any group practicing, or which has significant subgroups which practice, international terrorism.

(e) Reporting period

(1) The report required under subsection (a) of this section shall cover the events of the calendar year preceding the year in which the report is submitted.

(2) The report required by subsection (a) of this section to be submitted by March 31, 1988, may be submitted no later than August 31, 1988.

(Pub. L. 100–204, title I, § 140, Dec. 22, 1987, 101 Stat. 1347; Pub. L. 101–246, title I, § 122, Feb. 16, 1990, 104 Stat. 27; Pub. L. 103–236, title I, § 133(b)(1), Apr. 30, 1994, 108 Stat. 395; Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 578], Sept. 30, 1996, 110 Stat. 3009–121, 3009–169.)

AMENDMENTS

1996—Subsec. (a)(3), (4). Pub. L. 104–208, § 101(c) [title V, § 578(1)], added pars. (3) and (4).

Subsec. (c). Pub. L. 104–208, § 101(c) [title V, § 578(2)], designated existing provisions as par. (1), realigned margins, substituted ''Except as provided in paragraph (2), the report'' for ''The report'', and added par. (2).

1994—Subsec. (b)(2)(E). Pub. L. 103–236 added subpar. (E).

1990—Subsec. (a). Pub. L. 101–246 substituted ''April 30'' for ''March 31''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2656g of this title; title 10 section 2249a.

§ 2656g. Report on terrorist assets in United States

(a) Reports to Congress

Beginning 90 days after October 28, 1991, and every 365 days thereafter, the Secretary of the Treasury, in consultation with the Attorney General and appropriate investigative agencies, shall submit to the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives a report describing the nature and extent of assets held in the United States by terrorist countries and any organization engaged in international terrorism. Each such report shall provide a detailed list and description of specific assets.

(b) Definitions

For purposes of this section—

(1) the term ''terrorist countries'', refers to countries designated by the Secretary of State under section 2780(d) of this title; and

(2) the term ''international terrorism'' has the meaning given such term in section 2656f(d) of this title.

(Pub. L. 102–138, title III, § 304, Oct. 28, 1991, 105 Stat. 710; Pub. L. 103–236, title I, § 133(b)(2), Apr. 30, 1994, 108 Stat. 396.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–236 substituted ''Secretary of the Treasury, in consultation with the Attorney General and appropriate investigative agencies,''

for ''Secretary of the Treasury'' and inserted at end ''Each such report shall provide a detailed list and description of specific assets.''

CHANGE OF NAME

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

§ 2656h. International credit reports

(a) Report on loan criteria

Not later than 90 days after October 28, 1991, the Assistant Secretary of State for Economic and Business Affairs, in consultation with the Secretary of the Treasury, shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report setting forth clear criteria for bilateral loans by which the United States can determine the likelihood of repayment by a country seeking to receive United States loans. The report should include the criteria used for—

(1) assessing country risk;
(2) projecting loan repayments; and
(3) estimating subsidy levels.

(b) Reports on loans

Beginning 180 days after the submission of the report in subsection (a) of this section and annually thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives showing actual repayments by country and by program to the United States Government for the previous 5 years and the scheduled repayments to the United States Government for the next 5 years.

(Pub. L. 102–138, title I, § 197, Oct. 28, 1991, 105 Stat. 684.)

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.

§ 2657. Custody of seals and property

The Secretary of State shall have the custody and charge of the seal of the Department of State, and of all the books, records, papers, furniture, fixtures, and other property which on June 22, 1874, remained in and appertained to the Department, or were thereafter acquired for it.

(R.S. § 203.)

CODIFICATION

R.S. § 203 derived from acts July 27, 1789, ch. 4, §§ 2, 4, 1 Stat. 29; Sept. 15, 1789, ch. 14, § 7, 1 Stat. 69.

Section was formerly classified to section 158 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

CROSS REFERENCES

Postal Service, seal to be filed by the Board of Governors of the Postal Service in office of Secretary of State, see section 207 of Title 39, Postal Service.

§ 2658. Repealed. Pub. L. 103–236, title I, § 162(a), Apr. 30, 1994, 108 Stat. 405

Section, acts May 26, 1949, ch. 143, § 4, 63 Stat. 111; Aug. 26, 1954, ch. 937, § 544(c), as added July 18, 1956, ch. 627, § 11(a), 70 Stat. 563; amended Aug. 14, 1957, Pub. L. 85–141, § 11(b)(1), 71 Stat. 365, authorized Secretary of State to promulgate rules and regulations and delegate authority.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as an Effective Date of 1994 Amendment note under section 2651a of this title.

§ 2659. State statutes to be procured

The Secretary of State shall procure from time to time such of the statutes of the several States as may not be in his office.

(R.S. § 206.)

CODIFICATION

R.S. § 206 derived from act Sept. 23, 1789, No. 3, 1 Stat. 97.

Section was formerly classified to section 161 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

ABOLITION OF FUNCTIONS

Section 161 of former Title 5, Executive Departments and Government Officers and Employees [now this section], under which the Secretary of State was required to procure, from time to time, such of the statutes of the several States as might not be in his office, was affected by Reorg. Plan No. 20 of 1950, 2(a), eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1272, set out in Appendix to Title 5, Government Organization and Employees, which abolished such prescribed duty. Such section 2(a) further provided, however, that such abolition should not limit the authority of the Secretary of State to procure copies of such State statutes as may be needed in the performance of his functions.

§ 2660. Copies of treaties furnished to Public Printer

The Secretary of State shall furnish to the Public Printer a correct copy of every treaty between the United States and any foreign government as soon as possible after it has been duly ratified and has been proclaimed by the President; and also of every postal convention made between the United States Postal Service, by and with the advice and consent of the President, on the part of the United States and foreign countries, as soon as possible after copies of such conventions have been transmitted to him by the United States Postal Service.

(R.S. § 210; June 20, 1874, ch. 328, 18 Stat. 88; 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1272; Pub. L. 91–375, § 4(a), Aug. 12, 1970, 84 Stat. 773.)

CODIFICATION

R.S. § 210 derived from acts Mar. 9, 1868, ch. 22, § 1, 15 Stat. 40; June 8, 1872, ch. 335, § 20, 17 Stat. 287.

Section was formerly classified to section 165 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

Provisions of R.S. § 210, act June 20, 1874, and 1950 Reorg. Plan No. 20, cited as credits to this section, insofar as related to duty of Administrator of General Services to furnish to Public Printer a correct copy of every Act and joint resolution, as soon as possible after its approval by President, or after it has become a law in accordance with the Constitution without such approval, were classified to section 191a of former Title 44, Public Printing and Documents, prior to repeal and reenactment as section 710 of Title 44 by Pub. L. 90–620, which enacted Title 44. Section 2(a) of Pub. L. 90–620 provided that the legislative purpose in enacting Title 44 was to restate without substantive change the laws replaced by revised Title 44. Because revised section 710 of Title 44 did not restate those provisions of R.S. § 210 and act June 20, 1874, which appear in this section, this section is not considered as having been repealed by section 3 of Pub. L. 90–620.

TRANSFER OF FUNCTIONS

Reorg. Plan No. 20 of 1950, set out in the Appendix to Title 5, Government Organization and Employees, transferred various functions of Secretary of State to Administrator of General Services but excepted from transfer the functions of Secretary of State with respect to treaties and other international agreements under R.S. § 210, as amended (this section).

''United States Postal Service'' substituted in text for ''Postmaster General'' pursuant to section 4(a) of Pub. L. 91–375, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

CROSS REFERENCES

Duty of the Postal Service to transmit copies of postal conventions to Secretary of State, see section 407 of Title 39, Postal Service.

§ 2661. Procurement of information for corporations, firms and individuals; expense of cablegrams and telephone service involved; appropriation

On and after May 15, 1936, whenever the Secretary of State, in his discretion, procures information on behalf of corporations, firms, and individuals, the expense of cablegrams and telephone service involved may be charged against the respective appropriations for the service utilized; and reimbursement therefor shall be required from those for whom the information was procured and, when made, be credited to the appropriation under which the expenditure was charged.

The Secretary of State is authorized to accept reimbursement from corporations, firms, and individuals for the expenses of travel, translation, printing, special experts, and other extraordinary expenses incurred in pursuing a claim on their behalf against a foreign government or other foreign entity. Such reimbursements shall be credited to the appropriation account against which the expense was initially charged.

(May 15, 1936, ch. 405, 49 Stat. 1321; Pub. L. 100–204, title I, § 142(b), Dec. 22, 1987, 101 Stat. 1350.)

CODIFICATION

Section was formerly classified to section 169 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

Section is from the Department of State Appropriation Act, 1937, act May 15, 1936.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Mar. 22, 1935, ch. 39, 49 Stat. 76.
Apr. 7, 1934, ch. 104, title I, 48 Stat. 536.
Mar. 1, 1933, ch. 144, title I, 47 Stat. 1379.
July 1, 1932, ch. 361, title I, 47 Stat. 487.
Feb. 23, 1931, ch. 280, title I, 46 Stat. 1321.
Apr. 18, 1930, ch. 184, title I, 46 Stat. 174.

AMENDMENTS

1987—Pub. L. 100–204 inserted second par.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2710 of this title.

§ 2661a. Foreign contracts or arrangements; discrimination

Information should not be disseminated about opportunities for, and there should be no participation or other assistance by any officer or employee of the Department of State (including the Agency for International Development) in, the negotiation of any contract or arrangement with a foreign country, individual, or entity, if—

(1) any United States person (as defined in section 7701(a)(30) of title 26) is prohibited from entering into such contract or arrangement, or

(2) such contract or arrangement requires that any such person be excluded from participating in the implementation of such contract or arrangement,

on account of the race, religion, national origin, or sex of such person in the case of an individual or, in the case of a partnership, corporation, association, or other entity, any officer, employee, agent, director, or owner thereof.

(Pub. L. 94–350, title I, § 121, July 12, 1976, 90 Stat. 829; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Par. (1). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

§ 2662. Transferred

CODIFICATION

Section 2662, act Aug. 1, 1956, ch. 841, title I, § 1 [part], 70 Stat. 890; as renumbered title I and amended Aug. 24, 1982, Pub. L. 97–241, title II, § 202(a), 96 Stat. 282, which related to establishment, maintenance, and operation of passport and despatch agencies, was amended generally by Pub. L. 103–236 and transferred to section 2651a of this title.

Section was formerly classified to section 170f of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

Similar provisions were contained in the following prior Department of State Appropriation Acts:

June 20, 1956, ch. 414, title I, 70 Stat. 299.
July 7, 1955, ch. 279, title I, 69 Stat. 264.
July 2, 1954, ch. 456, title I, 68 Stat. 413.
Aug. 5, 1953, ch. 328, title I, 67 Stat. 367.
July 10, 1952, ch. 651, title I, 66 Stat. 549.

Oct. 22, 1951, ch. 533, title I, 65 Stat. 576.
Sept. 6, 1950, ch. 896, title I, 64 Stat. 609.
July 20, 1949, ch. 354, title I, 63 Stat. 448.
June 3, 1948, ch. 400, title I, 62 Stat. 306.
July 9, 1947, ch. 211, title I, 61 Stat. 279.
See, also, the Codification note set out under section 2663 of this title.

§ 2663. Omitted

CODIFICATION

Section, act July 5, 1946, ch. 541, title I, 60 Stat. 450, 451, the Department of State Appropriation Act, 1947, related to compensation of personnel and rent and expenses of despatch agencies established by Secretary of State. See section 2662 of this title.

Section was formerly classified to section 153a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

Similar provisions were contained in the following prior Department of State Appropriation Acts:
May 21, 1945, ch. 129, title I, 59 Stat. 173.
June 28, 1944, ch. 294, title I, 58 Stat. 399.
July 1, 1943, ch. 182, title I, 57 Stat. 275.
July 2, 1942, ch. 472, title I, 56 Stat. 473.
June 28, 1941, ch. 258, title I, 55 Stat. 268.
May 14, 1940, ch. 189, title I, 54 Stat. 185.

§ 2664. Distribution of duties of officers, clerks, and employees

The Secretary of State may prescribe duties for the Assistant Secretaries and the clerks of bureaus, as well as for all the other employees in the department, and may make changes and transfers therein when, in his judgment, it becomes necessary.

(June 20, 1874, ch. 328, 18 Stat. 90; May 24, 1924, ch. 182, § 30, as added Feb. 23, 1931, ch. 276, § 7, 46 Stat. 1214.)

CODIFICATION

Section was formerly classified to section 154 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

Provisions of this section which related to the Solicitor of the Department were omitted in view of act May 24, 1924, which abolished the office.

§ 2664a. Protection of Civil Service employees

(a) Findings

The Congress finds that—

(1) the effectiveness and efficiency of the Department of State is dependent not only on the contribution of Foreign Service employees but equally on the contribution of the 42 percent of the Department's employees who are employed under the Civil Service personnel system;

(2) the contribution of these Civil Service employees has been overlooked in the management of the Department and greater equality of promotion, training, and career enhancement opportunities should be accorded to the Civil Service employees of the Department; and

(3) a goal of the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.] was to strengthen the contribution made by Civil Service employees of the Department of State by creating a cadre of experienced specialists and managers in the Department to provide essential continuity.

(b) Equitable reduction of budget

The Secretary of State shall take all appropriate steps to assure that the burden of cuts in the budget for the Department is not imposed disproportionately or inequitably upon its Civil Service employees.

(c) Establishment of Office of the Ombudsman for Civil Service Employees

There is established in the Office of the Secretary of State the position of Ombudsman for Civil Service Employees. The position of Ombudsman for Civil Service Employees shall be a career reserved position within the Senior Executive Service. The Ombudsman for Civil Service Employees shall report directly to the Secretary of State and shall have the right to participate in all Management Council meetings to assure that the ability of the Civil Service employees to contribute to the achievement of the Department's mandated responsibilities and the career interests of those employees are adequately represented. The position of Ombudsman for Civil Service Employees shall be designated from one of the Senior Executive Service positions (as defined in section 3132(a)(2) of title 5) in existence on December 22, 1987.

(d) "Civil Service employees" defined

For purposes of this section, the term ''Civil Service employees'' means employees of the Federal Government except for members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 [22 U.S.C. 3903]).

(Pub. L. 100–204, title I, § 172, Dec. 22, 1987, 101 Stat. 1359.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsec. (a)(3), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

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.

§ 2665. Personal services other than those provided for

There shall not be employed in the Department of State or in connection with said Department in the District of Columbia any personal services other than those which shall be specifically authorized or appropriated for.

(June 22, 1906, ch. 3514, 34 Stat. 402.)

CODIFICATION

Section was formerly classified to section 155 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2665a. Foreign Service fellowships

The Secretary of State is authorized to establish a Foreign Service fellowship program at the

Department of State. The Foreign Service fellowship program shall provide a fellowship, for not less than 4 months, for academics in the area of international affairs who are members of the faculty of institutions of higher education. Such program shall give priority consideration in the award of fellowships to individuals teaching in programs in international affairs which serve significant numbers of students who are from cultural and ethnic groups which are underrepresented in the Foreign Service.

(Pub. L. 101–246, title I, § 153(h), Feb. 16, 1990, 104 Stat. 44.)

§§ 2666, 2667. Repealed. Pub. L. 99–93, title I, § 125(c), Aug. 16, 1985, 99 Stat. 417

Section 2666, acts June 28, 1955, ch. 199, § 1, 69 Stat. 188; Nov. 29, 1975, Pub. L. 94–141, title IV, § 406, 89 Stat. 770, authorized security officers of Department of State and Foreign Service to carry firearms. See section 2709 of this title.

Section 2667, act June 28, 1955, ch. 199, § 2, as added Aug. 27, 1964, Pub. L. 88–493, § 4, 78 Stat. 610, empowered security officers of Department of State and Foreign Service to make arrests without warrant. See section 2709(a)(5) of this title.

§ 2668. Requisitions for advances to pay lawful obligations

(a) Authorization; accounting

Notwithstanding the provisions of any other law the Secretary of State is authorized in his discretion to issue under the limitations and restrictions hereinafter established requisitions for advances of funds to disbursing officers of the Fiscal Service of the Treasury Department, under a ''State account of advances'' not to exceed the total amount of appropriations for the Department of State, the amounts so advanced to be used exclusively to pay upon proper vouchers obligations lawfully payable under the respective appropriations: *Provided*, That a separate ''State account of advances'' shall be established on the books of the Treasury Department relating to appropriations made to the Department of State for each fiscal year and that a ''State account of advances'' relating to the appropriations for one fiscal year shall not be used to pay vouchers pertaining to the appropriations of any other fiscal year. Expenditures from the amounts requisitioned under the ''State account of advances'' shall be charged to applicable appropriations on the books of the Treasury Department on the basis of transfer and counter warrants prepared in the State Department as of the close of each month and prior to audit, certification, or adjustment by the General Accounting Office. The General Accounting Office shall subsequently declare the sums finally due from the several appropriations upon audited vouchers according to law and shall certify the same to the Treasury Department which shall make the necessary adjustments between appropriations upon the basis of such audited settlements of the General Accounting Office: *Provided further*, That such adjustments shall be reflected on the books of the Government in the month and fiscal year during which the audited settlements are certified to the Treasury.

(b) Removal of outstanding charges

A charge outstanding in the ''State account of advances'' shall be removed by crediting the account of advances and deducting the amount of the charge from an appropriation made available for advances to the Department of State when—

(1) relief has been granted or may be granted later to a disbursing official or agent of the Department operating under the account of advances and under a law having no provision for removing charges outstanding in the account of advances; or

(2) the charge has been—

(A) outstanding in the account of advances for 2 complete fiscal years; and

(B) certified by the Secretary of State to the Comptroller General as uncollectable.

(c) Financial liability of disbursing agent or official

Subsection (b) of this section does not affect the financial liability of a disbursing official or agent.

(Apr. 25, 1940, ch. 154, 54 Stat. 163; 1940 Reorg. Plan No. III, § 1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231; Pub. L. 97–258, § 2(e), Sept. 13, 1982, 96 Stat. 1059.)

CODIFICATION

Section was formerly classified to section 170 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

In subsec. (a), ''Fiscal Service of the Treasury Department'' substituted for ''Division of Disbursement, Treasury Department'' on authority of section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees, which consolidated such division into the Fiscal Service of the Treasury Department. See section 306 of Title 31, Money and Finance.

AMENDMENTS

1982—Pub. L. 97–258 redesignated existing provisions as subsec. (a) and added subsecs. (b) and (c).

§ 2668a. Disposition of trust funds received from foreign governments for citizens of United States

All moneys received by the Secretary of State from foreign governments and other sources, in trust for citizens of the United States or others, shall be deposited and covered into the Treasury.

The Secretary of State shall determine the amounts due claimants, respectively, from each of such trust funds, and certify the same to the Secretary of the Treasury, who shall, upon the presentation of the certificates of the Secretary of State, pay the amounts so found to be due.

Each of the trust funds covered into the Treasury as aforesaid is appropriated for the payment to the ascertained beneficiaries thereof of the certificates provided for in this section.

(Feb. 27, 1896, ch. 34, 29 Stat. 32.)

CODIFICATION

Section was formerly classified to section 547 of Title 31 prior to the general revision and enactment of Title

31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

CROSS REFERENCES

Funds to be classified on books of Treasury as trust funds, see section 1321 of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 225.

§ 2669. Printing and binding outside continental United States; settlement and payment of claims by foreign governments; employment of aliens; official functions and courtesies; purchase of uniforms; payment of tort claims; payment of assumed obligations in Germany; telecommunications services; security

The Secretary of State may use funds appropriated or otherwise available to the Secretary to—

(a) provide for printing and binding outside the States of the United States and the District of Columbia without regard to section 501 of title 44;

(b) for the purpose of promoting and maintaining friendly relations with foreign countries through the prompt settlement of certain claims, settle and pay any meritorious claim against the United States which is presented by a government of a foreign country for damage to or loss of real or personal property of, or personal injury to or death of, any national of such foreign country: *Provided*, That such claim is not cognizable under any other statute or international agreement of the United States and can be settled for not more than $15,000 or the foreign currency equivalent thereof;

(c) employ individuals or organizations, by contract, for services abroad, and individuals employed by contract to perform such services shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary may determine the applicability to such individuals of subsection (f) of this section and of any other law administered by the Secretary concerning the employment of such individuals abroad); and such contracts 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;

(d) provide for official functions and courtesies;

(e) purchase uniforms;

(f) pay tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28, when such claims arise in foreign countries in connection with Department of State operations abroad;

(g) obtain services as authorized by section 3109 of title 5 at a rate not to exceed the maximum rate payable for GS–18 under section 5332 of such title 5;

(h) directly procure goods and services in the United States or abroad, solely for use by United States Foreign Service posts abroad when the Secretary of State, in accordance with guidelines established in consultation with the Administrator of General Services, determines that use of the Federal Supply Service or otherwise applicable Federal goods and services acquisition authority would not meet emergency overseas security requirements determined necessary by the Secretary, taking into account overseas delivery, installation, maintenance, or replacement requirements, except that the authority granted by this paragraph shall cease to be effective when the amendment made by section 2711 of the Competition in Contracting Act of 1984 takes effect and thereafter procurement by the Secretary of State for the purposes described in this paragraph shall be in accordance with section 253(c)(2) of title 41;

(i) pay obligations assumed in Germany on or after June 5, 1945;

(j) provide telecommunications services;

(k) provide maximum physical security in Government-owned and leased properties and vehicles abroad; and

(*l*) purchase special purpose passenger motor vehicles without regard to any price limitation otherwise established by law.

(m) pay obligations arising under international agreements, conventions, and binational contracts to the extent otherwise authorized by law.

(Aug. 1, 1956, ch. 841, title I, § 2, 70 Stat. 890; Pub. L. 86–624, § 2, July 12, 1960, 74 Stat. 411; Pub. L. 86–707, title V, § 511(a)(2), Sept. 6, 1960, 74 Stat. 800; Pub. L. 87–565, pt. IV, § 402, Aug. 1, 1962, 76 Stat. 263; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282; Pub. L. 98–533, title III, § 303(a), Oct. 19, 1984, 98 Stat. 2710; Pub. L. 99–93, title I, §§ 114, 118(a), Aug. 16, 1985, 99 Stat. 411, 412; Pub. L. 101–246, title I, § 111, Feb. 16, 1990, 104 Stat. 21; Pub. L. 102–20, § 4, Mar. 27, 1991, 105 Stat. 68; Pub. L. 102–138, title I, § 120, Oct. 28, 1991, 105 Stat. 658; Pub. L. 103–236, title I, §§ 137, 162(k)(4), 180(b), Apr. 30, 1994, 108 Stat. 397, 409, 416.)

REFERENCES IN TEXT

The effective date of the amendment made by section 2711 of the Competition in Contracting Act of 1984, referred to in subsec. (h), is the effective date of section 2711 of title VII of Pub. L. 98–369, div. B, July 18, 1984, 98 Stat. 1175, 1203, which amended section 253 of Title 41, Public Contracts, applicable with respect to any solicitation for bids or proposals issued after Mar. 31, 1985. See section 2751(a) of Pub. L. 98–369, set out as an Effective Date of 1984 Amendment note under section 251 of Title 41.

CODIFICATION

In subsec. (a), ''section 501 of title 44'' substituted for ''section 11 of the Act of March 1, 1919 (44 U.S.C. 111)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

Section was formerly classified to section 170g of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103–236, §§ 137, 180(b), which identically directed amendment of subsec. (c) by insert-

ing before the period ''; and such contracts 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'', were executed by making the insertion before the semicolon at end to reflect the probable intent of Congress.

Subsecs. (*l*), (m). Pub. L. 103–236, § 162(k)(4), redesignated subsec. (*l*) relating to paying obligations arising under international agreements, conventions, and binational contracts as (m).

1991—Subsec. (*l*). Pub. L. 102–138 added subsec. (*l*) relating to paying obligations arising under international agreements, conventions, and binational contracts.

Pub. L. 102–20 added subsec. (*l*) relating to purchase of special purpose passenger motor vehicles.

1990—Subsecs. (i) to (k). Pub. L. 101–246 added subsecs. (i) to (k).

1985—Pub. L. 99–93, § 114, in provision preceding subsec. (a) substituted ''may use funds appropriated or otherwise available to the Secretary to'' for '', when funds are appropriated therefor, may''.

Subsec. (c). Pub. L. 99–93, § 118(a), inserted ''for purposes of any law administered by the Office of Personnel Management (except that the Secretary may determine the applicability to such individuals of subsection (f) of this section and of any other law administered by the Secretary concerning the employment of such individuals abroad)''.

1984—Subsec. (c). Pub. L. 98–533, § 303(a)(1), substituted ''individuals or organizations'' for ''aliens'' after ''employ'', and '', and individuals employed by contract to perform such services shall not by virtue of such employment be considered to be employees of the United States Government''.

Subsecs. (g), (h). Pub. L. 98–533, § 303(a)(2), added subsecs. (g) and (h).

1962—Subsec. (b). Pub. L. 87–565 added subsec. (b). A prior subsec. (b) was repealed by section 511(a)(2) of Pub. L. 86–707.

1960—Subsec. (a). Pub. L. 86–624 substituted ''the States of the United States and the District of Columbia'' for ''the continental United States''.

Subsec. (b). Pub. L. 86–707 repealed subsec. (b) which authorized the Secretary to pay the cost of transportation to and from a place of storage and the cost of storing the furniture and household and personal effects of an employee who is assigned to a post at which he is unable to use his furniture and effects, and is now covered by section 1136(4) of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 162(k)(4) of Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 118(b) of Pub. L. 99–93 provided that: ''Authority provided by the amendment made by subsection (a) [amending this section] shall only apply with respect to funds appropriated after the date of the enactment of this Act [Aug. 16, 1985].''

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, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2605, 4341, 4904 of this title; title 15 section 4723.

§ 2669a. Diplomatic Telecommunications Service

(a) Diplomatic Telecommunications Service financial management

In fiscal year 1995 and each succeeding fiscal year—

(1) the Secretary of State shall provide funds for the operation of the Diplomatic Telecommunications Service (DTS) in a sufficient amount to sustain the current level of support services being provided by the DTS, and no portion of such amount may be reprogrammed or transferred for any other purpose;

(2) all funds for the operation and enhancement of the DTS shall be directly available for use by the Diplomatic Telecommunications Service Program Office (DTS–PO); and

(3) the DTS–PO financial management officer shall be provided direct access to the Department of State financial management system to independently monitor and control the obligation and expenditure of all funds for the operation and enhancement of the DTS.

(b) DTS Policy Board

Within 60 days after August 26, 1994, the Secretary of State and the Director of the DTS–PO shall restructure the DTS Policy Board to provide for representation on the Board, during fiscal year 1995 and each succeeding fiscal year, by—

(1) the Director of the DTS–PO;

(2) the senior information management official from each agency currently serving on the Board;

(3) a senior career information management official from each of the Department of Commerce, the United States Information Agency, and the Defense Intelligence Agency; and

(4) a senior career information management official from each of 2 other Federal agencies served by the DTS, each of whom shall be appointed on a rotating basis by the Secretary of State and the Director of the DTS–PO for a 2-year term.

(c) DTS consolidation pilot program

(1) In general

The Secretary of State and the Director of the DTS–PO shall carry out a program under which total DTS consolidation will be completed before October 1, 1995, at not less than five embassies of medium to large size.

(2) Pilot program requirements

Under the program required in paragraph (1)—

(A) each participating embassy shall be provided with a full range of integrated information services, including message, data, and voice, without additional charge;

(B) a combined transmission facility shall be established and jointly operated, with open access to all unclassified transmission equipment;

(C) an unclassified packet switch communication system shall be installed and shall serve all foreign affairs agencies associated with the embassy;

(D) separate classified transmission systems (including MERCURY) shall be terminated; and

(E) all foreign affairs agency systems requiring international communications capability shall obtain such capability solely through the DTS.

(3) Pilot program report

Not later than January 15, 1996, the Secretary of State and the Director of the DTS–PO shall submit to the Committees on Appropriations of the House and Senate a report describing the actions taken under the program required by this subsection. The report shall include a cost-benefit analysis for each embassy participating in the program.

(d) DTS planning report

Not later than January 15, 1995, the Secretary of State and the Director of the DTS–PO shall submit to the Committees on Appropriations a DTS planning report. The report shall include—

(1) a detailed plan for carrying out the pilot program required by subsection (c) of this section, including an estimate of the funds required for such purpose; and

(2) a comprehensive DTS strategy plan that contains detailed plans and schedules for—

(A) an overall DTS network configuration and security strategy;

(B) transition of the existing dedicated circuits and classified transmission systems to the unclassified packet switch communications system;

(C) provision of a basic level of voice service for all DTS customers;

(D) funding of new initiatives and of replacement of current systems;

(E) combining existing DTS network control centers, relay facilities, and overseas operations; and

(F) reducing the extensive reliance of DTS–PO on the full-time services of contractors.

(Pub. L. 103–317, title V, § 507, Aug. 26, 1994, 108 Stat. 1766.)

§ 2670. Insurance on motor vehicles in foreign countries; tie lines and teletype equipment; ice and drinking water; excise taxes on negotiable instruments; remains of deceased persons; relief, protection, and burial of seamen; acknowledgement of services of foreign vessels and aircraft; rentals and leases

The Secretary of State is authorized to—

(a) obtain insurance on official motor vehicles operated by the Department of State in foreign countries, and pay the expenses incident thereto;

(b) rent tie lines and teletype equipment;

(c) provide ice and drinking water for United States Embassies and Consulates abroad;

(d) pay excise taxes on negotiable instruments which are negotiated by the Department of State abroad;

(e) Omitted;

(f) pay expenses incident to the relief, protection, and burial of American seamen, and alien seamen from United States vessels in foreign countries and in the United States Territories and possessions;

(g) pay the expenses incurred in the acknowledgment of the services of officers and crews of foreign vessels and aircraft in rescuing American seamen, airmen, or citizens from shipwreck or other catastrophe abroad or at sea;

(h) rent or lease, for periods of less than ten years, such offices, buildings, grounds, and living quarters for the use of the Foreign Service abroad as he may deem necessary, and make payments therefor in advance;

(i) maintain, improve, and repair properties rented or leased pursuant to authority contained in subsection (h) of this section and furnish fuel, water, and utilities for such properties;

(j) provide emergency medical attention and dietary supplements, and other emergency assistance, for United States citizens incarcerated abroad or destitute United States citizens abroad who are unable to obtain such services otherwise, such assistance to be provided on a reimbursable basis to the extent feasible;

(k) subject to the availability of appropriated funds, obtain insurance on the historic and artistic articles of furniture, fixtures, and decorative objects which may from time-to-time be within the responsibility of the Fine Arts Committee of the Department of State for the Diplomatic Rooms of the Department;

(*l*) make payments in advance, of the United States share of necessary expenses for international fisheries commissions, from appropriations available for such purpose; and

(m) establish, maintain, and operate passport and dispatch agencies.

(Aug. 1, 1956, ch. 841, title I, § 3, 70 Stat. 890; Pub. L. 95–45, § 2, June 15, 1977, 91 Stat. 221; 1977 Reorg. Plan No. 2, § 9(a)(7), 42 F.R. 62461, 91 Stat. 1639; Pub. L. 95–426, title I, § 108(a), Oct. 7, 1978, 92 Stat. 966; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282; Pub. L. 100–204, title I, § 126(b), Dec. 22, 1987, 101 Stat. 1342; Pub. L. 102–138, title I, § 166, Oct. 28, 1991, 105 Stat. 676; Pub. L. 103–236, title I, § 162(k)(3), Apr. 30, 1994, 108 Stat. 409.)

CODIFICATION

Section was formerly classified to section 170h of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

Subsec. (e) of this section, relating to the payment of the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who die away from their homes while participating in international educational exchange activities under the jurisdiction of the Department of State, was omitted pursuant to Reorg. Plan No. 2 of 1977, § 9(a)(7), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President, which abolished the functions of the Secretary of State under subsec. (e).

AMENDMENTS

1994—Subsec. (m). Pub. L. 103–236 added subsec. (m).

1991—Subsec. (*l*). Pub. L. 102–138 added subsec. (*l*).

1987—Subsec. (k). Pub. L. 100–204 added subsec. (k).

1978—Subsec. (j). Pub. L. 95–426 inserted ''or destitute United States citizens abroad'' after ''incarcerated abroad''.

1977—Subsec. (j). Pub. L. 95–45 added subsec. (j).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 108(b) of Pub. L. 95–426 provided that: ''The amendment made by this section [amending this section] shall take effect on October 1, 1978.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2701 of this title.

§ 2671. Emergency expenditures

(a) Delegation of authority pertaining to certification of expenditures

The Secretary of State is authorized to—

(1) subject to subsection (b) of this section, make expenditures, from such amounts as may be specifically appropriated therefor, for unforeseen emergencies arising in the diplomatic and consular service and, to the extent authorized in appropriation Acts, funds expended for such purposes may be accounted for in accordance with section 3526(e) of title 31; and

(2) delegate to subordinate officials the authority vested in him by section 3526(e) of title 31 pertaining to certification of expenditures.

(b) Activities subject to expenditures

(1) Expenditures described under subsection (a) of this section shall be made only for such activities as—

(A) serve to further the realization of foreign policy objectives;

(B) are a matter of urgency to implement;

(C) with respect to activities the expenditures for which are required to be certified under subsection (a) of this section, require confidentiality in the best interests of the conduct of foreign policy by the United States; and

(D) are not otherwise prohibited by law.

(2) Activities described in paragraph (1) include—

(A) the evacuation of United States Government employees and their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster;

(B) loans made to destitute citizens of the United States who are outside the United States and made to provide for the return to the United States of its citizens;

(C) visits by foreign chiefs of state or heads of government to the United States;

(D) travel of delegations representing the President at any inauguration or funeral of a foreign dignitary;

(E) travel of the President, the Vice President, or a Member of Congress to a foreign country, including advance arrangements, escort, and official entertainment;

(F) travel of the Secretary of State within the United States and outside the United States, including official entertainment;

(G) official representational functions of the Secretary of State and other principal officers of the Department of State;

(H) official functions outside the United States the expenses for which are not otherwise covered by amounts appropriated for representation allowances;

(I) investigations and apprehension of groups or individuals involved in fraudulent issuance of United States passports and visas; and

(J) gifts of nominal value given by the President, Vice President, or Secretary of State to a foreign dignitary.

(c) Annual confidential audit and report

The Inspector General of the Department of State shall conduct a periodic audit of the Department of State's emergency expenditures and prepare and transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report indicating whether such expenditures were made in accordance with subsections (a) and (b) of this section.

(d) Repatriation loan program

With regard to the repatriation loan program, the Secretary of State shall—

(1) require the borrower to provide a verifiable address and social security number at the time of application;

(2) require a written loan agreement which includes a repayment schedule;

(3) bar passports from being issued or renewed for those individuals who are in default;

(4) refer any loan more than one year past due to the Department of Justice for litigation;

(5) obtain addresses from the Internal Revenue Service for all delinquent accounts which have social security numbers;

(6) report defaults to commercial credit bureaus as provided in section 3711(e) of title 31;

(7) be permitted to use any funds necessary to contract with commercial collection agencies, notwithstanding section 3718(c)[1] of title 31;

(8) charge interest on all loans as of May 1, 1983, with the rate of interest to be that set forth in section 3717(a) of title 31;

(9) assess charges, in addition to the interest provided for in paragraph (8), to cover the costs of processing and handling delinquent claims, as of May 1, 1983;

(10) assess a penalty charge, in addition to the interest provided for in paragraphs (8) and (9), of 6 per centum per year for failure to pay any portion of a debt more than ninety days past due; and

(11) implement the interest and penalty provisions in paragraphs (8), (9), and (10) for all current and future loans, regardless of whether the debts were incurred before or after May 1, 1983.

(Aug. 1, 1956, ch. 841, title I, § 4, 70 Stat. 890; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282; Pub. L. 98–164, title I, § 122(a), Nov. 22, 1983, 97 Stat. 1023; Pub. L. 103–236, title I, § 125, Apr. 30, 1994, 108 Stat. 393;

[1] See References in Text note below.

Pub. L. 104–316, title I, § 115(g)(2)(D), Oct. 19, 1996, 110 Stat. 3835.)

REFERENCES IN TEXT

Section 3718(c) of title 31, referred to in subsec. (d)(7), was temporarily renumbered section 3718(e) of title 31 by Pub. L. 99–578, § 1(1), Oct. 28, 1986, 100 Stat. 3305.

CODIFICATION

In subsec. (a), ''section 3526(e) of title 31'' substituted for ''section 291 of the Revised Statutes (31 U.S.C. 107)'' 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.

Section was formerly classified to section 170i of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1996—Subsec. (d)(6). Pub. L. 104–316 substituted ''section 3711(e)'' for ''section 3711(f)''.

1994—Subsec. (c). Pub. L. 103–236 struck out ''and the Foreign Service'' after ''Department of State'' and substituted ''a periodic'' for ''an annual confidential''.

1983—Pub. L. 98–164 designated existing provisions as subsec. (a), redesignated former pars. (a) and (b) as pars. (1) and (2), respectively, in par. (1) inserted reference to subsec. (b), and added subsecs. (b) to (d).

§ 2672. Participation in international activities; restriction; expenses

The Secretary of State is authorized to—

(a) provide for participation by the United States in international activities which arise from time to time in the conduct of foreign affairs for which provision has not been made by the terms of any treaty, convention, or special Act of Congress: *Provided*, That this subsection shall not be construed as granting authority to accept membership for the United States in any international organization, or to participate in the activities of any international organization for more than one year without approval by the Congress; and

(b) pay the expenses of participation in activities in which the United States participates by authority of subsection (a) of this section, including, but not limited to the following:

(1) Employment of aliens;

(2) Travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under subchapter I of chapter 57 of title 5;

(3) Travel expenses of persons serving without compensation in an advisory capacity while away from their homes or regular places of business not in excess of those authorized for regular officers and employees traveling in connection with said international activities; and

(4) Rental of quarters by contract or otherwise.

(Aug. 1, 1956, ch. 841, title I, § 5, 70 Stat. 891; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

CODIFICATION

In subsec. (b)(2), ''subchapter I of chapter 57 of title 5'' substituted for ''the Travel Expense Act of 1949, as amended (5 U.S.C. 835–842),'' 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.

Section was formerly classified to section 170j of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2672a. Alternate United States Commissioners for international fisheries commissions

In order to insure appropriate representation at meetings of international fisheries commissions, the Secretary of State, in consultation with the Secretary of Commerce or of the Interior as appropriate may designate from time to time Alternate United States Commissioners to the North Pacific Fur Seal Commission, the Inter-American Tropical Tuna Commission, the International Pacific Halibut Commission, the International Whaling Commission, the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, the International Commission for the Conservation of Atlantic Tunas, and any similar commission (other than the International Commission for the Northwest Atlantic Fisheries and the International North Pacific Fisheries Commission) established pursuant to a convention between the United States and other governments. Alternate United States Commissioners may exercise, at any meeting of the respective Commission or of the United States Section thereof, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present. In the event that there are Deputy United States Commissioners pursuant to the convention or statute, such Deputy United States Commissioners shall have precedence over any Alternate Commissioners so designated pursuant to this section.

(Pub. L. 92–471, title II, § 201, Oct. 9, 1972, 86 Stat. 787; Pub. L. 99–659, title IV, § 405(c), Nov. 14, 1986, 100 Stat. 3738.)

AMENDMENTS

1986—Pub. L. 99–659 struck out ''the Great Lakes Fishery Commission,'' after ''the International Pacific Halibut Commission,''.

§ 2672b. Compensation of Alternate United States Commissioners; travel expenses and other allowances

Alternate United States Commissioners shall receive no compensation for their services. They may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5703 of title 5 when engaged in the performance of their duties.

(Pub. L. 92–471, title II, § 202, Oct. 9, 1972, 86 Stat. 787.)

§ 2673. International Civil Aviation Organization; availability of funds for participation

The provisions of section 287e of this title, and regulations thereunder, applicable to expenses incurred pursuant to sections 287 to 287e of this

title, may be applicable to the obligation and expenditure of funds in connection with United States participation in the International Civil Aviation Organization.

(Aug. 1, 1956, ch. 841, title I, § 6, 70 Stat. 891; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

CODIFICATION

Section was formerly classified to section 170k of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

§ 2674. Availability of exchange allowances or proceeds derived from exchange or sale of motor vehicles

The exchange allowances or proceeds derived from the exchange or sale of passenger motor vehicles in possession of the Foreign Service abroad, in accordance with section 481(c) of title 40, shall be available without fiscal year limitation for replacement of an equal number of such vehicles.

(Aug. 1, 1956, ch. 841, title I, § 7, 70 Stat. 891; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

CODIFICATION

Section was formerly classified to section 170*l* of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2675. Allocation or transfer to other agencies of funds appropriated to Department of State; authority for expenditure of funds

The Secretary of State may allocate or transfer to any department, agency, or independent establishment of the United States Government (with the consent of the head of such department, agency, or establishment) any funds appropriated to the Department of State, for direct expenditure by such department, agency, or independent establishment for the purposes for which the funds were appropriated in accordance with authority granted in this Act or under authority governing the activities of such department, agency, or independent establishment.

(Aug. 1, 1956, ch. 841, title I, § 8, 70 Stat. 891; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282; Pub. L. 98–164, title I, § 121, Nov. 22, 1983, 97 Stat. 1023.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 1, 1956, ch. 841, 70 Stat. 890, as amended, known as the State Department Basic Authorities Act of 1956, which enacted sections 2651a, 2669 to 2672, 2673 to 2679a, 2680, 2680a, 2684, 2687 to 2690, 2692, 2695, and 2696 to 2724 of this title and chapters 53 (§ 4301 et seq.), 53A (§ 4341 et seq.), and 53B (§ 4351 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1956 Amendment note set out under section 2651 of this title and Tables.

CODIFICATION

Section was formerly classified to section 170m of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1983—Pub. L. 98–164 amended section generally, substituting provisions relating to allocation or transfer of funds and authority for expenditure of funds for provisions relating to transfer of funds.

§ 2676. Contracts in foreign countries

The Secretary of State is authorized to enter into contracts in foreign countries involving expenditures from funds appropriated or otherwise made available to the Department of State, without regard to the provisions of section 22 of title 41: *Provided*, That nothing in this section shall be construed to waive the provisions of section 431 of title 18.

(Aug. 1, 1956, ch. 841, title I, § 9, 70 Stat. 891; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

CODIFICATION

Section was formerly classified to section 170n of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2677. Availability of funds for travel expenses and transportation of personal effects, household goods, or automobiles

Appropriated funds made available to the Department of State for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel shall be available for such expenses when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during that same fiscal year.

(Aug. 1, 1956, ch. 841, title I, § 10, 70 Stat. 891; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

CODIFICATION

Section was formerly classified to section 170*o* of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2678. Reduction in earmarks if appropriations are less than authorizations

If the amount appropriated (or made available in the event of a sequestration order issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177; [2 U.S.C. 900 et seq.])) for a fiscal year pursuant to any authorization of appropriations provided by an Act other than an appropriation Act is less than the authorization amount and a provision of that Act provides that a specified amount of the authorization amount shall be available only for a certain purpose, then the amount so specified shall be deemed to be reduced for that fiscal year to the amount which bears the same

ratio to the specified amount as the amount appropriated (or made available in the event of sequestration) bears to the authorization amount.

(Aug. 1, 1956, ch. 841, title I, § 11, as added Pub. L. 101–246, title I, § 106, Feb. 16, 1990, 104 Stat. 20.)

REFERENCES IN TEXT

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in text, is title II of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, as amended, which is classified principally to chapter 20 (§ 900 et seq.) of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

PRIOR PROVISIONS

A prior section 2678, acts Aug. 1, 1956, ch. 841, title I, § 11, 70 Stat. 892; Sept. 8, 1960, Pub. L. 86–723, § 50, 74 Stat. 847; renumbered title I, Aug. 24, 1982, Pub. L. 97–241, title II, § 202(a), 96 Stat. 282; Oct. 19, 1984, Pub. L. 98–533, title III, § 303(b), 98 Stat. 2711, related to use of Government-owned vehicles for security purposes for travel by the Deputy Secretary of State, prior to repeal by Pub. L. 99–550, § 2(d), Oct. 27, 1986, 100 Stat. 3070.

§ 2679. Maximum rates of per diem in lieu of subsistence payable to foreign participants in exchange of persons program or in program of furnishing technical information and assistance

The Secretary of State, with the approval of the Office of Management and Budget, shall prescribe the maximum rates of per diem in lieu of subsistence (or of similar allowances therefor) payable while away from their own countries to foreign participants in any exchange of persons program, or in any program of furnishing technical information and assistance, under the jurisdiction of any Government agency, and said rates may be fixed without regard to any provision of law in limitation thereof.

(Aug. 1, 1956, ch. 841, title I, § 12, 70 Stat. 892; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

CODIFICATION

Section was formerly classified to section 170q of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of Reorg. Plan No. 2 of 1970 redesignated Bureau of the Budget as Office of Management and Budget and offices of Director, Deputy Director, and Assistant Directors of Bureau of the Budget as Director, Deputy Director, and Assistant Directors, respectively, of Office of Management and Budget. Section 103 of Reorg. Plan No. 2 of 1970 transferred all records, property, personnel, and funds of Bureau to Office of Management and Budget. See Part I of Reorganization Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees.

DELEGATION OF FUNCTIONS

Authority of Secretary of State under this section to prescribe certain maximum rates of per diem in lieu of subsistence (or of similar allowances therefor), without the approval, ratification, or other action of President, delegated to Secretary of State, see section 4 of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2508 of this title.

§ 2679a. Procurement contracts

(a) Funding for periods not in excess of five years; conditions

Any contract for the procurement of property or services, or both, for the Department of State or the Foreign Service which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of 5 years when—

(1) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

(2) the Secretary of State determines that—

(A) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

(B) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

(C) such a method of contracting will not inhibit small business participation.

(b) Cancellation of contracts

In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

(Aug. 1, 1956, ch. 841, title I, § 14, as added and renumbered title I, Pub. L. 97–241, title I, § 121, title II, § 202(a), Aug. 24, 1982, 96 Stat. 280, 282.)

PRIOR PROVISIONS

A prior section 2679a, acts Aug. 1, 1956, ch. 841, § 14, as added Oct. 26, 1974, Pub. L. 93–475, § 10(a)–(d), 88 Stat. 1441; amended Nov. 29, 1975, Pub. L. 94–141, title IV, § 407(a), 89 Stat. 771; Aug. 17, 1977, Pub. L. 95–105, title IV, § 410(a), 91 Stat. 854, set forth provisions respecting death guaranties for certain Foreign Service personnel, prior to repeal by Pub. L. 96–465, title II, § 2205(10), Oct. 17, 1980, 94 Stat. 2160. Repeal 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. See section 3973 of this title.

Another prior section 14 of act Aug. 1, 1956, was classified to section 170s of former Title 5, Executive Departments and Government Officers and Employees, prior to repeal by Pub. L. 86–707, title V, § 511(a)(2), Sept. 6, 1960, 74 Stat. 800. See section 5922(b) of Title 5, Government Organization and Employees.

§ 2679b. Prohibition against fraudulent use of "Made in America" labels

If it has been finally determined by a court or Federal agency that a person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to

the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract from the Department of State, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

(Pub. L. 102–138, title I, § 195, Oct. 28, 1991, 105 Stat. 684.)

§ 2679c. Prohibition on discriminatory contracts

(a) Prohibition

(1) Except for real estate leases and as provided in subsection (b) of this section, the Department of State may not enter into any contract that expends funds appropriated to the Department of State for an amount in excess of the small purchase threshold (as defined in section 403(11) of title 41)—

(A) with a foreign person that complies with the Arab League boycott of Israel, or

(B) with any foreign or United States person that discriminates in the award of subcontracts on the basis of religion.

(2) For purposes of this section—

(A) a foreign person complies with the boycott of Israel by Arab League countries when that foreign person takes or knowingly agrees to take any action, with respect to the boycott of Israel by Arab League countries, which section 2407(a) of title 50, Appendix, prohibits a United States person from taking, except that for purposes of this paragraph, the term ''United States person'' as used in subparagraphs (B) and (C) of section 2407(a)(1) of title 50, Appendix, shall be deemed to mean ''person''; and

(B) the term ''foreign person'' means any person other than a United States person as defined in section 2415(2) of title 50, Appendix.

(3) For purposes of paragraph (1), a foreign person shall be deemed not to comply with the boycott of Israel by Arab League countries if that person, or the Secretary of State or his designee on the basis of available information, certifies that the person violates or otherwise does not comply with the boycott of Israel by Arab League countries by taking any actions prohibited by section 2407(a) of title 50, Appendix. Certification by the Secretary of State or his designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(b) Waiver by Secretary of State

The Secretary of State may waive the requirements of this section on a country-by-country basis for a period not to exceed one year upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on diplomatic functions of the United States. Each such certification shall include a detailed justification for the waiver with respect to each such country.

(c) Responses to contract solicitations

(1) Except as provided in paragraph (2) of this subsection, the Secretary of State shall ensure that any response to a solicitation for a bid or a request for a proposal, with respect to a contract covered by subsection (a) of this section, includes the following clause, in substantially the following form:

''ARAB LEAGUE BOYCOTT OF ISRAEL

''(a) DEFINITIONS.—As used in this clause—

''(1) the term 'foreign person' means any person other than a United States person as defined in paragraph (2); and

''(2) the term 'United States person' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

''(b) CERTIFICATION.—By submitting this offer, the Offeror certifies that it is not—

''(1) taking or knowingly agreeing to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking; or

''(2) discriminating in the award of subcontracts on the basis of religion.''

(2) An Offeror would not be required to include the certification required by paragraph (1), if the Offeror is deemed not to comply with the Arab League boycott of Israel by the Secretary of State or a designee on the basis of available information. Certification by the Secretary of State or a designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(3) The Secretary of State shall ensure that all State Department contract solicitations include a detailed explanation of the requirements of section 2407(a) of title 50, Appendix.

(d) Review and termination

(1) The Department of State shall conduct reviews of the certifications submitted pursuant to this section for the purpose of assessing the accuracy of the certifications.

(2) Upon complaint of any foreign or United States person of a violation of the certification as required by this section, filed with the Secretary of State, the Department of State shall investigate such complaint, and if such complaint is found to be correct and a violation of the certification has been found, all contracts with such violator shall be terminated for default as soon as practicable, and, for a period of two years thereafter, the State Department shall not enter into any contracts with such a violator.

(e) United States Information Agency

The provisions of this section shall apply to the United States Information Agency in the same manner and extent to which such provisions apply to the Department of State. In the

application of this section to the United States Information Agency, the Director of the United States Information Agency or a designee shall have the authorities and responsibilities of the Secretary of State.

(Pub. L. 103–236, title V, § 565, Apr. 30, 1994, 108 Stat. 484.)

SHORT TITLE

Section 561 of Pub. L. 103–236 provided that: ''This part [part C (§§ 561–565) of title V of Pub. L. 103–236, enacting this section and provisions set out as a note under section 2751 of this title] may be cited as the 'Anti-Economic Discrimination Act of 1994'.''

§ 2680. Appropriations for State Department; information to Congressional committees

(a)(1) Notwithstanding any provision of law enacted before October 26, 1974, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972—

(A) unless the appropriation thereof has been authorized by law enacted on or after February 7, 1972; or

(B) in excess of an amount prescribed by law enacted on or after such date.

(2) To the extent that legislation enacted after the making of an appropriation to the Department of State authorizes the obligation or expenditure thereof the limitation contained in paragraph (1) shall have no effect.

(3) The provisions of this section—

(A) shall not be superseded except by a provision of law enacted after February 7, 1972, which specifically repeals, modifies, or supersedes the provisions of this section; and

(B) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.

(Aug. 1, 1956, ch. 841, title I, § 15, 70 Stat. 892; Pub. L. 92–226, pt. IV, § 407(b), Feb. 7, 1972, 86 Stat. 35; Pub. L. 92–352, title I, § 102, July 13, 1972, 86 Stat. 490; Pub. L. 93–475, § 11, Oct. 26, 1974, 88 Stat. 1442; H. Res. 163, Mar. 19, 1975; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

CODIFICATION

Section was formerly classified to section 170t of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–475 incorporated existing provisions into par. (1) preceding subpar. (A), and par. 3(B), added pars. (1)(A), (B), (2), and (3)(A), and substituted ''enacted before October 26, 1974, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972'' of '', no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.'', in par. (1) preceding subpar. (A), and ''section'' for ''subsection'' in par. (3).

1972—Subsec. (a). Pub. L. 92–352 inserted provisions that this subsection shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

Pub. L. 92–226 substituted provisions constituting subsecs. (a) and (b) and prohibiting any State Department appropriation on and after July 1, 1972, without a prior congressional legislative authorization, and requiring the State Department and Federal agencies to furnish information to congressional committees for former provisions constituting the entire section and authorizing and making appropriations available for the State Department.

CHANGE OF NAME

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

FUTURE ASSISTANCE PROJECTIONS

Pub. L. 101–513, title V, § 581, Nov. 5, 1990, 104 Stat. 2046, directed that the Congressional Presentation Documents of departments and agencies included within this Act should contain funding projections for each of its major program components for each of the three years following the year for which new budget or other authority was being requested and provided that the requirements of this section were effective for Congressional Presentation Documents submitted for fiscal year 1992.

REPORT ON EXPENDITURES MADE FROM APPROPRIATION FOR EMERGENCIES IN DIPLOMATIC AND CONSULAR SERVICE

Pub. L. 100–204, title I, § 124, Dec. 22, 1987, 101 Stat. 1341, as amended by Pub. L. 102–138, title I, § 114, Oct. 28, 1991, 105 Stat. 655, provided that: ''The Secretary of State shall provide to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs [now Committee on International Relations] and the Committee on Appropriations of the House of Representatives within 30 days after the end of each quarter of the fiscal year a complete report, including amount, payee, and purpose, of all expenditures made from the appropriation for 'Emergencies in the Diplomatic and Consular Service' for that quarter. Items included in each such report concerning representation, official travel, and gifts shall be submitted in unclassified form.''

INFORMATION-SHARING ARRANGEMENT BETWEEN DEPARTMENT OF STATE AND CONGRESSIONAL COMMITTEES

Pub. L. 95–426, title I, § 122, Oct. 7, 1978, 92 Stat. 970, as amended by Pub. L. 97–241, title V, § 505(a)(2), (b)(1), Aug. 24, 1982, 96 Stat. 299, provided that: ''The Congress finds that—

''(1) international political, economic, and other studies prepared systematically by analysts of the Department of State as needed background information for executive branch policymakers could be similarly valuable to the Committee on International Relations [now Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate in fulfilling their responsibilities; and

''(2) a formal information-sharing arrangement between the Department of State and such congres-

sional committees could therefore serve the national interest, provided that controls on dissemination are established which insure that neither the process of analysis nor necessary confidentiality is jeopardized.''

CONGRESSIONAL PURPOSE RESPECTING LAWS RELATING TO DEPARTMENT OF STATE AND UNITED STATES INFORMATION AGENCY; FOREIGN RELATIONS; AND AUTHORIZATION OF APPROPRIATIONS

Section 407(a) of Pub. L. 92–226 provided that: ''It is the purpose of this section [amending sections 1476, 2680, and 2684 of this title] to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Act of 1946 and 1970 [see Short Title notes set out under section 72a of Title 2, The Congress], with respect to—

''(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

''(2) providing periodic authorizations of appropriations for that Department and Agency.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2696 of this title.

§ 2680–1. Deadline for responses to questions from Congressional committees

(a) In general

An officer or employee of the Department of State to whom a written or oral question is addressed by any member of a committee specified in subsection (b) of this section, acting within his official capacity, shall respond to such question within 21 days unless the Secretary of State submits a letter to such member explaining why a timely response cannot be made.

(b) Specified committees

The committees referred to in subsection (a) of this section are the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(Pub. L. 102–138, title I, § 196, Oct. 28, 1991, 105 Stat. 684.)

CHANGE OF NAME

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

§ 2680–2. Facilitating access to Department of State building

(a) Procedures to facilitate access

The Department of State shall maintain procedures to ensure that the members and staff of the congressional committees of jurisdiction are granted easy access to the Department of State in the conduct of their duties.

(b) Parking

The Department of State shall also make available adequate parking for members and staff of the congressional committees of jurisdiction in order to facilitate attendance of meetings at the Department of State.

(Pub. L. 103–236, title I, § 129, Apr. 30, 1994, 108 Stat. 394.)

§ 2680a. Compensation for disability or death

Section 1651 of title 42 shall not apply with respect to such contracts as the Secretary of State may determine which are contracts with persons employed to perform work for the Department of State or the Foreign Service on an intermittent basis for not more than 90 days in a calendar year.

(Aug. 1, 1956, ch. 841, title I, § 16, as added and renumbered title I, Pub. L. 97–241, title I, § 122, title II, § 202(a), Aug. 24, 1982, 96 Stat. 281, 282.)

PRIOR PROVISIONS

A prior section 2680a, acts Aug. 1, 1956, ch. 841, § 16, as added Oct. 26, 1974, Pub. L. 93–475, § 12, 88 Stat. 1442; amended Oct. 7, 1978, Pub. L. 95–426, title I, § 117, 92 Stat. 969, related to authority and responsibility of chiefs of mission, prior to repeal by Pub. L. 96–465, title II, § 2205(10), Oct. 17, 1980, 94 Stat. 2160. Repeal 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. See section 3927 of this title.

§ 2681. International broadcasting facilities; transfer to Department of State; acquisition of property

For the purpose of assuring continued operation of the facilities hereinafter described for international broadcasting as a means of achieving the objectives of the United States Information and Educational Exchange Act of 1948 [22 U.S.C. 1431 et seq.] under authority of that Act, the Reconstruction Finance Corporation, as successor to Defense Plant Corporation, shall transfer, without regard to the provisions of the Surplus Property Act of 1944, as amended, and without reimbursement or transfer of funds, to the Secretary of State (hereinafter referred to as the ''Secretary'') all of its right, title, and interest in and to the facilities known as Plancors 1805, 1985, and 1986 located in Butler County, Ohio, in the vicinity of Delano, California, and Dixon, California, respectively, together with the equipment and other property appurtenant thereto. For the purposes of sections 2681 to 2683 of this title, the Director of the United States Information Agency is authorized to acquire property or rights or interests therein necessary or desirable for the operation of such facilities by purchase, lease, gift, transfer, condemnation, or otherwise.

(July 9, 1949, ch. 301, § 1, 63 Stat. 408; 1977 Reorg. Plan No. 2, § 7(a)(19), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 97–241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291.)

REFERENCES IN TEXT

The United States Information and Educational Exchange Act of 1948, referred to in text, is act Jan. 27, 1948, ch. 36, 62 Stat. 6, as amended, which is classified generally to chapter 18 (§ 1431 et seq.) 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.

The Surplus Property Act of 1944, referred to in text, is act Oct. 3, 1944, ch. 479, 58 Stat. 765, which was classified principally to sections 1611 to 1646 of Title 50, Appendix, War and National Defense, and was repealed ef-

fective July 1, 1949, with the exception of sections 1622, 1631, 1637, and 1641 of Title 50, Appendix, by act June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as sections 47151 to 47153 of Title 49, Transporation, by Pub. L. 103–272, §§ 1(d), 7(b), July 5, 1994, 108 Stat. 1278–1280, 1379. Section 1631 was repealed by act June 7, 1939, ch. 190, § 6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is covered by sections 98 et seq. of Title 50. Section 1637 was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 3287 of Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the the 1949 act were repealed by Pub. L. 87–256, § 111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are covered by chapter 33 (§ 2451 et seq.) of this title. The provisions of the Surplus Property Act of 1944 originally repealed by the the 1949 act are covered by chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works.

CODIFICATION

Section was formerly classified to section 170a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

''Director of the United States Information Agency'' substituted in text for ''Director of the International Communication Agency'' pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title. Previously, ''Director of the International Communication Agency'' substituted for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(19), 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 Secretary of State, Department of State, or Director of United States Information Agency under sections 2681, 2682, and 2683 of this title to Director of International Communication Agency.

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

Section 6(a) of Reorg. Plan No. 1 of 1957, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out as a note under section 601 of Title 15, Commerce and Trade, abolished the Reconstruction Finance Corporation.

AUTHORITY OF DIRECTOR OF UNITED STATES INFORMATION AGENCY

Exercise of authority available under sections 2681 to 2683 of this title by Director of United States Information Agency, see Ex. Ord. No. 10477, Aug. 1, 1953, 18 F.R. 4540, set out as a note under section 1472 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2682 of this title.

§ 2682. Liquidation and disposal of broadcasting facilities

Whenever the Director of the United States Information Agency finds that the operation of the facilities authorized by sections 2681 to 2683 of this title to be transferred is no longer necessary or desirable, he shall report such fact to Congress with his recommendations for the disposition of such facilities.

(July 9, 1949, ch. 301, § 2, 63 Stat. 408; 1977 Reorg. Plan No. 2, § 7(a)(19), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 97–241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291.)

CODIFICATION

Section was formerly classified to section 170b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

''Director of the United States Information Agency'' substituted in text for ''Director of the International Communication Agency'' pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title. Previously, ''Director of the International Communication Agency'' substituted for ''Secretary'' pursuant to Reorg. Plan No. 2 of 1977, § 7(a)(19), 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 Secretary of State, Department of State, or Director of United States Information Agency under sections 2681, 2682, and 2683 of this title to Director of International Communication Agency.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2681 of this title.

§ 2683. Assumption of obligations of operation of broadcasting facilities

The United States Information Agency shall assume all obligations of the Reconstruction Finance Corporation covering operations of said facilities, equipment, and appurtenant property outstanding at the date of transfer.

(July 9, 1949, ch. 301, § 3, 63 Stat. 408; 1977 Reorg. Plan No. 2, § 7(a)(19), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 97–241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291.)

CODIFICATION

Section was formerly classified to section 170c of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

''United States Information Agency'' substituted in text for ''International Communication Agency'' pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title. Previously, functions vested in Secretary of State, Department of State, or Director of United States Information Agency under sections 2681, 2682, and 2683 of this title transferred to Director of International Communication Agency by Reorg. Plan No. 2 of 1977, § 7(a)(19), 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. Section 5 of Reorg. Plan No. 2 of 1977 authorized Director of International Communication Agency to delegate performance of any such transferred functions to any officer, employee, or unit of International Communication Agency. Accordingly, ''International Communication Agency'' was substituted for ''Department of State''.

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

Section 6(a) of Reorg. Plan No. 1 of 1957, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out as a note under section 601 of Title 15, Commerce and Trade, abolished the Reconstruction Finance Corporation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2681, 2682 of this title.

§ 2684. Capital fund for Department of State to centralize reproduction, editorial, data processing, audiovisual and other services; maximum amount; operation of fund

(a) Establishment of fund

There is hereby established a working capital fund for the Department of State, which shall be

available without fiscal year limitation, for expenses (including those authorized by the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.]) and equipment, necessary for maintenance and operation in the city of Washington and elsewhere of (1) central reproduction, editorial, data processing, audiovisual, library and administrative support services; (2) central services for supplies and equipment (including repairs); (3) such other administrative services as the Secretary, with the approval of the Office of Management and Budget, determines may be performed more advantageously and more economically as central services; and (4) medical and health care services. Such fund shall also be available without fiscal year limitation to carry out the purposes of title II of this Act [22 U.S.C. 4301 et seq.][1] The capital of the fund shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of State, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will approximate the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary determines to be excess to the needs of the fund.

(b) Charges to fund; credit to appropriations

The current value of supplies returned to the working capital fund by a post, activity, or agency may be charged to the fund. The proceeds thereof shall, if otherwise authorized, be credited to current applicable appropriations and shall remain available for expenditures for the same purposes for which those appropriations are available. Credits may not be made to appropriations under this subsection as the result of capitalization of inventories.

(Aug. 1, 1956, ch. 841, title I, § 13, as added Pub. L. 88–205, pt. IV, § 405, Dec. 16, 1963, 77 Stat. 391; amended 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970 35 F.R. 7959, 84 Stat. 2085; Pub. L. 92–226, pt. IV, § 407(c), Feb. 7, 1972, 86 Stat. 35; Pub. L. 95–426, title I, § 109(a), Oct. 7, 1978, 92 Stat. 966; Pub. L. 96–465, title II, § 2201(b), Oct. 17, 1980, 94 Stat. 2157; renumbered title I and amended Pub. L. 97–241, title II, §§ 202(a), 203(a), Aug. 24, 1982, 96 Stat. 282, 290; Pub. L. 101–246, title I, § 112, Feb. 16, 1990, 104 Stat. 21.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsec. (a), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

Title II of this Act, referred to in subsec. (a), 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. For complete classification of title II to the Code, see Short Title note set out under section 4301 of this title and Tables.

CODIFICATION

Section was formerly classified to section 170u of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–246 inserted ''and'' before ''(4)'', struck out ''; and (5) services and supplies to carry out title II of this Act'', and inserted provision that the fund also be available without fiscal year limitation to carry out the purposes of title II of this Act.

1982—Subsec. (a)(5). Pub. L. 97–241, § 203(a), added cl. (5).

1980—Subsec. (a). Pub. L. 96–465 substituted ''Foreign Service Act of 1980'' for ''Foreign Service Act of 1946, as amended''.

1978—Pub. L. 95–426 designated existing provisions as subsec. (a), substituted ''central services'' for ''central supply services'' in cl. (2), struck out ''and'' at end of cl. (2), inserted ''; and (4) medical and health care services'', struck out ''Not to exceed $750,000 in net assets shall be transferred to the fund for purposes of providing capital'' after ''for the purpose of providing capital'', and added subsec. (b).

1972—Pub. L. 92–226 struck out last sentence authorizing appropriation of amounts necessary to provide capital for the fund. See section 2680 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–241 effective Oct. 1, 1982, see section 204 of Pub. L. 97–241, set out as an Effective Date note under section 4301 of this title.

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 1978 AMENDMENT

Section 109(b) of Pub. L. 95–426 provided that: ''The amendments made by this section [amending this section] shall take effect on October 1, 1978.''

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President by section 101 of Reorg. Plan No. 2, of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of Reorg. Plan No. 2 of 1970 redesignated Bureau of the Budget as Office of Management and Budget and offices of Director, Deputy Director, and Assistant Directors of Bureau of the Budget as Director, Deputy Director, and Assistant Directors, respectively, of Office of Management and Budget. Section 103 of Reorg. Plan No. 2 of 1970 transferred all records, property, personnel, and funds of Bureau to Office of Management and Budget. See Part I of Reorganization Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2703, 4308 of this title.

[1] So in original. Probably should be followed by a period.

§ 2684a. Capital Investment Fund

(a) Establishment

There is established within the Department of State a Capital Investment Fund to provide for the procurement of information technology and other related capital investments for the Department of State and to ensure the efficient management, coordination, operation, and utilization of such resources.

(b) Funding

Funds otherwise available for the purposes of subsection (a) of this section may be deposited in such Fund.

(c) Availability

Amounts deposited into the Fund are authorized to remain available until expended.

(d) Expenditures from Fund

Amounts deposited in the Fund shall be available for expenditure to procure capital equipment and information technology.

(e) Reprogramming procedures

Funds credited to the Capital Investment Fund shall be treated as a reprogramming of funds under section 2706 of this title and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings.

(Pub. L. 103–236, title I, § 135, Apr. 30, 1994, 108 Stat. 396.)

§ 2685. Reimbursement for detailed State Department personnel

(a) An Executive agency to which any officer or employee of the Department of State is detailed, assigned, or otherwise made available, shall reimburse the Department for the salary and allowances of each such officer or employee for the period the officer or employee is so detailed, assigned, or otherwise made available. However, if the Department of State has an agreement with an Executive agency or agencies providing for the detailing, assigning, or otherwise making available, of substantially the same numbers of officers and employees between the Department and the Executive agency or agencies, and such numbers with respect to a fiscal year are so detailed, assigned, or otherwise made available, or if the period for which the officer or employee is so detailed, assigned, or otherwise made available does not exceed one year, or if the number of officers and employees so detailed, assigned, or otherwise made available at any one time does not exceed fifteen and the period of any such detail, assignment, or availability of an officer or employee does not exceed two years, no reimbursement shall be required to be made under this section. Officers and employees of the Department of State who are detailed, assigned, or otherwise made available to another Executive agency for a period of not to exceed one year shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget.

(b) For purposes of this section, ''Executive agency'' has the same meaning given that term by section 105 of title 5.

(Pub. L. 93–126, § 11, Oct. 18, 1973, 87 Stat. 453; Pub. L. 95–426, title I, § 118, Oct. 7, 1978, 92 Stat. 969; Pub. L. 99–93, title I, § 117, Aug. 16, 1985, 99 Stat. 412.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99–93 inserted ''or if the number of officers and employees so detailed, assigned, or otherwise made available at any one time does not exceed fifteen and the period of any such detail, assignment, or availability of an officer or employee does not exceed two years,'' after ''does not exceed one year,''.

1978—Subsec. (a). Pub. L. 95–426 substituted ''does not exceed one year'' for ''does not exceed ninety days'', and inserted provision excepting from any personnel ceiling for the Department of State any officers and employees who are detailed, etc., to another Executive agency for a period of not to exceed one year.

§ 2686. Review of world-wide supply, demand, and price of basic raw and processed materials

It is the sense of the Congress that the Secretary of State should, and he is authorized to, establish within the Department of State a bureau which shall be responsible for continuously reviewing (1) the supply, demand, and price, throughout the world, of basic raw and processed materials (including agricultural commodities), and (2) the effect of United States Government programs and policies (including tax policy) in creating or alleviating, or assisting in creating or alleviating, shortages of such materials. In conducting such review, the bureau should obtain information with respect to—

(A) the supply, demand, and price of each such material in each major importing, exporting, and producing country and region of the world in order to understand long-term and short-term trends in the supply, demand, and price of such materials;

(B) projected imports and exports of such materials on a country-by-country basis;

(C) unusual patterns or changes in connection with the purchase or sale of such materials;

(D) a list of such materials in short supply and an estimate of the amount of shortage;

(E) international geological, geophysical, and political conditions which may affect the supply of such materials; and

(F) other matters that the Secretary considers appropriate in carrying out this section.

(Pub. L. 93–475, § 14, Oct. 26, 1974, 88 Stat. 1443.)

§ 2686a. Appointment of Special Coordinator for water policy negotiations and water resources policy

(a) Designation

The Secretary of State shall designate a Special Coordinator—

(1) to coordinate the United States Government response to international water resource disputes and needs;

(2) to represent the United States Government, whenever appropriate, in multilateral fora in discussions concerning access to fresh water; and

(3) to formulate United States policy to assist in the resolution of international problems posed by the lack of fresh water supplies.

(b) Other responsibilities

The individual designated under subsection (a) of this section may carry out the functions of subsection (a) of this section in addition to other assigned responsibilities.

(Pub. L. 102–138, title I, § 180, Oct. 28, 1991, 105 Stat. 682.)

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.

§ 2687. Use of appropriated funds for unusual expenses of United States Representative to Organization of American States

The Secretary of State is authorized to use appropriated funds for unusual expenses similar to those authorized by section 5913 of title 5 incident to the operation and maintenance of the living quarters of the United States Representative to the Organization of American States.

(Aug. 1, 1956, ch. 841, title I, § 17, as added Pub. L. 94–141, title I, § 101(c), Nov. 29, 1975, 89 Stat. 756; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

§ 2688. Ambassadors; criteria regarding selection and confirmation

It is the sense of the Congress that the position of United States ambassador to a foreign country should be accorded to men and women possessing clearly demonstrated competence to perform ambassadorial duties. No individual should be accorded the position of United States ambassador to a foreign country primarily because of financial contributions to political campaigns.

(Aug. 1, 1956, ch. 841, title I, § 18, as added Pub. L. 94–141, title I, § 104, Nov. 29, 1975, 89 Stat. 757; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

§ 2689. American Sections, International Joint Commission, United States and Canada; funds for representation expenses and official entertainment within the United States

Each fiscal year (beginning with fiscal year 1977), the Secretary of State may use funds appropriated for the American Sections, International Joint Commission, United States and Canada, for representation expenses and official entertainment within the United States for such American Sections.

(Aug. 1, 1956, ch. 841, title I, § 19, as added Pub. L. 94–350, title I, § 104, July 12, 1976, 90 Stat. 824; amended Pub. L. 95–426, title I, § 110(a), Oct. 7, 1978, 92 Stat. 967; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

AMENDMENTS

1978—Pub. L. 95–426 struck out "not to exceed $1,500 of the" after "the Secretary of State may use".

EFFECTIVE DATE OF 1978 AMENDMENT

Section 110(b) of Pub. L. 95–426 provided that: "The amendment made by this section [amending this section] shall take effect on October 1, 1978."

§ 2690. Foreign gifts; audit; reports to Congress

Any expenditure for any gift for any person of any foreign country which involves any funds made available to meet unforeseen emergencies arising in the Diplomatic and Consular Service shall be audited by the Comptroller General and reports thereon made to the Congress to such extent and at such times as he may determine necessary. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property pertaining to such expenditure and necessary to facilitate the audit.

(Aug. 1, 1956, ch. 841, title I, § 20, as added Pub. L. 94–350, title I, § 116(a), July 12, 1976, 90 Stat. 827; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

§ 2691. Repealed. Pub. L. 101–649, title VI, § 603(a)(18), Nov. 29, 1990, 104 Stat. 5084

Section, act Aug. 1, 1956, ch. 841, title I, § 21, as added Aug. 17, 1977, Pub. L. 95–105, title I, § 112, 91 Stat. 848; amended Oct. 7, 1978, Pub. L. 95–426, title I, § 119, 92 Stat. 970; Aug. 15, 1979, Pub. L. 96–60, title I, § 109, 93 Stat. 397; renumbered title I, Aug. 24, 1982, Pub. L. 97–241, title II, § 202(a), 96 Stat. 282, related to compliance with the Helsinki Final Act in the granting of nonimmigrant visas to aliens who are excludible from the United States by reason of membership in or affiliation with a proscribed organization but who are otherwise admissible, and provided that this section not apply to representatives of labor organizations that are instruments of a totalitarian state or aliens connected with the Palestine Liberation Organization.

EFFECTIVE DATE OF REPEAL

Section repealed applicable to individuals entering United States on or after June 1, 1991, see section 601(e)(1) of Pub. L. 101–649, set out as an Effective Date of 1990 Amendment note under section 1101 of Title 8, Aliens and Nationality.

§ 2692. Compensation for persons participating in State Department proceedings; availability of funds

(a) The Secretary of State may compensate, pursuant to regulations which he shall prescribe, for the cost of participating in any proceeding or on any advisory committee or delegation of the Department of State, any organization or person—

(1) who is representing an interest which would not otherwise be adequately represented and whose participation is necessary for a fair determination of the issues taken as a whole; and

(2) who would otherwise be unable to participate in such proceeding or on such committee or delegation because such organization or person cannot afford to pay the costs of such participation.

(b) Of the funds appropriated for salaries and expenses for the Department of State, not to exceed $250,000 shall be available in any fiscal year for compensation under this section to such organizations and persons.

(Aug. 1, 1956, ch. 841, title I, § 22, as added Pub. L. 95–105, title I, § 113(a), Aug. 17, 1977, 91 Stat. 848; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

EFFECTIVE DATE

Section 113(b) of Pub. L. 95–105 provided that: ''Subsection (a) [enacting this section] shall become effective on October 1, 1977.''

§ 2693. Repealed. Pub. L. 96–465, title II, § 2205(3), Oct. 17, 1980, 94 Stat. 2160

Section, Pub. L. 95–105, title IV, § 413, Aug. 17, 1977, 91 Stat. 856, related to employment of family members abroad in non-career positions. See sections 3951, 3968, and 4026 of this title.

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 2694. Limitation on purchase of gifts for foreign individuals; report to Speaker of the House and chairman of the Committee on Foreign Relations of the Senate

(1) After September 30, 1977, no appropriated funds, other than funds from the ''Emergencies in the Diplomatic and Consular Service'' account of the Department of State, may be used to purchase any tangible gift of more than minimal value (as defined in section 7342(a)(5) of title 5) for any foreign individual unless such gift has been approved by the Congress.

(2) Beginning October 1, 1977, the Secretary of State shall annually transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing details on (1) any gifts of more than minimal value purchased with appropriated funds which were given to a foreign individual during the previous fiscal year, and (2) any other gifts of more than minimal value given by the United States Government to a foreign individual which were not obtained using appropriated funds.

(Pub. L. 95–105, title V, § 515(b), Aug. 17, 1977, 91 Stat. 866.)

§ 2695. Administrative services

(a) Agreements

Whenever the head of any Federal agency performing any foreign affairs functions (including, but not limited to, the Department of State, the United States Information Agency, the Agency for International Development, and the Arms Control and Disarmament Agency) determines that administrative services performed in common by the Department of State and one or more other such agencies may be performed more advantageously and more economically on a consolidated basis, the Secretary of State and the heads of the other agencies concerned may, subject to the approval of the Director of the Office of Management and Budget, conclude an agreement which provides for the transfer to and consolidation within the Department or within one of the other agencies concerned of so much of the functions, personnel, property, records, and funds of the Department and of the other agencies concerned as may be necessary to enable the performance of those administrative services on a consolidated basis for the benefit of all agencies concerned. Agreements for consolidation of administrative services under this section shall provide for reimbursement or advances of funds from the agency receiving the service to the agency performing the service in amounts which will approximate the expense of providing administrative services for the serviced agency.

(b) Payment

(1) A Federal agency which obtains administrative services from the Department of State pursuant to an agreement authorized under subsection (a) of this section shall make full and prompt payment for such services through advance of funds or reimbursement.

(2) The Secretary of State shall bill each Federal agency for amounts due for services provided pursuant to subsection (a) of this section. The Secretary shall notify a Federal agency which has not made full payment for services within 90 days after billing that services to the agency will be suspended or terminated if full payment is not made within 180 days after the date of notification. Except as provided under paragraph (3), the Secretary shall suspend or terminate services to a Federal agency which has not made full payment for services under this section 180 days after the date of notification. Any costs associated with a suspension or termination of services shall be the responsibility of, and shall be billed to, the Federal agency.

(3) The Secretary of State may waive the requirement for suspension or termination under paragraph (2) with respect to such services as the Secretary determines are necessary to ensure the protection of life and the safety of United States Government property. A waiver may be issued for a period not to exceed one year and may be renewed.

(Aug. 1, 1956, ch. 841, title I, § 23, as added Pub. L. 95–426, title I, § 111(a), Oct. 7, 1978, 92 Stat. 967; renumbered title I and amended Pub. L. 97–241, title II, § 202(a), title III, § 303(b), Aug. 24, 1982, 96 Stat. 282, 291; Pub. L. 102–138, title I, § 118, Oct. 28, 1991, 105 Stat. 657.)

AMENDMENTS

1991—Pub. L. 102–138 inserted section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

CHANGE OF NAME

''United States Information Agency'' substituted in subsec. (a) for ''International Communication Agency'' pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title.

EFFECTIVE DATE

Section 111(b) of Pub. L. 95–426 provided that: ''The amendment made by this section [enacting this section] shall take effect on October 1, 1978.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3924 of this title.

§ 2695a. Foreign language services

(a) Surcharge for certain foreign language services

Notwithstanding any other provision of law, the Secretary of State is authorized to require

the payment of an appropriate fee, surcharge, or reimbursement for providing other Federal agencies with foreign language translation and interpretation services.

(b) Use of funds

Funds collected under the authority of subsection (a) of this section shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of providing translation or interpretation services in any foreign language. Such funds may remain available until expended.

(Pub. L. 103–236, title I, § 193, Apr. 30, 1994, 108 Stat. 419.)

§ 2695b. Omitted

CODIFICATION

Section, Pub. L. 104–208, div. A, title I, § 101(a) [title IV], Sept. 30, 1996, 110 Stat. 3009, 3009–46, which provided that in fiscal year 1998 a system was to be in place that allocated to each department and agency full cost of its presence outside of the United States, was from the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation act:

Pub. L. 104–134, title I, § 101[(a)] [title IV], Apr. 26, 1996, 110 Stat. 1321, 1321–36; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.

§ 2696. Nondiscretionary personnel costs, currency fluctuations, and other contingencies

(a) Additional appropriations

There are authorized to be appropriated for the Department of State, in addition to amounts otherwise authorized to be appropriated for the Department, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

(b) Appropriations authorization based on currency fluctuations

(1) In order to maintain the levels of program activity for the Department of State provided for each fiscal year by the annual authorizing legislation, there are authorized to be appropriated for the Department of State such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the earlier of—

(A) the calendar year which ended during the fiscal year preceding such fiscal year, or

(B) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted.

(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

(3) In order to eliminate substantial gains to the approved levels of overseas operations for the Department of State, the Secretary of State shall transfer to the Buying Power Maintenance account such amounts in any appropriation account under the heading ''Administration of Foreign Affairs'' as the Secretary determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

(4) In order to offset adverse fluctuations in foreign currency exchange rates or overseas wage and price changes, the Secretary of State may transfer from the Buying Power Maintenance account to any appropriation account under the heading ''Administration of Foreign Affairs'' such amounts as the Secretary determines are necessary to maintain the approved level of operations under that appropriation account.

(5) Funds transferred by the Secretary of State from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Secretary from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.

(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for an account under ''Administration of Foreign Affairs'', the Secretary of State may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

(B) The balance of the Buying Power Maintenance account may not exceed $100,000,000 as a result of any transfer under this paragraph.

(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 2706 of this title and shall be available for obligation or expenditure only in accordance with the procedures under such section.

(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.

(c) Availability of appropriations until expended

Amounts authorized to be appropriated for a fiscal year for the Department of State or to the Secretary of State are authorized to be made available until expended.

(d) Accounts subject to percentage limitation

(1) Subject to paragraphs (2) and (3), funds authorized to be appropriated for any account of the Department of State in the Department of State Appropriations Act, for either fiscal year of any two-year authorization cycle may be appropriated for such fiscal year for any other account of the Department of State.

(2) Amounts appropriated for the ''Diplomatic and Consular Programs'' account may not ex-

ceed by more than 5 percent the amount specifically authorized to be appropriated for such account for a fiscal year. No other appropriations account may exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for a fiscal year.

(3) The requirements and limitations of section 2680 of this title shall not apply to the appropriation of funds pursuant to this subsection.

(e) Availability of funds for twelve-month contracts to be performed in two fiscal years

Amounts authorized to be appropriated for a fiscal year for the Department of State or to the Secretary of State are authorized to be obligated for twelve-month contracts which are to be performed in two fiscal years, if the total amount for such contracts is obligated in the earlier fiscal year.

(Aug. 1, 1956, ch. 841, title I, § 24, as added Pub. L. 96–60, title I, § 105(a), Aug. 15, 1979, 93 Stat. 396; renumbered title I and amended Pub. L. 97–241, title I, § 112(a), title II, § 202(a), Aug. 24, 1982, 96 Stat. 277, 282; Pub. L. 101–246, title I, § 107, Feb. 16, 1990, 104 Stat. 21; Pub. L. 102–138, title I, § 117(a), (c), Oct. 28, 1991, 105 Stat. 656, 657; Pub. L. 103–236, title I, § 122(a), Apr. 30, 1994, 108 Stat. 392.)

AMENDMENTS

1994—Subsec. (b)(7)(E). Pub. L. 103–236, § 122(a)(1), struck out subpar. (E) which read as follows: ''This paragraph shall cease to have effect after September 30, 1993.''

Subsec. (d)(1). Pub. L. 103–236, § 122(a)(2), substituted ''either fiscal year'' for ''the second fiscal year'' and ''such fiscal year'' for ''such second fiscal year''.

Subsec. (d)(2). Pub. L. 103–236, § 122(a)(3), amended first sentence generally. Prior to amendment, first sentence read as follows: ''Amounts appropriated for the 'Salaries and Expenses' and 'Acquisition and Maintenance of Buildings Abroad' accounts may not exceed by more than 5 percent the amounts specifically authorized to be appropriated for each such account for a fiscal year.''

Subsec. (d)(4). Pub. L. 103–236, § 122(a)(4), struck out par. (4) which read as follows: ''This subsection shall cease to have effect after September 30, 1993.''

1991—Subsec. (b)(7). Pub. L. 102–138, § 117(a), added par. (7).

Subsec. (d). Pub. L. 102–138, § 117(c), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''Amounts authorized to be appropriated for the Department of State for a fiscal year for the 'Administration of Foreign Affairs' account, the 'International Organizations and Conferences' account, the 'International Commissions' account, or the 'Migration and Refugee Assistance' account may be appropriated for that fiscal year for any other such account, except that the total amount appropriated for a fiscal year for any such account may not exceed by more than 10 percent the amount specifically authorized to be appropriated for that account for that fiscal year.''

1990—Subsec. (e). Pub. L. 101–246 added subsec. (e).

1982—Subsec. (b). Pub. L. 97–241, § 112(a), designated existing provision as par. (1), substituted provision authorizing appropriations to offset adverse fluctuations in foreign currency exchange rates and overseas wage and price changes which occur after Nov. 30 of the earlier of the calendar year which ended during the fiscal year preceding such fiscal year or the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted, for provision authorizing appropriations to offset adverse fluctuations in foreign currency exchange rates occurring after Nov. 30 of the preceding fiscal year, and added pars. (2) to (6).

EFFECTIVE DATE

Section 105(b) of Pub. L. 96–60 provided that: ''The amendment made by subsection (a) [enacting this section] shall take effect on October 1, 1979.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4851 of this title.

§ 2697. Acceptance of gifts on behalf of United States

(a) Unconditional and conditional gifts

The Secretary of State may accept on behalf of the United States gifts made unconditionally by will or otherwise for the benefit of the Department of State (including the Foreign Service) or for the carrying out of any of its functions. Conditional gifts may be so accepted at the discretion of the Secretary, and the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with its conditions, except that no gift shall be accepted which is conditioned upon any expenditure which will not be met by the gift or the income from the gift unless such expenditure has been approved by Act of Congress.

(b) Disposition

Any unconditional gift of money accepted under subsection (a) of this section, the income from any gift property held under subsection (c) or (d) of this section (except income made available for expenditure under subsection (d)(2) of this section), the net proceeds from the liquidation of gift property under subsection (c) or (d) of this section, and the proceeds of insurance on any gift property which are not used for its restoration, shall be deposited in the Treasury of the United States. Such funds are hereby appropriated and shall be held in trust by the Secretary of the Treasury for the benefit of the Department of State (including the Foreign Service). The Secretary of the Treasury may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such funds and the income from such investments shall be available for expenditure in the operation of the Department of State (including the Foreign Service) and the performance of its functions, subject to the same examination and audit as is provided for appropriations made for the Foreign Service by the Congress, but shall not be expended for representational purposes at United States missions except in accordance with the conditions that apply to appropriated funds.

(c) Evidences of unconditional gift of intangible personal property

The evidences of any unconditional gift of intangible personal property (other than money) accepted under subsection (a) of this section, shall be deposited with the Secretary of the Treasury who may hold or liquidate them, except that they shall be liquidated upon the request of the Secretary of State whenever necessary to meet payments required in the operation of the Department of State (including the Foreign Service) or the performance of its functions.

(d) Use of real property or tangible personal property received unconditionally

(1) The Secretary of State shall hold any real property or any tangible personal property accepted unconditionally pursuant to subsection (a) of this section and shall either use such property for the operation of the Department of State (including the Foreign Service) and the performance of its functions or lease or hire such property, except that any such property not required for the operation of the Department of State (including the Foreign Service) or the performance of its functions may be liquidated by the Secretary of State whenever in the judgment of the Secretary of State the purposes of the gift will be served thereby. The Secretary of State may insure any property held under this subsection. Except as provided in paragraph (2), the Secretary shall deposit the income from any property held under this subsection with the Secretary of the Treasury as provided in subsection (b) of this section.

(2) The income from any real property or tangible personal property held under this subsection shall be available for expenditure at the discretion of the Secretary of State for the maintenance, preservation, or repair and insurance of such property and any proceeds from insurance may be used to restore the property insured.

(e) Taxation

For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted under this section shall be deemed to be a gift, devise, or bequest to and for the use of the United States.

(f) Availability of statutory authorities to Directors of other agencies

The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the Director of the United States Information Agency and the Director of the United States International Development Cooperation Agency with respect to their respective agencies.

(Aug. 1, 1956, ch. 841, title I, § 25, as added Pub. L. 96–465, title II, § 2201(a), Oct. 17, 1980, 94 Stat. 2153; renumbered title I and amended Pub. L. 97–241, title II, § 202(a), title III, § 303(b), Aug. 24, 1982, 96 Stat. 282, 291; Pub. L. 100–204, title I, § 125, Dec. 22, 1987, 101 Stat. 1341.)

AMENDMENTS

1987—Subsec. (b). Pub. L. 100–204 inserted ", but shall not be expended for representational purposes at United States missions except in accordance with the conditions that apply to appropriated funds" before period at end of last sentence.

CHANGE OF NAME

"Director of the United States Information Agency" substituted for "Director of the International Communication Agency" in subsec. (f), pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title.

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as a note under section 3901 of this title.

OFFICIAL RESIDENCE OF SECRETARY OF STATE

Section 132 of Pub. L. 100–204 provided that: "The Department of State shall not solicit or receive funds for the construction, purchase, lease or rental of, nor any gift or bequest of real property or any other property for the purpose of providing living quarters for the Secretary of State."

Pub. L. 99–93, title I, § 130, Aug. 16, 1985, 99 Stat. 420, provided that:

"(a) CONGRESSIONAL REVIEW.—It is the sense of the Congress that the United States should not accept a gift of any house or other place of residence for the purpose of providing an official residence for the Secretary of State unless the Congress has had an opportunity to review the proposed gift.

"(b) STUDY AND REPORT.—The Secretary of State shall conduct a study of any offer of a gift for the purpose of providing a place of official residence for the Secretary of State. Such study shall include an examination of the costs to the United States associated with accepting such gift, including the costs of acquisition, maintenance, security, and daily operation of a residence. The Secretary shall report the results of any study conducted under this section to the Committee on Foreign Affairs [now Committee on International Relations] and the Committee on Public Works and Transportation [now Committee on Transportation and Infrastructure] of the House of Representatives and to the Committee on Foreign Relations and the Committee on Environment and Public Works of the Senate."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2056 of this title; title 26 sections 170, 2055.

§ 2698. Procurement of legal services

(a) The Secretary of State may, without regard to section 3106 of title 5, authorize a principal officer of the Foreign Service to procure legal services whenever such services are required for the protection of the interests of the Government or to enable a member of the Service to carry on the member's work efficiently.

(b) The authority available to the Secretary of State under this section shall be available to the Director of the United States Information Agency, the chairman of the Board for International Broadcasting, and the Director of the United States International Development Cooperation Agency with respect to their respective agencies.

(Aug. 1, 1956, ch. 841, title I, § 26, as added Pub. L. 96–465, title II, § 2201(a), Oct. 17, 1980, 94 Stat. 2154; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282; Pub. L. 101–246, title III, § 303, Feb. 16, 1990, 104 Stat. 64.)

AMENDMENTS

1990—Subsec. (b). Pub. L. 101–246 substituted "United States Information Agency, the chairman of the Board for International Broadcasting," for "International Communication Agency".

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as a note under section 3901 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2509 of this title.

§ 2699. Employment opportunities for family members

(a) In order to expand employment opportunities for family members of United States Gov-

ernment personnel assigned abroad, the Secretary of State shall seek to conclude such bilateral and multilateral agreements as will facilitate the employment of such family members in foreign economies.

(b) Any member of a family of a member of the Foreign Service may accept gainful employment in a foreign country unless such employment—

(1) would violate any law of such country or of the United States; or

(2) could, as certified in writing by the United States chief of mission to such country, damage the interests of the United States.

(Aug. 1, 1956, ch. 841, title I, § 27, as added Pub. L. 96–465, title II, § 2201(a), Oct. 17, 1980, 94 Stat. 2154; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as a note under section 3901 of this title.

§ 2700. Use of vehicles

The Secretary of State may authorize the principal officer of a Foreign Service post to provide for the use of Government owned or leased vehicles located at that post for transportation of United States Government employees and their families when public transportation is unsafe or not available or when such use is advantageous to the Government.

(Aug. 1, 1956, ch. 841, title I, § 28, as added Pub. L. 96–465, title II, § 2201(a), Oct. 17, 1980, 94 Stat. 2154; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as a note under section 3901 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 1344.

§ 2701. Educational facilities

Whenever the Secretary of State determines that educational facilities are not available, or that existing educational facilities are inadequate, to meet the needs of children of United States citizens stationed outside the United States who are engaged in carrying out Government activities, the Secretary may, in such manner as he deems appropriate and under such regulations as he may prescribe, establish, operate, and maintain primary schools, and school dormitories and related educational facilities for primary and secondary schools, outside the United States, make grants of funds for such purposes, or otherwise provide for such educational facilities. The authorities of the Foreign Service Buildings Act, 1926 [22 U.S.C. 292 et seq.], and of paragraphs (h) and (i) of section 2670 of this title, may be utilized by the Secretary in providing assistance for educational facilities. Such assistance may include hiring, transporting, and payment of teachers and other necessary personnel.

(Aug. 1, 1956, ch. 841, title I, § 29, as added Pub. L. 96–465, title II, § 2201(a), Oct. 17, 1980, 94 Stat. 2154; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

REFERENCES IN TEXT

The Foreign Service Buildings Act, 1926, referred to in text, is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§ 292 et seq.) of this title. For complete classification of this Act to the Code, see section 299 of this title and Tables.

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as a note under section 3901 of this title.

§ 2702. Malpractice protection

(a) Exclusiveness of designated remedies

The remedy—

(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under such sections,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, pharmacist, or paramedical (including medical and dental assistants and technicians, nursing assistants, and therapists) or other supporting personnel of the Department of State in furnishing medical care or related services, including the conducting of clinical studies or investigations, while in the exercise of his or her duties in or for the Department of State or any other Federal department, agency, or instrumentality shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his or her estate) whose act or omission gave rise to such claim.

(b) Defense of civil actions by United States; delivery of process; furnishing of copies of pleadings

The United States Government shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his or her estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as may be determined by the Attorney General, all process served upon him or her or an attested true copy thereof to whomever was designated by the Secretary to receive such papers. Such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

(c) Removal of actions; remand or dismissal; suspension of limitations

Upon a certification by the Attorney General that the defendant was acting within the scope of his or her employment in or for the Department of State or any other Federal department,

agency, or instrumentality at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court except that where such remedy is precluded because of the availability of a remedy through proceedings for compensation or other benefits from the United States as provided by any other law, the case shall be dismissed, but in that event, the running of any limitation of time for commencing, or filing an application or claim in, such proceedings for compensation or other benefits shall be deemed to have been suspended during the pendency of the civil action or proceeding under this section.

(d) Compromise or settlement of claims

The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

(e) Inapplicability of section 2680(h) of title 28

For purposes of this section, the provisions of section 2680(h) of title 28, shall not apply to any tort enumerated therein arising out of negligence in the furnishing of medical care or related services, including the conducting of clinical studies or investigations.

(f) Holding harmless or providing for liability insurance

The Secretary may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of subsection (a) of this section apply, for damages for personal injury, including death, negligently caused by any such person while acting within the scope of his or her office or employment and as a result of the furnishing of medical care or related services, including the conducting of clinical studies or investigations, if such person is assigned to a foreign area or detailed for service with other than a Federal agency or institution, or if the circumstances are such as are likely to preclude the remedies of third persons against the United States provided by sections 1346(b) and 2672 of title 28, for such damage or injury.

(g) Medical care or related service within scope of employment

For purposes of this section, any medical care or related service covered by this section and performed abroad by a covered person at the direction or with the approval of the United States chief of mission or other principal representative of the United States in the area shall be deemed to be within the scope of employment of the individual performing the service.

(Aug. 1, 1956, ch. 841, title I, § 30, as added Pub. L. 96–465, title II, § 2201(a), Oct. 17, 1980, 94 Stat. 2155; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282.)

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as a note under section 3901 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2509 of this title.

§ 2703. Services and facilities for employees at posts abroad

(a) Non-Government-operated services; applicability of other provisions of law

The Secretary of State may authorize and assist in the establishment, maintenance, and operation by civilian officers and employees of the Government of non-Government-operated services and facilities at posts abroad, including the furnishing of space, utilities, and properties owned or leased by the Government for use by its diplomatic, consular, and other missions and posts abroad. The provisions of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292–300) and section 2684 of this title may be utilized by the Secretary in providing such assistance.

(b) Emergency commissary and mess services

The Secretary may establish and maintain emergency commissary or mess services in places abroad where, in the judgment of the Secretary, such services are necessary temporarily to insure the effective and efficient performance of official duties and responsibilities. Reimbursements incident to the maintenance and operation of commissary or mess service under this subsection shall be at not less than cost as determined by the Secretary and shall be used as working funds, except that an amount equal to the amount expended for such services shall be covered into the Treasury as miscellaneous receipts.

(c) Availability; duplication of facilities and services

Services and facilities established under this section shall be made available, insofar as practicable, to officers and employees of all agencies and their dependents who are stationed in the locality abroad, and, where determined by the Secretary to be appropriate due to exceptional circumstances, to United States citizens hired outside of the host country to serve as teaching staff for such dependents abroad. Such services and facilities shall not be established in localities where another agency operates similar services or facilities unless the Secretary determines that additional services or facilities are necessary. Other agencies shall to the extent practicable avoid duplicating the facilities and services provided or assisted by the Secretary under this section.

(d) Charges

Charges at any post abroad for a service or facility provided, authorized or assisted under this

section shall be at the same rate for all civilian personnel of the Government serviced thereby, and all charges for supplies furnished to such a service or facility abroad by any agency shall be at the same rate as that charged by the furnishing agency to its comparable civilian services and facilities.

(e) Child care facilities

The Secretary of State may make grants to child care facilities, to offset in part the cost of such care, in Moscow and at no more than five other posts abroad where the Secretary determines that due to extraordinary circumstances such facilities are necessary to the efficient operation of the post. In making that determination, the Secretary shall take into account factors such as—

(1) whether Foreign Service spouses are encouraged to work at the post because—

(A) the number of members of the post is subject to a ceiling imposed by the receiving country; and

(B) Foreign Service nationals are not employed at the post; and

(2) whether local child care is available.

(Aug. 1, 1956, ch. 841, title I, § 31, as added Pub. L. 96–465, title II, § 2201(a), Oct. 17, 1980, 94 Stat. 2156; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282; amended Pub. L. 101–246, title I, § 147, Feb. 16, 1990, 104 Stat. 38; Pub. L. 102–138, title I, §§ 121, 144, Oct. 28, 1991, 105 Stat. 658, 668; Pub. L. 103–236, title I, § 124, Apr. 30, 1994, 108 Stat. 393.)

REFERENCES IN TEXT

The Foreign Service Buildings Act, 1926, referred to in subsec. (a), is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§ 292 et seq.) of this title. For complete classification of this Act to the Code, see section 299 of this title and Tables.

AMENDMENTS

1994—Subsec. (e). Pub. L. 103–236 substituted ''The'' for ''For the fiscal years 1992 and 1993, the'' in introductory provisions.

1991—Subsec. (c). Pub. L. 102–138, § 144, inserted before period at end of first sentence '', and, where determined by the Secretary to be appropriate due to exceptional circumstances, to United States citizens hired outside of the host country to serve as teaching staff for such dependents abroad''.

Subsec. (e). Pub. L. 102–138, § 121, substituted ''1992 and 1993'' for ''1990 and 1991'' in introductory provisions.

1990—Subsec. (e). Pub. L. 101–246 added subsec. (e).

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as a note under section 3901 of this title.

§ 2704. Subsistence expenses

The Secretary of State may pay, without regard to section 5702 of title 5, subsistence expenses of (1) special agents of the Department of State who are on authorized protective missions, and (2) members of the Foreign Service and employees of the Department who are required to spend extraordinary amounts of time in travel status. The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the Director of the United States Information Agency and the Director of the United States International Development Cooperation Agency with respect to their respective agencies, except that the authority of clause (2) shall be available with respect to those agencies only in the case of members of the Foreign Service and employees of the agency who are performing security-related functions abroad.

(Aug. 1, 1956, ch. 841, title I, § 32, as added Pub. L. 96–465, title II, § 2201(a), Oct. 17, 1980, 94 Stat. 2157; renumbered title I, Pub. L. 97–241, title II, § 202(a), Aug. 24, 1982, 96 Stat. 282; amended Pub. L. 98–533, title III, § 303(c), Oct. 19, 1984, 98 Stat. 2711; Pub. L. 99–93, title I, § 125(b), Aug. 16, 1985, 99 Stat. 417.)

AMENDMENTS

1985—Pub. L. 99–93 substituted ''special agents'' for ''security officers''.

1984—Pub. L. 98–533 inserted ''The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the Director of the United States Information Agency and the Director of the United States International Development Cooperation Agency with respect to their respective agencies, except that the authority of clause (2) shall be available with respect to those agencies only in the case of members of the Foreign Service and employees of the agency who are performing security-related functions abroad.''

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as a note under section 3901 of this title.

§ 2705. Documentation of citizenship

The following documents shall have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization jurisdiction:

(1) A passport, during its period of validity (if such period is the maximum period authorized by law), issued by the Secretary of State to a citizen of the United States.

(2) The report, designated as a ''Report of Birth Abroad of a Citizen of the United States'', issued by a consular officer to document a citizen born abroad.

(Aug. 1, 1956, ch. 841, title I, § 33, as added and renumbered title I, Pub. L. 97–241, title I, § 117, title II, § 202(a), Aug. 24, 1982, 96 Stat. 279, 282.)

PRIOR PROVISIONS

A prior section 33 of act Aug. 1, 1956, was renumbered section 34 by section 117 of Pub. L. 97–241, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

RECORD OF PLACE OF BIRTH FOR TAIWANESE-AMERICANS

Pub. L. 103–236, title I, § 132, Apr. 30, 1994, 108 Stat. 395, as amended by Pub. L. 103–415, § 1(r), Oct. 25, 1994, 108 Stat. 4302, provided that: ''For purposes of the registration of birth or certification of nationality or issuance of a passport of a United States citizen born in Taiwan, the Secretary of State shall permit the place of birth to be recorded as Taiwan.''

§ 2706. Reprograming of funds; notice requirements

(a) Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of the proposed reprograming, funds appropriated for the Department of State shall not be available for obligation or expenditure through any reprograming of funds—

(1) which creates new programs;

(2) which eliminates a program, project, or activity;

(3) which increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by the Congress;

(4) which relocates an office or employees;

(5) which reorganizes offices, programs, or activities;

(6) which involves contracting out functions which had been performed by Federal employees; or

(7) which involves a reprograming in excess of $1,000,000 or 10 per centum, whichever is less, and which (A) augments existing programs, projects, or activities, (B) reduces by 10 per centum or more the funding for any existing program, project, activity, or personnel approved by the Congress, or (C) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects approved by the Congress.

(b) Funds appropriated for the Department of State may not be available for obligation or expenditure through any reprogramming described in subsection (a) of this section during the period which is the last 15 days in which such funds are available unless notice of such reprogramming is made before such period.

(Aug. 1, 1956, ch. 841, title I, § 34, as added Pub. L. 98–164, title I, § 123, Nov. 22, 1983, 97 Stat. 1025; amended Pub. L. 100–204, title I, § 121, Dec. 22, 1987, 101 Stat. 1339; Pub. L. 102–138, title I, § 117(b), Oct. 28, 1991, 105 Stat. 657; Pub. L. 103–236, title I, § 122(c), Apr. 30, 1994, 108 Stat. 392.)

PRIOR PROVISIONS

A prior section 34 of act Aug. 1, 1956, was renumbered sections 35 and 36 by sections 123 and 124 of Pub. L. 98–164, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

AMENDMENTS

1994—Subsec. (a)(7). Pub. L. 103–236 substituted ''$1,000,000'' for ''$500,000''.

1991—Subsec. (a)(7). Pub. L. 102–138 substituted ''$500,000'' for ''$250,000''.

1987—Pub. L. 100–204 designated existing provisions as subsec. (a) and added subsec. (b).

CHANGE OF NAME

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2684a, 2696, 2710, 2720, 4855 of this title.

§ 2707. International communications and information policy; duties of Secretary of State

(a) Repealed. Pub. L. 103–236, title I, § 162(k)(1)(A), Apr. 30, 1994, 108 Stat. 408.

(b) The Secretary of State shall be responsible for formulation, coordination, and oversight of foreign policy related to international communications and information policy. The Secretary of State shall—

(1) exercise primary authority for the conduct of foreign policy with respect to such telecommunications functions, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this responsibility, the Secretary shall coordinate with other agencies as appropriate, and, in particular, shall give full consideration to the authority vested by law or Executive order in the Federal Communications Commission, the Department of Commerce and the Office of the United States Trade Representative in this area;

(2) maintain continuing liaison with other executive branch agencies concerned with international communications and information policy and with the Federal Communications Commission, as appropriate;

(3) in accordance with such authority as may be delegated by the President pursuant to Executive order, supervise and coordinate the activities of any senior interagency policy-making group on international telecommunications and information policy and chair such interagency meetings as may be necessary to coordinate actions on pending issues;;[1]

(4) coordinate the activities of, and assist as appropriate, interagency working level task forces and committees concerned with specific aspects of international communications and information policy;

(5) maintain liaison with the members and staffs of committees of the Congress concerned with international communications and information policy and provide testimony before such committees;

(6) maintain appropriate liaison with representatives of the private sector to keep informed of their interests and problems, meet with them, and provide such assistance as may be needed to ensure that matters of concern to the private sector are promptly considered by the Department or other executive branch agencies; and

(7) assist in arranging meetings of such public sector advisory groups as may be established to advise the Department of State and other executive branch agencies in connection with international communications and information policy issues.

(Aug. 1, 1956, ch. 841, title I, § 35, as added Pub. L. 98–164, title I, § 124, Nov. 22, 1983, 97 Stat. 1025; amended Pub. L. 100–204, title I, § 173(a)(1), Dec.

[1] So in original.

22, 1987, 101 Stat. 1360; Pub. L. 103–236, title I, § 162(k)(1), Apr. 30, 1994, 108 Stat. 408.)

PRIOR PROVISIONS

A prior section 35 of act Aug. 1, 1956, was renumbered section 36 by section 124 of Pub. L. 98–164, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–236, § 162(k)(1)(A), struck out subsec. (a) which read as follows: ''The Secretary of State shall assign responsibility for international communications and information policy matters within the Department of State to an appropriate Under Secretary of State (hereafter in this section referred to as the 'Under Secretary').''

Subsec. (b). Pub. L. 103–236, § 162(k)(1)(B)(i), inserted introductory provisions and struck out former introductory provisions which read as follows: ''The Secretary of State shall establish, within the Department of State, an Office of the Coordinator for International Communications and Information Policy, headed by a Coordinator who shall be responsible to the Under Secretary. The Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank of ambassador. The Coordinator shall be compensated at the annual rate of pay for positions authorized by section 5315 of title 5. The Coordinator shall be responsible, on behalf of the Under Secretary, for formulation, coordination, and oversight of international communications and information policy assigned to the Under Secretary. On behalf of the Under Secretary, the Coordinator shall—''.

Subsec. (b)(1). Pub. L. 103–236, § 162(k)(1)(B)(iv), added par. (1). Former par. (1) redesignated (2).

Subsec. (b)(2). Pub. L. 103–236, § 162(k)(1)(B)(ii), (iii), (v), redesignated par. (1) as (2), struck out ''with the bureaus and offices of the Department of State and'' after ''continuing liaison'', inserted ''and with the Federal Communications Commission, as appropriate'' before semicolon, and struck out former par. (2) which read as follows: ''in accordance with such authority as may be delegated by the President pursuant to Executive order, chair such agency and interagency meetings as may be necessary to coordinate actions on pending issues to ensure proper policy coordination;''.

Subsec. (b)(3). Pub. L. 103–236, § 162(k)(1)(B)(vi), substituted ''any senior interagency policymaking group on international telecommunications and information policy and chair such interagency meetings as may be necessary to coordinate actions on pending issues;'' for ''the Senior Interagency Group on International Communications and Information Policy''.

1987—Subsec. (b). Pub. L. 100–204 inserted after second sentence ''The Coordinator shall be compensated at the annual rate of pay for positions authorized by section 5315 of title 5.''

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103–236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 173(b) of Pub. L. 100–204 provided that: ''The amendments made by subsection (a) [amending this section and section 4303 of this title] shall take effect 30 days after the date of enactment of this Act [Dec. 22, 1987].''

EFFECT OF 1994 AMENDMENTS ON SCOPE OF AUTHORITY VESTED AS OF APRIL 30, 1994

Section 162(k)(2) of Pub. L. 103–236 provided that: ''Nothing in the amendments made by paragraph (1) [amending this section] affects the nature or scope of the authority that is on the date of enactment of this Act [Apr. 30, 1994] vested by law or Executive order in the Department of Commerce, the Office of the United States Trade Representative, the Federal Communications Commission, or any officer thereof.''

NEW SPENDING AUTHORITY

Section 173(c) of Pub. L. 100–204 provided that: ''Any new spending authority (as defined in section 401(c) of the Congressional Budget Act of 1974 [2 U.S.C. 651(c)]) provided by this section [amending sections 2707 and 4303 of this title] shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.''

§ 2708. Reward; information; international terrorism

(a) Authorization of reward

(1) The Secretary of State shall establish and publicize a program under which rewards may be paid to any individual who furnishes information—

(A) leading to the arrest or conviction, in any country, of any individual for the commission of an act of international terrorism, or

(B) leading to the arrest or conviction, in any country, of any individual for conspiring or attempting to commit an act of international terrorism, or

(C) leading to the prevention, frustration, or favorable resolution of an act of international terrorism,

if the act of international terrorism is against a United States person or United States property.

(2) For purposes of this subsection, the term ''act of international terrorism'' includes any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 6305(8) of this title) or any nuclear explosive device (as defined in section 6305(4) of this title) by an individual, group, or non-nuclear-weapon state (as defined in section 6305(5) of this title).

(b) Rewards for information relating to international narcoterrorism and drug trafficking

(1) The Secretary of State, upon the request of a chief of mission and with the concurrence of the Attorney General, may pay a reward to any individual who furnishes information leading to—

(A) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

(i) a violation of United States drug laws which occurs primarily outside the territorial jurisdiction of the United States and which is such that the individual would be a major violator of such laws; or

(ii) the killing or kidnapping outside the territorial jurisdiction of the United States of—

(I) any officer, employee, or contract employee of the United States Government

while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States drug laws or the implementing of United States drug control objectives; or

(II) a member of the immediate family of any such individual on account of that individual's official duties in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives; or

(iii) an attempt or conspiracy to do any of the acts described in clause (i) or (ii); or

(B) the prevention or frustration of an act described in subparagraph (A).

(2) The purpose of the rewards under this subsection is to assist narcotics law enforcement in the effective arrest and prosecution of major narcotics traffickers and, wherever appropriate, to offer rewards in connection with the killing of, or the attempt to kill, any United States officer or employee, in connection with the performance of narcotics control duties by such officer or employee, or any member of the family of such officer or employee. To ensure that the rewards program authorized by this subsection, especially paragraph (1)(A)(i), does not duplicate or interfere with the payment of informants or the purchase of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this subsection, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered,

(B) the publication of rewards,

(C) offering of joint rewards with foreign governments,

(D) the receipt and analysis of data,

(E) the payment and the approval of payment, and

(F) the recommendations of rewards by chiefs of mission to the Secretary of State and the Attorney General,

shall be governed by procedures approved by the Secretary of State and the Attorney General.

(c) Reward limitation; Presidential approval

A reward under this section may not exceed $2,000,000. A reward of $100,000 or more may not be made without the approval of the President or the Secretary of State personally.

(d) Advice; consultation; Attorney General

Before making a reward under subsection (a) of this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall advise and consult with the Attorney General.

(e) Certification; payment

Any reward granted under this section shall be certified for payment by the Secretary of State. If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he deems necessary to effect such protection.

(f) Officers or employees of government ineligible for reward

An officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes information described in subsection (a) or (b) of this section shall not be eligible for a reward under this section.

(g) Authorization of appropriations

There are authorized to be appropriated, without fiscal year limitation, $5,000,000 for use in paying rewards under this section, up to $2,000,000 of which may be used for rewards for information described in subsection (b)(1) of this section. In addition to the amount authorized to be appropriated by the preceding sentence, there are authorized to be appropriated, without fiscal year limitation, $5,000,000 for ''Administration of Foreign Affairs'' for use in paying rewards for information described in subsection (b)(1) of this section. Additional funds to pay rewards under this section shall be authorized to be appropriated in the annual authorizing legislation for the Department of State.

(h) Report to Congress

Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the Congress with respect to that reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid, and shall discuss the significance of the information for which the reward was paid in dealing with those acts.

(i) Definitions

As used in this section—

(1) the term ''United States drug laws'' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act [21 U.S.C. 801 et seq.]); and

(2) the term ''member of the immediate family'' includes—

(A) a spouse, parent, brother, sister, or child of the individual;

(B) a person to whom the individual stands in loco parentis; and

(C) any other person living in the individual's household and related to the individual by blood or marriage.

(Aug. 1, 1956, ch. 841, title I, § 36, as added Pub. L. 98–533, title I, § 102, Oct. 19, 1984, 98 Stat. 2708; amended Pub. L. 99–399, title V, § 502, Aug. 27, 1986, 100 Stat. 869; Pub. L. 100–690, title IV, § 4602, Nov. 18, 1988, 102 Stat. 4287; Pub. L. 101–231, § 13(a), Dec. 13, 1989, 103 Stat. 1963; Pub. L. 101–246, title X, § 1001, Feb. 16, 1990, 104 Stat. 86; Pub. L. 103–236, title I, § 133(a)(1), title VIII, § 827, Apr. 30, 1994, 108 Stat. 395, 519; Pub. L. 104–134, title I, § 101[(a)] [title IV, § 406], Apr. 26, 1996, 110 Stat. 1321, 1321–45; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (i), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat.

1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

PRIOR PROVISIONS

A prior section 36 of act Aug. 1, 1956, was renumbered section 37 by section 102 of Pub. L. 98–533, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–134 which directed substitution of ''shall establish and publicize a program under which rewards may be paid'' for ''may pay a reward'' in section 36(a)(1) of the State Department Authorities Act of 1956 was executed to subsec. (a)(1) of this section, section 36(a)(1) of the State Department Basic Authorities Act of 1956, to reflect the probable intent of Congress.

1994—Subsec. (a). Pub. L. 103–236, § 827, designated existing provisions as par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, and added par. (2).

Pub. L. 103–236, § 133(a)(1), struck out ''and is primarily outside the territorial jurisdiction of the United States'' after ''United States property'' in concluding provisions.

1990—Subsec. (c). Pub. L. 101–246, which directed amendment of subsec. (c) by substituting ''$2,000,000'' for ''$500,000'', could not be executed because ''$500,000'' did not appear after execution of the amendment by Pub. L. 101–231. See 1989 Amendment note below.

1989—Subsec. (c). Pub. L. 101–231 substituted ''$2,000,000'' for ''$500,000''.

1988—Subsec. (g). Pub. L. 100–690 amended second sentence generally. Prior to amendment, second sentence read as follows: ''In addition to the amount authorized by the preceding sentence, there are authorized to be appropriated $10,000,000 for fiscal year 1987 for 'Administration of Foreign Affairs' for use in paying rewards under this section, up to $5,000,000 of which may be used for rewards for information described in subsection (b)(1) of this section.''

1986—Subsecs. (b), (c). Pub. L. 99–399, § 502(a), added subsec. (b) and redesignated former subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 99–399, § 502(a)(1), (c)(1), redesignated former subsec. (c) as (d), and substituted ''subsection (a) of this section'' for ''this section''. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 99–399, § 502(a)(1), redesignated former subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 99–399, § 502(a)(1), (c)(2), redesignated former subsec. (e) as (f), and inserted ''or (b)''. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 99–399, § 502(a)(1), (b), redesignated former subsec. (f) as (g), and inserted provision authorizing up to $2,000,000 for rewards for information described in subsec. (b)(1) of this section and appropriating $10,000,000 for fiscal year 1987, of which up to $5,000,000 may be used for rewards for information described in subsec. (b)(1) of this section.

Subsecs. (h), (i). Pub. L. 99–399, § 502(d), added subsecs. (h) and (i).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 827 of Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

AVOIDING DUPLICATIVE AMENDMENTS

Section 13(b) of Pub. L. 101–231 provided that: ''If the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 [Pub. L. 101–246, Feb. 16, 1990, 104 Stat. 87], is enacted before this Act [Dec. 13, 1989], and that Act makes the same amendment as is described in subsection (a) [amending this section], then subsection (a) shall not take effect. If, however, this Act is enacted before the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and that Act would make the same amendment as is made by subsection (a), then that amendment as proposed to be made by that Act shall not take effect.''

REWARDS FOR INTERNATIONAL TERRORISTS

Section 501 of Pub. L. 99–399 provided that: ''It is the sense of the Congress that the Secretary of State should more vigorously utilize the moneys available under section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a); relating to rewards for information on international terrorism) to more effectively apprehend and prosecute international terrorists. It is further the sense of the Congress that the Secretary of State should consider widely publicizing the sizable rewards available under present law so that major international terrorist figures may be brought to justice.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4802, 5512 of this title; title 8 sections 1101, 1255; title 18 section 3076.

§ 2709. Special agents

(a) General authority

Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and the Foreign Service may—

(1) conduct investigations concerning illegal passport or visa issuance or use;

(2) for the purpose of conducting such investigations—

(A) obtain and execute search and arrest warrants,

(B) make arrests without warrant for any offense concerning passport or visa issuance or use if the special agent has reasonable grounds to believe that the person has committed or is committing such offense, and

(C) obtain and serve subpoenas and summonses issued under the authority of the United States;

(3) protect and perform protective functions directly related to maintaining the security and safety of—

(A) heads of a foreign state, official representatives of a foreign government, and other distinguished visitors to the United States, while in the United States;

(B) the Secretary of State, Deputy Secretary of State, and official representatives of the United States Government, in the United States or abroad;

(C) members of the immediate family of persons described in subparagraph (A) or (B); and

(D) foreign missions (as defined in section 4302(a)(4)[1] of this title) and international organizations (as defined in section 4309(b) of this title), within the United States;

(4) if designated by the Secretary and qualified, under regulations approved by the Attorney General, for the use of firearms, carry

[1] See References in Text note below.

firearms for the purpose of performing the duties authorized by this section; and

(5) arrest without warrant any person for a violation of section 111, 112, 351, 970, or 1028 of title 18—

(A) in the case of a felony violation, if the special agent has reasonable grounds to believe that such person—

(i) has committed or is committing such violation; and

(ii) is in or is fleeing from the immediate area of such violation; and

(B) in the case of a felony or misdemeanor violation, if the violation is committed in the presence of the special agent.

(b) Agreement with Attorney General and firearms regulations

(1) Agreement with Attorney General

The authority conferred by paragraphs (1), (2), (4), and (5) of subsection (a) of this section shall be exercised subject to an agreement with the Attorney General and shall not be construed to affect the investigative authority of any other Federal law enforcement agency.

(2) Firearms regulations

The Secretary of State shall prescribe regulations, which shall be approved by the Attorney General, with respect to the carrying and use of firearms by special agents under this section.

(c) Secret Service not affected

Nothing in subsection (a)(3) of this section shall be construed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3 or section 3056 of title 18 at a level commensurate with protective requirements as determined by the United States Secret Service. The Secretary of State, the Attorney General, and the Secretary of the Treasury shall enter into an interagency agreement with respect to their law enforcement functions.

(Aug. 1, 1956, ch. 841, title I, § 37, as added Pub. L. 99–93, title I, § 125(a), Aug. 16, 1985, 99 Stat. 415; amended Pub. L. 101–246, title I, § 113, Feb. 16, 1990, 104 Stat. 22; Pub. L. 103–236, title I, § 139(1), Apr. 30, 1994, 108 Stat. 397.)

REFERENCES IN TEXT

Section 4302 of this title, referred to in subsec. (a)(3)(D), was subsequently amended, and section 4302(a)(4) no longer defines the term ''foreign mission''. However, such term is defined elsewhere in that section.

PRIOR PROVISIONS

A prior section 37 of act Aug. 1, 1956, was renumbered section 38 by section 125(a) of Pub. L. 99–93, and subsequently renumbered, and was set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103–236 struck out subsec. (d) which read as follows: ''The Secretary of State shall transmit the regulations prescribed under this section to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations of the Senate not less than 20 days before the date on which such regulations take effect.''

1990—Subsec. (a)(2). Pub. L. 101–246, § 113(1), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (a)(5). Pub. L. 101–246, § 113(2), amended introductory provisions generally, substituting ''970, or 1028'' for ''911, 970, 1001, 1028, 1541, 1542, 1543, 1544, 1545, or 1546''.

§ 2710. Expenses relating to participation in arbitrations of certain disputes

(a) International agreements

The Secretary of State may use funds available to the Secretary for the expenses of United States participation in arbitrations and other proceedings for the peaceful resolution of disputes under treaties or other international agreements.

(b) Contracts abroad

The Secretary of State may use funds available to the Secretary for the expenses of United States participation in arbitrations arising under contracts authorized by law for the performance of services or acquisition of property, real or personal, abroad.

(c) Procurement of services

The Secretary of State may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in preparing or prosecuting a proceeding before an international tribunal or a claim by or against a foreign government or other foreign entity, whether or not the expert is expected to testify, or to procure other support services for such proceedings or claims. The Secretary need not provide any written justification for the use of procedures other than competitive procedures when procuring such services under this subsection and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.

(d) International Litigation Fund

(1) Establishment

In order to provide the Department of State with a dependable, flexible, and adequate source of funding for the expenses of the Department related to preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, there is established an International Litigation Fund (hereafter in this subsection referred to as the ''ILF''). The ILF may be available without fiscal year limitation. Funds otherwise available to the Department for the purposes of this paragraph may be credited to the ILF.

(2) Reprogramming procedures

Funds credited to the ILF shall be treated as a reprogramming of funds under section 2706 of this title and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings. This paragraph shall not apply to the transfer of funds under paragraph (3).

(3) Transfers of funds

Funds received by the Department of State from another agency of the United States Gov-

ernment or pursuant to the Department of State Appropriations Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) to meet costs of preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, shall be credited to the ILF.

(4) Use of funds

Funds deposited in the ILF shall be available only for the purposes of paragraph (1).

(Aug. 1, 1956, ch. 841, title I, § 38, as added Pub. L. 99–93, title I, § 128, Aug. 16, 1985, 99 Stat. 419; amended Pub. L. 103–236, title I, § 123, Apr. 30, 1994, 108 Stat. 392.)

REFERENCES IN TEXT

The Department of State Appropriations Act of 1937, referred to in subsec. (d)(3), probably means the Department of State Appropriation Act, 1937, which is title I of act May 15, 1936, ch. 405, 49 Stat. 1309. Provisions relating to acceptance by the Secretary of State of reimbursement for expenses incurred in pursuing certain private claims against foreign governments were added to that act by Pub. L. 100–204, title I, § 142(b), Dec. 22, 1987, 101 Stat. 1350, and are classified to section 2661 of this title.

PRIOR PROVISIONS

A prior section 38 of act Aug. 1, 1956, was renumbered section 39 by section 128 of Pub. L. 99–93, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

AMENDMENTS

1994—Subsecs. (c), (d). Pub. L. 103–236 added subsecs. (c) and (d).

§ 2711. Counterterrorism Protection Fund

(a) Authority

The Secretary of State may reimburse domestic and foreign persons, agencies, or governments for the protection of judges or other persons who provide assistance or information relating to terrorist incidents primarily outside the territorial jurisdiction of the United States. Before making a payment under this section in a matter over which there is Federal criminal jurisdiction, the Secretary shall advise and consult with the Attorney General.

(b) Authorization of appropriations

There are authorized to be appropriated to the Secretary of State for ''Administration of Foreign Affairs'' $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 for use in reimbursing persons, agencies, or governments under this section.

(c) Designation of Fund

Amounts made available under this section may be referred to as the ''Counterterrorism Protection Fund''.

(Aug. 1, 1956, ch. 841, title I, § 39, as added Pub. L. 99–399, title V, § 504(2), Aug. 27, 1986, 100 Stat. 871.)

PRIOR PROVISIONS

A prior section 39 of act Aug. 1, 1956, was renumbered section 40 by section 504(1) of Pub. L. 99–399, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

§ 2712. Authority to control certain terrorism-related services

(a) Authority

The Secretary of State may, by regulation, impose controls on the provision of the services described in subsection (b) of this section if the Secretary determines that provision of such services would aid and abet international terrorism.

(b) Services subject to control

The services subject to control under subsection (a) of this section are the following:

(1) Serving in or with the security forces of a designated foreign government.

(2) Providing training or other technical services having a direct military, law enforcement, or intelligence application, to or for the security forces of a designated foreign government.

Any regulations issued to impose controls on services described in paragraph (2) shall list the specific types of training and other services subject to the controls.

(c) Persons subject of controls

These services may be controlled under subsection (a) of this section when they are provided within the United States by any individual or entity and when they are provided anywhere in the world by a United States person.

(d) Licenses

In carrying out subsection (a) of this section, the Secretary of State may require licenses, which may be revoked, suspended, or amended, without prior notice, whenever such action is deemed to be advisable.

(e) Definitions

(1) Designated foreign government

As used in this section, the term ''designated foreign government'' means a foreign government that the Secretary of State has determined, for purposes of section 2405(j)(1) of title 50, Appendix, has repeatedly provided support for acts of international terrorism.

(2) Security forces

As used in this section, the term ''security forces'' means any military or paramilitary forces, any police or other law enforcement agency (including any police or other law enforcement agency at the regional or local level), and any intelligence agency of a foreign government.

(3) United States

As used in this section, the term ''United States'' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(4) United States person

As used in this section, the term ''United States person'' means any United States na-

tional, any permanent resident alien, and any sole proprietorship, partnership, company, association, or corporation organized under the laws of or having its principal place of business within the United States.

(f) Violations

(1) Penalties

Whoever willfully violates any regulation issued under this section shall be fined not more than $100,000 or five times the total compensation received for the conduct which constitutes the violation, whichever is greater, or imprisoned for not more than ten years, or both, for each such offense.

(2) Investigations

The Attorney General and the Secretary of the Treasury shall have authority to investigate violations of regulations issued under this section.

(g) Congressional oversight

(1) Review of regulations

Not less than 30 days before issuing any regulations under this section (including any amendments thereto), the Secretary of State shall transmit the proposed regulations to the Congress.

(2) Reports

Not less than once every six months, the Secretary of State shall report to the Congress concerning the number and character of licenses granted and denied during the previous reporting period, and such other information as the Secretary may find to be relevant to the accomplishment of the objectives of this section.

(h) Relationship to other laws

The authority granted by this section is in addition to the authorities granted by any other provision of law.

(Aug. 1, 1956, ch. 841, title I, § 40, as added Pub. L. 99–399, title V, § 506(2), Aug. 27, 1986, 100 Stat. 871.)

PRIOR PROVISIONS

A prior section 40 of act Aug. 1, 1956, was renumbered section 41 by section 506(1) of Pub. L. 99–399, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

§ 2713. Protection of historic and artistic furnishings of reception areas of the Department of State Building

(a) In general

The Secretary of State shall administer the historic and artistic articles of furniture, fixtures, and decorative objects of the reception areas of the Department of State by such means and measures as conform to the purposes of the reception areas, which include conserving those articles, fixtures, and objects and providing for their enjoyment in such manner and by such means as will leave them for the use of the American people. Nothing shall be done under this subsection which conflicts with the administration of the Department of State or with the use of the reception areas for official purposes of the United States Government.

(b) Disposition of historic and artistic items

(1) Items covered

Articles of furniture, fixtures, and decorative objects of the reception areas (and similar articles, fixtures, and objects acquired by the Secretary of State), when declared by the Secretary of State to be of historic or artistic interest, shall thereafter be considered to be the property of the Secretary in his or her official capacity and shall be subject to disposition solely in accordance with this subsection.

(2) Sale or trade

Whenever the Secretary of State determines that—

(A) any item covered by paragraph (1) is no longer needed for use or display in the reception areas, or

(B) in order to upgrade the reception areas, a better use of that article would be its sale or exchange,

the Secretary may, with the advice and concurrence of the Director of the National Gallery of Art, sell the item at fair market value or trade it, without regard to the requirements of the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 471 et seq.]. The proceeds of any such sale may be credited to the unconditional gift account of the Department of State, and items obtained in trade shall be the property of the Secretary of State under this subsection.

(3) Smithsonian Institution

The Secretary of State may also lend items covered by paragraph (1), when not needed for use or display in the reception areas, to the Smithsonian Institution or a similar institution for care, repair, study, storage, or exhibition.

(c) "Reception areas" defined

For purposes of this section, the term ''reception areas'' means the areas of the Department of State Building, located at 2201 C Street, Northwest, Washington, District of Columbia, known as the Diplomatic Reception Rooms (eighth floor), the Secretary of State's offices (seventh floor), the Deputy Secretary of State's offices (seventh floor), and the seventh floor reception area.

(Aug. 1, 1956, ch. 841, title I, § 41, as added Pub. L. 100–204, title I, § 126(a)(2), Dec. 22, 1987, 101 Stat. 1341.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (b)(2), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that Act relating to management and disposal of Government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

PRIOR PROVISIONS

A prior section 41 of act Aug. 1, 1956, was renumbered section 42 by section 126(a)(1) of Pub. L. 100–204, and

subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

§ 2714. Denial of passports to certain convicted drug traffickers

(a) Ineligibility for passport

(1) In general

A passport may not be issued to an individual who is convicted of an offense described in subsection (b) of this section during the period described in subsection (c) of this section if the individual used a passport or otherwise crossed an international border in committing the offense.

(2) Passport revocation

The Secretary of State shall revoke a passport previously issued to an individual who is ineligible to receive a passport under paragraph (1).

(b) Drug law offenses

(1) Felonies

Subsection (a) of this section applies with respect to any individual convicted of a Federal drug offense, or a State drug offense, if the offense is a felony.

(2) Certain misdemeanors

Subsection (a) of this section also applies with respect to an individual convicted of a Federal drug offense, or a State drug offense, if the offense is[1] misdemeanor, but only if the Secretary of State determines that subsection (a) of this section should apply with respect to that individual on account of that offense. This paragraph does not apply to an individual's first conviction for a misdemeanor which involves only possession of a controlled substance.

(c) Period of ineligibility

Subsection (a) of this section applies during the period that the individual—

(1) is imprisoned, or is legally required to be imprisoned, as the result of the conviction for the offense described in subsection (b) of this section; or

(2) is on parole or other supervised release after having been imprisoned as the result of that conviction.

(d) Emergency and humanitarian exceptions

Notwithstanding subsection (a) of this section, the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual with respect to whom that subsection applies.

(e) Definitions

As used in this section—

(1) the term ''controlled substance'' has the same meaning as is provided in section 102 of the Controlled Substances Act (21 U.S.C. 802);

(2) the term ''Federal drug offense'' means a violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

(B) any other Federal law involving controlled substances; or

(C) subchapter II of chapter 53 of title 31 (commonly referred to as the ''Bank Secrecy Act''), or section 1956 or section 1957 of title 18 (commonly referred to as the ''Money Laundering Act''), if the Secretary of State determines that the violation is related to illicit production of or trafficking in a controlled substance;

(3) the term ''felony'' means a criminal offense punishable by death or imprisonment for more than one year;

(4) the term ''imprisoned'' means an individual is confined in or otherwise restricted to a jail-type institution, a half-way house, a treatment facility, or another institution, on a full or part-time basis, pursuant to the sentence imposed as the result of a conviction;

(5) the term ''misdemeanor'' means a criminal offense other than a felony;

(6) the term ''State drug offense'' means a violation of State law involving the manufacture, distribution, or possession of a controlled substance; and

(7) the term ''State law'' means the law of a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or a territory or possession of the United States.

(Aug. 1, 1956, ch. 841, title I, § 42, as added Pub. L. 100–690, title IV, § 4603(2), Nov. 18, 1988, 102 Stat. 4287.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (e)(2)(A), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Controlled Substances Import and Export Act, referred to in subsec. (e)(2)(A), is title III of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1285, as amended, which is classified principally to subchapter II (§ 951 et seq.) of chapter 13 of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 951 of Title 21 and Tables.

PRIOR PROVISIONS

A prior section 42 of act Aug. 1, 1956, was renumbered section 43 by section 4603(1) of Pub. L. 100–690, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

§ 2715. Procedures regarding major disasters and incidents abroad affecting United States citizens

In the case of a major disaster or incident abroad which affects the health and safety of citizens of the United States residing or traveling abroad, the Secretary of State shall provide prompt and thorough notification of all appropriate information concerning such disaster or incident and its effect on United States citizens to the next-of-kin of such individuals. Notifica-

[1] So in original. Probably should be followed by ''a''.

tion shall be provided through the most expeditious means available, including telephone communications, and shall include timely written notice. The Secretary, through the appropriate offices of the Department of State, shall act as a clearinghouse for up-to-date information for the next-of-kin and shall provide other services and assistance. Assistance shall include liaison with foreign governments and persons and with United States air carriers concerning arrangements for the preparation and transport to the United States of the remains of citizens who die abroad, as well as disposition of personal effects.

(Aug. 1, 1956, ch. 841, title I, § 43, as added Pub. L. 101–246, title I, § 115(c)(2), Feb. 16, 1990, 104 Stat. 23.)

PRIOR PROVISIONS

A prior section 43 of act Aug. 1, 1956, was renumbered section 44 by section 115(c)(1) of Pub. L. 101–246, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

DEVELOPMENT OF STANDARDIZED PROCEDURES

Section 115(d) of Pub. L. 101–246 provided that:

''(1) The Secretary of State shall enter into discussions with international air carriers and other appropriate entities to develop standardized procedures which will assist the Secretary in implementing the provisions of section 43 of the State Department Basic Authorities Act of 1956, as amended by subsection (c) [22 U.S.C. 2715].

''(2) The Secretary of State shall consider the feasibility of establishing a toll-free telephone number to facilitate inquiries by the next-of-kin in cases of major disasters or incidents abroad which affect the health and safety of citizens of the United States residing or traveling abroad.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5503, 5507 of this title.

§ 2715a. Provision of information on certain violent crimes abroad to victims and victims' families

(a) Sense of Congress

It is the sense of Congress that—

(1) it is in the national interests of the United States to provide information regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad to the victims of such crimes, or the families of victims of such crimes if they are United States citizens; and

(2) the provision of such information is sufficiently important that the discharge of the responsibility for identifying and disseminating such information should be vested in a cabinet-level officer of the United States Government.

(b) Responsibility

The Secretary of State shall take appropriate actions to ensure that the United States Government takes all appropriate actions to—

(1) identify promptly information (including classified information) in the possession of the departments and agencies of the United States Government regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad; and

(2) subject to subsection (c) of this section, promptly make such information available to—

(A) the victims of such crimes; or

(B) when appropriate, the family members of the victims of such crimes if such family members are United States citizens.

(c) Limitations

The Secretary shall work with the heads of appropriate departments and agencies of the United States Government in order to ensure that information relevant to a crime covered by subsection (b) of this section is promptly reviewed and, to the maximum extent practicable, without jeopardizing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available under that subsection unless such disclosure is specifically prohibited by law.

(Pub. L. 105–107, title III, § 307, Nov. 20, 1997, 111 Stat. 2252.)

§ 2716. Debt collection

(a) Contract authority

(1) Subject to the availability of appropriations, the Secretary of State shall enter into contracts for collection services to recover indebtedness owed by a person, other than a foreign country, to the United States which arises out of activities of the Department of State and is delinquent by more than 90 days.

(2) Each contract entered into under this section shall provide that the person with whom the Secretary enters into such contract shall submit to the Secretary at least once every 180 days a status report on the success of the person in collecting debts. Section 3718 of title 31 shall apply to any such contract to the extent that such section is not inconsistent with this subsection.

(b) Disclosure of delinquent debt to credit reporting agencies

The Secretary of State shall, to the extent otherwise allowed by law, disclose to those credit reporting agencies to which the Secretary reports loan activity information concerning any debt of more than $100 owed by a person, other than a foreign country, to the United States which arises out of activities of the Department of State and is delinquent by more than 31 days.

(Aug. 1, 1956, ch. 841, title I, § 44, as added Pub. L. 101–246, title I, § 117(2), Feb. 16, 1990, 104 Stat. 25.)

PRIOR PROVISIONS

A prior section 44 of act Aug. 1, 1956, was renumbered section 45 by section 117(1) of Pub. L. 101–246, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

§ 2717. Defense trade controls registration fees

(a) Defense trade controls registration fees

For each fiscal year, $700,000 of the registration fees collected by the Office of Defense Trade Controls of the Department of State shall

be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for payment of expenses incurred for—

(1) contract personnel to assist in the evaluation of defense trade controls license applications, reduction in processing time for license applications, and improved monitoring of compliance with the terms of licenses; and

(2) the automation of defense trade controls functions and the processing of defense trade controls license applications, including the development, procurement, and utilization of computer equipment and related software.

(b) Budget Act compliance

The authority contained in subsection (a) of this section shall be exercised to such extent and in such amounts as are to be provided in an appropriation Act.

(Aug. 1, 1956, ch. 841, title I, § 45, as added Pub. L. 101–246, title I, § 118(2), Feb. 16, 1990, 104 Stat. 25; amended Pub. L. 102–138, title I, § 126, Oct. 28, 1991, 105 Stat. 659.)

REFERENCES IN TEXT

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

PRIOR PROVISIONS

A prior section 45 of act Aug. 1, 1956, was renumbered section 46 by section 118(1) of Pub. L. 101–246, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

AMENDMENTS

1991—Pub. L. 102–138, § 126(1), substituted ''Defense trade controls registration fees'' for ''Munitions control registration fees'' in section catchline.

Subsec. (a). Pub. L. 102–138, § 126, substituted in heading ''Defense trade controls registration fees'' for ''Munitions control registration fees'' and in text ''$700,000'' for ''$500,000'', ''Defense Trade Controls'' for ''Munitions Control'', and ''defense trade controls'' for ''munitions control'' wherever appearing.

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.

§ 2718. Fees received for use of Blair House

(a) Use of fees

Notwithstanding any other provision of law, funds received by the Department of State in connection with use of Blair House (including reimbursements and surcharges for services and goods provided and fees for use of Blair House facilities) may be credited to the appropriate appropriation account of the Department of State which is currently available. Such funds shall be available only for maintenance and other expenses of Blair House.

(b) Compliance with Budget Act

The authority of this section may be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.

(Aug. 1, 1956, ch. 841, title I, § 46, as added Pub. L. 101–246, title I, § 119(2), Feb. 16, 1990, 104 Stat. 26; amended Pub. L. 102–138, title I, § 123, Oct. 28, 1991, 105 Stat. 659.)

REFERENCES IN TEXT

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

PRIOR PROVISIONS

A prior section 46 of act Aug. 1, 1956, was renumbered section 47 by section 119(1) of Pub. L. 101–246, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102–138 struck out ''for the fiscal years 1990 and 1991,'' after ''provision of law,''.

§ 2719. Grants for training and education in international affairs

The Secretary of State may make grants to postsecondary educational institutions or students for the purpose of increasing the level of knowledge and awareness of and interest in employment with the Foreign Service, consistent with section 3905 of this title. To the extent possible, the Secretary shall give special emphasis to promoting such knowledge and awareness of, and interest in employment with, the Foreign Service among minority students. Any grants awarded shall be made pursuant to regulations to be established by the Secretary of State, which shall provide for a limit on the size of any specific grant and, regarding any grants to individuals, shall ensure that no grant recipient receives an amount of grants from one or more Federal programs which in the aggregate would exceed the cost of his or her education, and shall require satisfactory educational progress by grantees as a condition of eligibility for continued receipt of grant funds.

(Aug. 1, 1956, ch. 841, title I, § 47, as added Pub. L. 101–246, title I, § 150(2), Feb. 16, 1990, 104 Stat. 42.)

PRIOR PROVISIONS

A prior section 47 of act Aug. 1, 1956, was renumbered section 48 by section 150(1) of Pub. L. 101–246, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

§ 2720. Closing of consular and diplomatic posts abroad

(a) Prohibited uses of funds

Except as provided under subsection (d) of this section or in accordance with the procedures under subsections (b) and (c) of this section—

(1) no funds authorized to be appropriated to the Department of State shall be available to

pay any expense related to the closing of any United States consular or diplomatic post abroad; and

(2) no funds authorized to be appropriated to the Department of State may be used to pay for any expense related to the Bureau of Administration of the Department of State (or to carrying out any of its functions) if any United States consular or diplomatic post is closed.

(b) Post closing notification

Not less than 45 days before the closing of any United States consular or diplomatic post abroad, the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) Reprogramming treatment

Amounts made available to pay any expense related to the closing of a consular or diplomatic post abroad shall be treated as a reprogramming of funds under section 2706 of this title and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

(d) Exceptions

The provisions of this section do not apply with respect to—

(1) any post closed because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

(2) any post closed because there is a real and present threat to United States diplomatic or consular personnel in the city where the post is located, and a travel advisory warning against travel by United States citizens to that city has been issued by the Department of State.

(e) "Consular or diplomatic post" defined

As used in this section, the term ''consular or diplomatic post'' does not include a post to which only personnel of agencies other than the Department of State are assigned.

(Aug. 1, 1956, ch. 841, title I, § 48, as added Pub. L. 102–138, title I, § 112(a)(1), Oct. 28, 1991, 105 Stat. 654.)

PRIOR PROVISIONS

A prior section 48 of act Aug. 1, 1956, was set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102–138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

Provisions similar to this section were contained in Pub. L. 100–204, title I, § 122, Dec. 22, 1987, 101 Stat. 1339, and set out as a note under section 2656 of this title, prior to repeal by Pub. L. 102–138, title I, § 112(b), Oct. 28, 1991, 105 Stat. 655.

CHANGE OF NAME

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

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.

§ 2721. Impermissible basis for denial of passports

A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity, belief, affiliation, or membership, within or outside the United States, which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.

(Aug. 1, 1956, ch. 841, title I, § 49, as added Pub. L. 102–138, title I, § 113, Oct. 28, 1991, 105 Stat. 655.)

§ 2722. International meetings

(a) Authority to pay expenses

If the United States Government hosts an international meeting or conference in the United States, the Secretary of State is authorized to pay all reasonable expenses of such meeting or conference. Such expenses may include rental of quarters (by contract or otherwise) and personal services.

(b) Retention of reimbursements

To the extent provided in an appropriation Act, transfers of funds or other reimbursements for payments under subsection (a) of this section are authorized to be retained and credited to the appropriate appropriation account of the Department of State which is available.

(Aug. 1, 1956, ch. 841, title I, § 50, as added Pub. L. 102–138, title I, § 119, Oct. 28, 1991, 105 Stat. 658.)

§ 2723. Denial of visas

(a) Report to Congress

The Secretary shall report, on a timely basis, to the appropriate committees of the Congress each time a consular post denies a visa on the grounds of terrorist activities or foreign policy. Such report shall set forth the name and nationality of each such person and a factual statement of the basis for such denial.

(b) Limitation

Information contained in such report may be classified to the extent necessary and shall protect intelligence sources and methods.

(c) Appropriate committees

For the purposes of this section the term ''appropriate committees of the Congress'' means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.

(Aug. 1, 1956, ch. 841, title I, § 51, as added Pub. L. 102–138, title I, § 127(a), Oct. 28, 1991, 105 Stat. 660.)

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on Inter-

national Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2724. Fees for commercial services

(a) Authority to charge fee

(1) Subject to paragraph (2), the Secretary of State is authorized to charge a fee to cover the actual or estimated cost of providing any person, firm or organization (other than agencies of the United States Government) with commercial services at posts abroad on matters within the authority of the Department of State.

(2) The authority of this section may be exercised only in countries where the Department of Commerce does not perform commercial services for which it collects fees.

(b) Use of fees

Funds collected under the authority of subsection (a) of this section shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing commercial services.

(Aug. 1, 1956, ch. 841, title I, § 52, as added Pub. L. 103–236, title I, § 136, Apr. 30, 1994, 108 Stat. 396.)

CHAPTER 39—ARMS EXPORT CONTROL

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