

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	Repealed.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	Repealed.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*Section was repealed by Pub.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and Government Officers and Employees, could be cited as the “Foreign Gifts and Decorations Act of 1966”, was repealed by Pub.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.
2652, 2652a.	Repealed.
2652b.	Assistant Secretary of State for South Asian Affairs.
2652c.	Assistant Secretary of State for Verification and Compliance.
2653 to 2655.	Repealed.
2655a.	Bureau of Oceans and International Environmental and Scientific Affairs within Department of State; Assistant Secretary of State as head of Bureau.
2655b.	Diplomatic presence overseas.
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.
2656d.	Responsibilities of Secretary of State.
2656e.	Terrorism-related travel advisories.
2656f.	Annual country reports on terrorism.
2656g.	Report on terrorist assets in United States.
2656h.	International credit reports.
2656i.	Counterdrug and anticrime activities of Department of State.
2657.	Custody of seals and property.
2658.	Repealed.
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.
2661b.	Services provided to the press.
2662, 2663.	Transferred or Omitted.

Sec. 2664.	Distribution of duties of officers, clerks, and employees.	Sec. 2684.	Capital fund for Department of State to centralize reproduction, editorial, data processing, audiovisual and other services; maximum amount; operation of fund.
2664a.	Protection of Civil Service employees.	2684a.	Capital Investment Fund.
2665.	Personal services other than those provided for.	2685.	Reimbursement for detailed State Department personnel.
2665a.	Foreign Service fellowships.	2686.	Review of world-wide supply, demand, and price of basic raw and processed materials.
2666, 2667.	Repealed.	2686a.	Appointment of Special Coordinator for water policy negotiations and water resources policy.
2668.	Requisitions for advances to pay lawful obligations.	2687.	Use of appropriated funds for unusual expenses of United States Representative to Organization of American States.
2668a.	Disposition of trust funds received from foreign governments for citizens of United States.	2688.	Ambassadors; criteria regarding selection and confirmation.
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; special purpose passenger motor vehicles; pay obligations arising under international conventions or contracts; personal service contracts.	2689.	American Sections, International Joint Commission, United States and Canada; funds for representation expenses and official entertainment within the United States.
2669-1.	Payment of tort claims arising in connection with overseas operations.	2690.	Foreign gifts; audit; reports to Congress.
2669a.	Diplomatic Telecommunications Service.	2691.	Repealed.
2669b.	Reaffirming United States international telecommunications policy.	2692.	Compensation for persons participating in State Department proceedings; availability of funds.
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.	2693.	Repealed.
2671.	Emergency expenditures.	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.
2672.	Participation in international activities; restriction; expenses.	2695.	Administrative services.
2672a.	Alternate United States Commissioners for international fisheries commissions.	2695a.	Foreign language services.
2672b.	Compensation of Alternate United States Commissioners; travel expenses and other allowances.	2695b.	Omitted.
2673.	International Civil Aviation Organization; availability of funds for participation.	2696.	Nondiscretionary personnel costs, currency fluctuations, and other contingencies.
2674.	Availability of exchange allowances or proceeds derived from exchange or sale of motor vehicles.	2697.	Acceptance of gifts on behalf of United States.
2675.	Allocation or transfer to other agencies of funds appropriated to Department of State; authority for expenditure of funds.	2698.	Procurement of legal services.
2676.	Contracts in foreign countries.	2699.	Employment opportunities for family members.
2677.	Availability of funds for travel expenses and transportation of personal effects, household goods, or automobiles.	2700.	Use of vehicles.
2678.	Reduction in earmarks if appropriations are less than authorizations.	2701.	Educational facilities.
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.	2702.	Malpractice protection.
2679a.	Procurement contracts.	2703.	Services and facilities for employees at posts abroad.
2679b.	Prohibition against fraudulent use of "Made in America" labels.	2704.	Subsistence expenses.
2679c.	Prohibition on discriminatory contracts.	2705.	Documentation of citizenship.
2680.	Appropriations for State Department; information to Congressional committees.	2706.	Reprogramming of funds; notice requirements.
2680-1.	Deadline for responses to questions from Congressional committees.	2706a.	Rewards payments.
2680-2.	Facilitating access to Department of State.	2707.	International communications and information policy; duties of Secretary of State.
2680a.	Compensation for disability or death.	2708.	Department of State rewards program.
2681.	International broadcasting facilities; transfer to Department of State; acquisition of property.	2708a.	Award of Thomas Jefferson Star for Foreign Service.
2682.	Liquidation and disposal of broadcasting facilities.	2709.	Special agents.
2683.	Assumption of obligations of operation of broadcasting facilities.	2710.	Expenses relating to participation in arbitrations of certain disputes.
		2711.	Counterterrorism Protection Fund.
		2712.	Authority to control certain terrorism-related services.
		2713.	Protection of historic and artistic furnishings of reception areas of the Harry S Truman Federal Building.
		2714.	Denial of passports to certain convicted drug traffickers.
		2715.	Procedures regarding major disasters and incidents abroad affecting United States citizens.
		2715a.	Provision of information on certain violent crimes abroad to victims and victims' families.
		2715b.	Notification of next of kin; reports of death.
		2715c.	Conservation and disposition of estates.
		2716.	Debt collection.
		2717.	Defense trade controls registration fees.
		2718.	Fees received for use of Blair House.
		2719.	Grants for training and education in international affairs.

Sec.	
2720.	Closing of consular and diplomatic posts abroad.
2721.	Impermissible basis for denial of passports.
2722.	International meetings.
2723.	Denial of visas.
2724.	Fees for commercial services.
2725.	Fees for use of the George P. Shultz National Foreign Affairs Training Center.
2726.	Fee for use of diplomatic reception rooms.
2727.	Accounting of collections in budget presentation documents.
2728.	Crimes committed by diplomats.
2729.	State Department records of overseas deaths of United States citizens from nonnatural causes.
2730.	Prohibition on funding the involuntary return of refugees.
2731.	Monitoring and combating anti-Semitism.
2732.	Public diplomacy responsibilities of the Department of State.
2733.	Reemployment of annuitants under the Civil Service Retirement System and Federal Employees' Retirement System.

### § 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 2004 AMENDMENT

Pub. L. 108-332, § 1, Oct. 16, 2004, 118 Stat. 1282, provided that: "This Act [enacting section 2731 of this title, amending sections 2151n, 2304, and 6412 of this title, and enacting provisions set out as notes under sections 2151n and 2731 of this title] may be cited as the 'Global Anti-Semitism Review Act of 2004'."

#### SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-228, § 1, Sept. 30, 2002, 116 Stat. 1350, provided that: "This Act [see Tables for classification] may be cited as the 'Foreign Relations Authorization Act, Fiscal Year 2003'."

Pub. L. 107-228, div. A, § 101, Sept. 30, 2002, 116 Stat. 1355, provided that: "This division [see Tables for classification] may be cited as the 'Department of State Authorization Act, Fiscal Year 2003'."

#### SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-113, div. B, § 1000(a)(7) [§ 1], Nov. 29, 1999, 113 Stat. 1536, 1501A-405, provided that: "This Act [H.R. 3427, as enacted by section 1000(a)(7) of Pub. L. 106-113, see Tables for classification] may be cited as the 'Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001'."

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-277, div. G, subdiv. B, title XX, § 2001, Oct. 21, 1998, 112 Stat. 2681-801, provided that: "This subdivision [see Tables for classification] may be cited as the

'Foreign Relations Authorization Act, Fiscal Years 1998 and 1999'."

#### 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, 276f, 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 2901-1, 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

Act Aug. 1, 1956, ch. 841 (first sentence), 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 during any period when both Secretary and Deputy Secretary of State are unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13251, Dec. 28, 2001, 67 F.R. 1599, set out as a note under section 3345 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].”

DEFINITIONS

Pub. L. 107-228, §3, Sept. 30, 2002, 116 Stat. 1355, provided that: “In this Act [see Tables for classification]:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives.

“(2) DEPARTMENT.—The term ‘Department’ means the Department of State.

“(3) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of State.”

Pub. L. 106-113, div. B, §1000(a)(7) [§3], Nov. 29, 1999, 113 Stat. 1536, 1501A-409, provided that: “In this Act [see Short Title of 1999 Amendment note set out above]:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in section 902(1) [113 Stat. 1501A-475], the term ‘appropriate congressional committees’ means the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of State.”

**§ 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, the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources 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**

**(1) In general**

There shall be in the Department of State not more than 6 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.

**(2) Under Secretary for Arms Control and International Security**

There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as Senior Advisor to the President and the Secretary of State on Arms Control and Nonproliferation Matters.

**(3) Under Secretary for Public Diplomacy**

There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting. The Under Secretary for Public Diplomacy shall—

(A) prepare an annual strategic plan for public diplomacy in collaboration with overseas posts and in consultation with the regional and functional bureaus of the Department;

(B) ensure the design and implementation of appropriate program evaluation methodologies;

(C) provide guidance to Department personnel in the United States and overseas who conduct or implement public diplomacy policies, programs, and activities;

(D) assist the United States Agency for International Development and the Broadcasting Board of Governors to present the policies of the United States clearly and effectively; and

(E) submit statements of United States policy and editorial material to the Broadcasting Board of Governors for broadcast consideration.

**(4) Nomination of Under Secretaries**

Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.

**(c) Assistant Secretaries**

**(1) In general**

There shall be in the Department of State not more than 24 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.

**(3) Nomination of Assistant Secretaries**

Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.

**(d) 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.

**(e) Coordinator for Counterterrorism**

**(1) In general**

There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the "Coordinator") who shall be appointed by the President, by and with the advice and consent of the Senate.

**(2) Duties**

**(A) In general**

The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

**(B) Duties described**

The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

**(3) Rank and status of Ambassador**

The Coordinator shall have the rank and status of Ambassador at Large.

**(f) HIV/AIDS Response Coordinator**

**(1) In general**

There shall be established within the Department of State in the immediate office of the Secretary of State a Coordinator of United

<sup>1</sup> So in original. Probably should be "under".

States Government Activities to Combat HIV/AIDS Globally, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

**(2) Authorities and duties; definitions**

**(A) Authorities**

The Coordinator, acting through such nongovernmental organizations (including faith-based and community-based organizations) and relevant executive branch agencies as may be necessary and appropriate to effect the purposes of this section, is authorized—

(i) to operate internationally to carry out prevention, care, treatment, support, capacity development, and other activities for combatting HIV/AIDS;

(ii) to transfer and allocate funds to relevant executive branch agencies; and

(iii) to provide grants to, and enter into contracts with, nongovernmental organizations (including faith-based and community-based organizations) to carry out the purposes of section.

**(B) Duties**

**(i) In general**

The Coordinator shall have primary responsibility for the oversight and coordination of all resources and international activities of the United States Government to combat the HIV/AIDS pandemic, including all programs, projects, and activities of the United States Government relating to the HIV/AIDS pandemic under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 [22 U.S.C. 7601 et seq.] or any amendment made by that Act.

**(ii) Specific duties**

The duties of the Coordinator shall specifically include the following:

(I) Ensuring program and policy coordination among the relevant executive branch agencies and nongovernmental organizations, including auditing, monitoring, and evaluation of all such programs.

(II) Ensuring that each relevant executive branch agency undertakes programs primarily in those areas where the agency has the greatest expertise, technical capabilities, and potential for success.

(III) Avoiding duplication of effort.

(IV) Ensuring coordination of relevant executive branch agency activities in the field.

(V) Pursuing coordination with other countries and international organizations.

(VI) Resolving policy, program, and funding disputes among the relevant executive branch agencies.

(VII) Directly approving all activities of the United States (including funding) relating to combatting HIV/AIDS in each of Botswana, Cote d'Ivoire, Ethiopia, Guyana, Haiti, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa,

Tanzania, Uganda, Zambia, and other countries designated by the President, which other designated countries may include those countries in which the United States is implementing HIV/AIDS programs as of May 27, 2003.

(VIII) Establishing due diligence criteria for all recipients of funds section and all activities subject to the coordination and appropriate monitoring, evaluation, and audits carried out by the Coordinator necessary to assess the measurable outcomes of such activities.

**(C) Definitions**

In this paragraph:

**(i) AIDS**

The term “AIDS” means acquired immune deficiency syndrome.

**(ii) HIV**

The term “HIV” means the human immunodeficiency virus, the pathogen that causes AIDS.

**(iii) HIV/AIDS**

The term “HIV/AIDS” means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

**(iv) Relevant executive branch agencies**

The term “relevant executive branch agencies” means the Department of State, the United States Agency for International Development, the Department of Health and Human Services (including the Public Health Service), and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or this Act.

**(g) Qualifications of certain officers of the Department of State**

**(1) Officer having primary responsibility for personnel management**

The officer of the Department of State with primary responsibility for assisting the Secretary with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.

**(2) Officer having primary responsibility for diplomatic security**

The officer of the Department of State with primary responsibility for assisting the Secretary with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security.

**(3) Officer having primary responsibility for international narcotics and law enforcement**

The officer of the Department of State with primary responsibility for assisting the Secretary with respect to international narcotics and law enforcement, or that officer's prin-

cial deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) law enforcement or international narcotics policy.

(Aug. 1, 1956, ch. 841, title I, § 1, 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; Pub. L. 105-277, div. G, subdiv. A, title XII, § 1213, title XIII, § 1313, subdiv. B, title XXIII, §§ 2301(a), 2303-2305(a)(1), (b)(1), (c), 2306, Oct. 21, 1998, 112 Stat. 2681-767, 2681-776, 2681-824, 2681-825, 2681-826; Pub. L. 106-553, § 1(a)(2) [title IV, § 404(a)], Dec. 21, 2000, 114 Stat. 2762, 2762A-96; Pub. L. 107-228, div. A, title III, § 303, Sept. 30, 2002, 116 Stat. 1377; Pub. L. 108-25, title I, § 102(a), May 27, 2003, 117 Stat. 721; Pub. L. 108-458, title VII, § 7109(b)(1), Dec. 17, 2004, 118 Stat. 3793.)

#### REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1) and (f)(2)(C)(iv), is act Aug. 1, 1956, ch. 841, 70 Stat. 890, as amended, known as the State Department Basic Authorities Act of 1956, which enacted this section, sections 2669, 2670, 2671, 2672, 2673 to 2679a, 2680, 2680a, 2684, 2687 to 2690, 2692, 2695, 2696 to 2715, and 2715b to 2733 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 note set out under section 2651 of this title and Tables.

The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, referred to in subsec. (f)(2)(B)(i), is Pub. L. 108-25, May 27, 2003, 117 Stat. 711, which enacted chapter 83 and sections 262p-8 and 2151b-2 to 2151b-4 of this title, amended this section, sections 2151b and 2222 of this title, and section 2421 of Title 42, The Public Health and Welfare, and enacted provisions set out as a note under section 7601 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7601 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

2004—Subsec. (b)(3). Pub. L. 108-458 inserted “The Under Secretary for Public Diplomacy shall—” at end and added subpars. (A) to (E).

2003—Subsecs. (f), (g). Pub. L. 108-25 added subsec. (f) and redesignated former subsec. (f) as (g).

2002—Subsecs. (f), (g). Pub. L. 107-228 added subsec. (f) and struck out former subsecs. (f) and (g), which related to the qualifications of officers having primary responsibility for personnel management and for diplomatic security.

2000—Subsec. (a)(2). Pub. L. 106-553 substituted “, the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources” for “and the Deputy Secretary of State”.

1998—Subsec. (b). Pub. L. 105-277, § 1213, designated existing provisions as par. (1), inserted par. heading, and added par. (2).

Subsec. (b)(1). Pub. L. 105-277, § 2305(a)(1), substituted “6 Under Secretaries” for “5 Under Secretaries”.

Subsec. (b)(3). Pub. L. 105-277, § 1313, added par. (3).

Subsec. (b)(4). Pub. L. 105-277, § 2306(a), added par. (4).

Subsec. (c)(1). Pub. L. 105-277, § 2305(b)(1), substituted “24” for “20”.

Subsec. (c)(3). Pub. L. 105-277, § 2306(b), added par. (3).

Subsec. (d). Pub. L. 105-277, § 2305(c), redesignated subsec. (e) as (d) and struck out heading and text of former subsec. (d). Text read as follows: “There shall be in the Department of State not more than 66 Deputy Assistant Secretaries of State.”

Subsec. (e). Pub. L. 105-277, § 2305(c)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 105-277, § 2305(c)(2), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Pub. L. 105-277, § 2301(a), added subsec. (f).

Subsec. (g). Pub. L. 105-277, § 2305(c)(2), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

Pub. L. 105-277, § 2303, added subsec. (g).

Subsec. (h). Pub. L. 105-277, § 2305(c)(2), redesignated subsec. (h) as (g).

Pub. L. 105-277, § 2304, added subsec. (h).

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 1998 AMENDMENT

Amendment by section 1213 of Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

Amendment by section 1313 of Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

#### EFFECTIVE DATE OF 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.

#### COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES PROVIDING BASIC EDUCATION ASSISTANCE IN DEVELOPING COUNTRIES

Pub. L. 110-161, div. J, title VI, § 664(b), (c), Dec. 26, 2007, 121 Stat. 2349, provided that:

“(b) COORDINATOR.—There shall be established within the Department of State in the immediate office of the Director of United States Foreign Assistance, a Coordinator of United States Government activities to provide basic education assistance in developing countries (hereinafter in this section referred to as the ‘Coordinator’).

“(c) RESPONSIBILITIES.—That [sic] the Coordinator shall have primary responsibility for the oversight and coordination of all resources and international activities of the United States Government that provide assistance in developing countries for basic education. The individual serving as the Coordinator may not hold any other position in the Federal Government during the individual’s time of service as Coordinator.”

ADVISOR FOR ACTIVITIES RELATING TO INDIGENOUS  
PEOPLES INTERNATIONALLY

Pub. L. 110-161, div. J, title VI, § 699B, Dec. 26, 2007, 121 Stat. 2369, provided that:

“(a) ADVISOR.—After consultation with the Committees on Appropriations and not later than 90 days after the enactment of this Act [Dec. 26, 2007], there shall be established within the Department of State in the immediate office of the Director of United States Foreign Assistance an Advisor for Activities Relating to Indigenous Peoples Internationally (hereinafter in this section referred to as the ‘Advisor’), who shall be appointed by the Director. The Advisor shall report directly to the Director.

“(b) RESPONSIBILITIES.—The Advisor shall:

“(1) Advise the Director of United States Foreign Assistance and the Administrator of the United States Agency for International Development on matters relating to the rights and needs of indigenous peoples internationally and should represent the United States Government on such matters in meetings with foreign governments and multilateral institutions.

“(2) Provide for the oversight and coordination of all resources, programs, projects, and activities of the United States Government to protect the rights and address the needs of indigenous peoples internationally.

“(3) Develop and coordinate assistance strategies with specific goals, guidelines, benchmarks, and impact assessments (including support for local indigenous peoples’ organizations).

“(c) FUNDS.—Of the funds appropriated by this Act under the heading ‘Diplomatic and Consular Programs’ [121 Stat. 2277], not less than \$250,000 shall be made available for implementing the provisions of this section.

“(d) REPORT.—Not later than one year after the enactment of this Act [Dec. 26, 2007], the Secretary shall submit a report to the Committees on Appropriations describing progress made in implementing this section.”

CONSULTATION

Pub. L. 108-458, title VII, § 7109(b)(2), Dec. 17, 2004, 118 Stat. 3793, provided that: “The Under Secretary of State for Public Diplomacy, in carrying out the responsibilities described in section 1(b)(3) of such Act [22 U.S.C. 2651a(b)(3)] (as amended by paragraph (1)), shall consult with public diplomacy officers operating at United States overseas posts and in the regional bureaus of the Department of State.”

OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND  
STABILIZATION

Pub. L. 108-447, div. B, title IV, § 408, Dec. 8, 2004, 118 Stat. 2904, provided that: “There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization: *Provided*, That the head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall report directly to the Secretary of State: *Provided further*, That the functions of the Office of the Coordinator for Reconstruction and Stabilization shall include—

“(1) cataloguing and monitoring the non-military resources and capabilities of Executive agencies (as that term is defined in section 105 of title 5, United States Code), State and local governments, and entities in the private and non-profit sectors that are available to address crises in countries or regions that are in, or are in transition from, conflict or civil strife;

“(2) monitoring political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for countries or regions described in paragraph (1);

“(3) assessing crises in countries or regions described in paragraph (1) and determining the appropriate non-military United States, including but not

limited to demobilization, policing, human rights monitoring, and public information efforts;

“(4) planning for response efforts under paragraph (3);

“(5) coordinating with relevant Executive agencies the development of interagency contingency plans for such response efforts; and

“(6) coordinating the training of civilian personnel to perform stabilization and reconstruction activities in response to crises in such countries or regions described in paragraph (1).”

COMPREHENSIVE WORKFORCE PLAN

Pub. L. 107-228, div. A, title III, § 301, Sept. 30, 2002, 116 Stat. 1376, provided that:

“(a) WORKFORCE PLAN.—Not later than 180 days after the date of the enactment of this Act [Sept. 30, 2002], the Secretary shall submit to the appropriate congressional committees a comprehensive workforce plan for the Department for the fiscal years 2003 through 2007. The plan shall consider personnel needs in both the Civil Service and the Foreign Service and expected domestic and overseas personnel allocations. The workforce plan should set forth—

“(1) the detailed mission of the Department;

“(2) the definition of work to be done;

“(3) a description of cyclical personnel needs based on expected retirements and attrition; and

“(4) a statement of the time required to hire, train, and deploy new personnel.

“(b) DOMESTIC STAFFING MODEL.—Not later than one year after the date of the enactment of this Act [Sept. 30, 2002], the Secretary shall compile and submit to the appropriate congressional committees a domestic staffing model for the Department.”

“RIGHTSIZING” OVERSEAS POSTS

Pub. L. 107-228, div. A, title III, § 302, Sept. 30, 2002, 116 Stat. 1376, provided that:

“(a) ‘RIGHTSIZING’ AT THE DEPARTMENT OF STATE.—

“(1) IN GENERAL.—The Secretary shall establish a task force within the Department on the issue of ‘rightsizing’ overseas posts.

“(2) PRELIMINARY REPORT.—Not later than 120 days after the date of the enactment of this Act [Sept. 30, 2002], the Secretary shall submit to the appropriate congressional committees a report that outlines the status, plans, and activities of the task force. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

“(A) The objectives of the task force.

“(B) Measures for achieving the objectives under subparagraph (A).

“(C) Identification of the official of the Department with primary responsibility for the issue of ‘rightsizing’.

“(D) The plans of the Department for the re-allocation of staff and resources based on changing needs at overseas posts and in the metropolitan Washington, D.C., area.

“(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report reviewing the activities and progress of the task force established under paragraph (1).

“(b) INTERAGENCY WORKING GROUP.—

“(1) ESTABLISHMENT.—The Secretary shall establish an interagency working group on the issue of ‘rightsizing’ the overseas presence of the United States Government.

“(2) PRELIMINARY REPORT.—Not later than 120 days after the date of the enactment of this Act [Sept. 30, 2002], the Secretary shall submit to the appropriate congressional committees a report which outlines the status, plans, and activities of the interagency working group. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

“(A) The objectives of the working group.

“(B) Measures for achieving the objectives under subparagraph (A).

“(C) Identification of the official of each agency with primary responsibility for the issue of ‘rightsizing’.

“(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report reviewing the activities and progress of the working group established under paragraph (1).”

#### REPORT CONCERNING MINORITY EMPLOYMENT

Pub. L. 107-228, div. A, title III, §324, Sept. 30, 2002, 116 Stat. 1385, required the Secretary of State, on Apr. 1 of 2003 and 2004, to submit a comprehensive report to Congress, with respect to the preceding calendar year, concerning the employment of members of minority groups at the Department, including the Civil Service and the Foreign Service.

#### USE OF FUNDS AUTHORIZED FOR MINORITY RECRUITMENT

Pub. L. 107-228, div. A, title III, §325, Sept. 30, 2002, 116 Stat. 1386, provided that:

“(a) CONDUCT OF RECRUITMENT ACTIVITIES.—

“(1) IN GENERAL.—Amounts authorized to be appropriated for minority recruitment under section 111(1)(D) [probably means section 111(a)(1)(D) of Pub. L. 107-228, 116 Stat. 1356] shall be used only for activities directly related to minority recruitment, such as recruitment materials designed to target members of minority groups and the travel expenses of recruitment trips to colleges, universities, and other institutions or locations.

“(2) LIMITATION.—Amounts authorized to be appropriated for minority recruitment under section 111(1)(D) may not be used to pay salaries of employees of the Department.

“(b) RECRUITMENT ACTIVITIES AT ACADEMIC INSTITUTIONS.—The Secretary shall expand the recruitment efforts of the Department to include not less than 25 percent of the part B institutions (as defined under section 322 of the Higher Education Act of 1965 [20 U.S.C. 1061]) in the United States and not less than 25 percent of the Hispanic-serving institutions (as defined in section 502(a)(5) of such Act [20 U.S.C. 1101a(a)(5)]) in the United States.

“(c) EVALUATION OF RECRUITMENT EFFORTS.—The Secretary shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees on the evaluation of efforts to recruit such individuals, including an analysis of the information collected in the database created under this subsection. Such report shall be included in each of the two reports required under section 324 [set out as a note above].”

#### STATE DEPARTMENT OFFICIAL FOR NORTHEASTERN EUROPE

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §302], Nov. 29, 1999, 113 Stat. 1536, 1501A-434, provided that: “The Secretary of State shall designate a senior-level official of the Department of State with responsibility for promoting regional cooperation in and coordinating United States policy toward Northeastern Europe.”

#### SCIENCE AND TECHNOLOGY ADVISER TO SECRETARY OF STATE

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §303], Nov. 29, 1999, 113 Stat. 1536, 1501A-434, provided that:

“(a) DESIGNATION.—The Secretary of State shall designate a senior-level official of the Department of State as the Science and Technology Adviser to the Secretary of State (in this section referred to as the ‘Adviser’). The Adviser shall have substantial experience

in the area of science and technology. The Adviser shall report to the Secretary of State through the appropriate Under Secretary of State.

“(b) DUTIES.—The Adviser shall—

“(1) advise the Secretary of State, through the appropriate Under Secretary of State, on international science and technology matters affecting the foreign policy of the United States; and

“(2) perform such duties, exercise such powers, and have such rank and status as the Secretary of State shall prescribe.”

#### 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, which established for not less than one year after Apr. 30, 1994, an Office of the Coordinator for Counterterrorism in the Department of State having the same responsibilities and functions as such office had as of Jan. 20, 1993, was repealed by Pub. L. 105-277, div. G, subd. B, title XXIII, §2301(b), Oct. 21, 1998, 112 Stat. 2681-824.

#### DEPUTY ASSISTANT SECRETARY FOR BURDENSARING

Section 161(f) of Pub. L. 103-236, as amended by Pub. L. 103-415, §1(f)(3), Oct. 25, 1994, 108 Stat. 4300, which conditioned availability of 1995 appropriations upon establishment of position within Department of State of Deputy Assistant Secretary for Burdensharing and set forth responsibilities of position, was repealed by Pub. L. 105-277, div. G, subd. B, title XXIII, §2302, Oct. 21, 1998, 112 Stat. 2681-825.

#### 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, de-

termination, 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.

[For abolition, transfer of functions, and treatment of references to United States Arms Control and Disarmament Agency, see section 6511 et seq. of this title.]

#### DEFINITIONS

For definitions of “Secretary”, “Department”, and “appropriate congressional committees” as used in sections 301, 302, 324, and 325 of Pub. L. 107-228, set out as notes above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.

#### §§ 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.

#### § 2652c. Assistant Secretary of State for Verification and Compliance

##### (a) Designation of position

The Secretary of State shall designate one of the Assistant Secretaries of State authorized by section 2651a(c)(1) of this title as the Assistant Secretary of State for Verification and Compliance. The Assistant Secretary shall report to the Under Secretary of State for Arms Control and International Security.

##### (b) Directive governing the Assistant Secretary of State

###### (1) In general

Not later than 30 days after November 29, 1999, the Secretary of State shall issue a directive governing the position of the Assistant Secretary.

###### (2) Elements of the directive

The directive issued under paragraph (1) shall set forth, consistent with this section—

(A) the duties of the Assistant Secretary;

(B) the relationships between the Assistant Secretary and other officials of the Department of State;

(C) any delegation of authority from the Secretary of State to the Assistant Secretary; and

(D) such matters as the Secretary considers appropriate.

**(c) Duties**

**(1) In general**

The Assistant Secretary shall have as his principal responsibility the overall supervision (including oversight of policy and resources) within the Department of State of all matters relating to verification and compliance with international arms control, nonproliferation, and disarmament agreements or commitments.

**(2) Participation of the Assistant Secretary**

**(A) Primary role**

Except as provided in subparagraphs (B) and (C), the Assistant Secretary, or his designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on verification or compliance matters, including interagency intelligence committees concerned with the development or exploitation of measurement or signals intelligence or other national technical means of verification.

**(B) Requirement for designation**

Subparagraph (A) shall not apply to groups or organizations on which the Secretary of State or the Undersecretary of State for Arms Control and International Security sits, unless such official designates the Assistant Secretary to attend in his stead.

**(C) National security limitation**

**(i) Waiver by President**

The President may waive the provisions of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

**(ii) Waiver by others**

With respect to an interagency group or organization, or meeting thereof, working with exceptionally sensitive information contained in compartments under the control of the Director of Central Intelligence, the Secretary of Defense, or the Secretary of Energy, such Director or Secretary, as the case may be, may waive the provision of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

**(iii) Transmission of waiver to Congress**

Any waiver of participation under clause (i) or (ii) shall be transmitted in writing to the appropriate committees of Congress.

**(3) Relationship to the intelligence community**

The Assistant Secretary shall be the principal policy community representative to the intelligence community on verification and compliance matters.

**(4) Reporting responsibilities**

The Assistant Secretary shall have responsibility within the Department of State for—

(A) all reports required pursuant to section 2577 of this title;

(B) so much of the report required under paragraphs (4) through (6) of section 2593a(a) of this title as relates to verification or compliance matters;

(C) so much of the reports required under section 8003 of this title as relates to verification or compliance matters; and

(D) other reports being prepared by the Department of State as of November 29, 1999, relating to arms control, nonproliferation, or disarmament verification or compliance matters.

(Pub. L. 106–113, div. B, §1000(a)(7) [div. B, title XI, §1112], Nov. 29, 1999, 113 Stat. 1536, 1501A–486; Pub. L. 109–401, title I, §108, Dec. 18, 2006, 120 Stat. 2738.)

AMENDMENTS

2006—Subsec. (c)(4)(C), (D). Pub. L. 109–401 added subpar. (C) and redesignated former subpar. (C) as (D).

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of Title 50, War and National Defense.

DEFINITIONS

Pub. L. 106–113, div. B, §1000(a)(7) [div. B, title XI, §1102], Nov. 29, 1999, 113 Stat. 1536, 1501A–485, provided that: “In this title [see Short Title of 1999 Amendment note set out under section 2551 of this title]:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means the Committee on International Relations [now Committee on Foreign Affairs] and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the position of Assistant Secretary of State for Verification and Compliance designated under section 1112 [22 U.S.C. 2652c].

“(3) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given the term in section 105 of title 5, United States Code.

“(4) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(5) START TREATY OR TREATY.—The term ‘START Treaty’ or ‘Treaty’ means the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, including all agreed statements, annexes, protocols, and memoranda, signed at Moscow on July 31, 1991.

“(6) START II TREATY.—The term ‘START II Treaty’ means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, and related protocols and memorandum of understanding, signed at Moscow on January 3, 1993.”

**§§ 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.

#### § 2655b. Diplomatic presence overseas

##### (a) Purpose

The purpose of this section is to—

(1) elevate the stature given United States diplomatic initiatives relating to nonproliferation and political-military issues; and

(2) develop a group of highly specialized, technical experts with country expertise capable of administering the nonproliferation and political-military affairs functions of the Department.

##### (b) Authority

To carry out the purposes of subsection (a) of this section, the Secretary is authorized to establish the position of Counselor for Nonproliferation and Political Military Affairs in United States diplomatic missions overseas, to be filled by individuals who are career Civil Service officers or Foreign Service officers committed to follow-on assignments in the Nonproliferation Bureau or the Political Military Affairs Bureau of the Department.

##### (c) Training

After being selected to serve as Counselor, any person so selected shall spend not less than 10 months in language training courses at the Foreign Service Institute,<sup>1</sup> or in technical courses administered by the Department of Defense, Department of Energy, or other appropriate departments and agencies of the United States, except that such requirement for training may be waived by the Secretary.

(Pub. L. 107-228, div. B, title XVI, § 1604, Sept. 30, 2002, 116 Stat. 1460.)

#### CHANGE OF NAME

References to Foreign Service Institute considered to refer to George P. Shultz National Foreign Affairs Training Center, see section 1(b) of Pub. L. 107-132, set out as a note under section 4021 of this title.

#### DEFINITIONS

For definitions of “Department” and “Secretary” as used in this section, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.

#### § 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.

<sup>1</sup> See Change of Name note below.

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.

#### 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, formerly set out as section 403 of Title 50, War and National Defense.

#### STRATEGY FOR THE UNITED STATES RELATIONSHIP WITH SAUDI ARABIA

Pub. L. 110-53, title XX, §2043, Aug. 3, 2007, 121 Stat. 524, provided that:

“(a) CONGRESSIONAL FINDINGS.—Congress finds that:

“(1) The National Commission on Terrorist Attacks Upon the United States concluded that the Kingdom of Saudi Arabia has ‘been a problematic ally in combating Islamic extremism. At the level of high policy, Saudi Arabia’s leaders cooperated with American diplomatic initiatives aimed at the Taliban or Pakistan before 9/11. At the same time, Saudi Arabia’s society was a place where al Qaeda raised money directly from individuals and through charities. It was the society that produced 15 of the 19 hijackers.’

“(2) Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, a lack of political outlets for its citizens, and restrictions on religious pluralism, that poses a threat to the security of the United States, the international community, and Saudi Arabia itself.

“(3) The National Commission on Terrorist Attacks Upon the United States concluded that the ‘problems in the U.S.-Saudi relationship must be confronted, openly’. It recommended that the two countries build a relationship that includes a ‘shared commitment to political and economic reform . . . and a shared interest in greater tolerance and cultural respect, translating into a commitment to fight the violent extremists who foment hatred’.

“(4) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that country or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

“(5) The United States and Saudi Arabia established a Strategic Dialogue in 2005, which provides a framework for the two countries to discuss a range of bilateral issues at high levels, including counterterrorism policy and political and economic reforms.

“(6) It is in the national security interest of the United States to support the Government of Saudi Arabia in undertaking a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political and religious rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, and promulgating and enforcing domestic laws and regulation on terrorist financing.

“(b) STATEMENT OF POLICY.—It is the policy of the United States—

“(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well

as other problematic issues such as the lack of political freedoms;

“(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia; and

“(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms, including greater religious freedom, throughout the country.

“(c) PROGRESS IN COUNTERTERRORISM AND OTHER COOPERATION.—

“(1) REPORT.—Not later than 180 days after the date of the enactment of this Act [Aug. 3, 2007], the President shall transmit to the appropriate congressional committees a report that—

“(A) describes the long-term strategy of the United States—

“(i) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms, including greater religious freedom, that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

“(ii) to work with the Government of Saudi Arabia to combat terrorism, including through effective measures to prevent and prohibit the financing of terrorists by Saudi institutions and citizens; and

“(B) provides an assessment of the progress made by Saudi Arabia since 2001 on the matters described in subparagraph (A), including—

“(i) whether Saudi Arabia has become a party to the International Convention for the Suppression of the Financing of Terrorism; and

“(ii) the activities and authority of the Saudi Nongovernmental National Commission for Relief and Charity Work Abroad.

“(2) FORM.—The report required by paragraph (1) shall be transmitted in unclassified form, but may include a classified annex, if necessary.”

[For definition of “appropriate congressional committees” as used in section 2043 of Pub. L. 110-53, set out above, see section 2002 of Pub. L. 110-53, set out as a note under section 2151 of this title.]

[For assignment of functions of President under section 2043(c)(1) of Pub. L. 110-53, set out above, see Memorandum of President of the United States, Sept. 28, 2007, 72 F.R. 56871, set out as a note under section 2228 of this title.]

#### FINDINGS

Pub. L. 108-458, title VII, §7101, Dec. 17, 2004, 118 Stat. 3775, provided that: “Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

“(1) Long-term success in the war on terrorism demands the use of all elements of national power, including diplomacy, military action, intelligence, covert action, law enforcement, economic policy, foreign aid, public diplomacy, and homeland defense.

“(2) To win the war on terrorism, the United States must assign to economic and diplomatic capabilities the same strategic priority that is assigned to military capabilities.

“(3) The legislative and executive branches of the Government of the United States must commit to robust, long-term investments in all of the tools necessary for the foreign policy of the United States to successfully accomplish the goals of the United States.

“(4) The investments referred to in paragraph (3) will require increased funding to United States foreign affairs programs in general, and to priority areas as described in this title [see Tables for classification] in particular.”

#### COMPREHENSIVE COALITION STRATEGY FOR FIGHTING TERRORISM

Pub. L. 108-458, title VII, §7117, Dec. 17, 2004, 118 Stat. 3799, provided that:

“(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

“(1) Almost every aspect of the counterterrorism strategy of the United States relies on international cooperation.

“(2) Since September 11, 2001, the number and scope of United States Government contacts with foreign governments concerning counterterrorism have expanded significantly, but such contacts have often been ad hoc and not integrated as a comprehensive and unified approach to counterterrorism.

“(b) IN GENERAL.—The Secretary of State is authorized in consultation with relevant United States Government agencies, to negotiate on a bilateral or multilateral basis, as appropriate, international agreements under which parties to an agreement work in partnership to address and interdict acts of international terrorism.

“(c) INTERNATIONAL CONTACT GROUP ON COUNTER-TERRORISM.—

“(1) SENSE OF CONGRESS.—It is the sense of Congress that the President—

“(A) should seek to engage the leaders of the governments of other countries in a process of advancing beyond separate and uncoordinated national counterterrorism strategies to develop with those other governments a comprehensive multilateral strategy to fight terrorism; and

“(B) to that end, should seek to establish an international counterterrorism policy contact group with the leaders of governments providing leadership in global counterterrorism efforts and governments of countries with sizable Muslim populations, to be used as a ready and flexible international means for discussing and coordinating the development of important counterterrorism policies by the participating governments.

“(2) AUTHORITY.—The President is authorized to establish an international counterterrorism policy contact group with the leaders of governments referred to in paragraph (1) for the following purposes:

“(A) To meet annually, or more frequently as the President determines appropriate, to develop in common with such other governments important policies and a strategy that address the various components of international prosecution of the war on terrorism, including policies and a strategy that address military issues, law enforcement, the collection, analysis, and dissemination of intelligence, issues relating to interdiction of travel by terrorists, counterterrorism-related customs issues, financial issues, and issues relating to terrorist sanctuaries.

“(B) To address, to the extent (if any) that the President and leaders of other participating governments determine appropriate, long-term issues that can contribute to strengthening stability and security in the Middle East.”

INTERNATIONAL AGREEMENTS TO TRACK AND CURTAIL TERRORIST TRAVEL THROUGH THE USE OF FRAUDULENTLY OBTAINED DOCUMENTS

Pub. L. 108–458, title VII, §7204, Dec. 17, 2004, 118 Stat. 3814, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) International terrorists travel across international borders to raise funds, recruit members, train for operations, escape capture, communicate, and plan and carry out attacks.

“(2) The international terrorists who planned and carried out the attack on the World Trade Center on February 26, 1993, the attack on the embassies of the United States in Kenya and Tanzania on August 7, 1998, the attack on the USS Cole on October 12, 2000, and the attack on the World Trade Center and the Pentagon on September 11, 2001, traveled across international borders to plan and carry out these attacks.

“(3) The international terrorists who planned other attacks on the United States, including the plot to bomb New York City landmarks in 1993, the plot to bomb the New York City subway in 1997, and the millennium plot to bomb Los Angeles International Airport on December 31, 1999, traveled across international borders to plan and carry out these attacks.

“(4) Many of the international terrorists who planned and carried out large-scale attacks against foreign targets, including the attack in Bali, Indonesia, on October 11, 2002, and the attack in Madrid, Spain, on March 11, 2004, traveled across international borders to plan and carry out these attacks.

“(5) Throughout the 1990s, international terrorists, including those involved in the attack on the World Trade Center on February 26, 1993, the plot to bomb New York City landmarks in 1993, and the millennium plot to bomb Los Angeles International Airport on December 31, 1999, traveled on fraudulent passports and often had more than 1 passport.

“(6) Two of the September 11, 2001, hijackers were carrying passports that had been manipulated in a fraudulent manner.

“(7) The National Commission on Terrorist Attacks Upon the United States, (commonly referred to as the 9/11 Commission), stated that ‘Targeting travel is at least as powerful a weapon against terrorists as targeting their money.’

“(b) INTERNATIONAL AGREEMENTS TO TRACK AND CURTAIL TERRORIST TRAVEL.—

“(1) INTERNATIONAL AGREEMENT ON LOST, STOLEN, OR FALSIFIED DOCUMENTS.—The President should lead efforts to track and curtail the travel of terrorists by supporting the drafting, adoption, and implementation of international agreements, and relevant United Nations Security Council resolutions to track and stop international travel by terrorists and other criminals through the use of lost, stolen, or falsified documents to augment United Nations and other international anti-terrorism efforts.

“(2) CONTENTS OF INTERNATIONAL AGREEMENT.—The President should seek, as appropriate, the adoption or full implementation of effective international measures to—

“(A) share information on lost, stolen, and fraudulent passports and other travel documents for the purposes of preventing the undetected travel of persons using such passports and other travel documents that were obtained improperly;

“(B) establish and implement a real-time verification system of passports and other travel documents with issuing authorities;

“(C) share with officials at ports of entry in any such country information relating to lost, stolen, and fraudulent passports and other travel documents;

“(D) encourage countries—

“(i) to criminalize—

“(I) the falsification or counterfeiting of travel documents or breeder documents for any purpose;

“(II) the use or attempted use of false documents to obtain a visa or cross a border for any purpose;

“(III) the possession of tools or implements used to falsify or counterfeit such documents;

“(IV) the trafficking in false or stolen travel documents and breeder documents for any purpose;

“(V) the facilitation of travel by a terrorist; and

“(VI) attempts to commit, including conspiracies to commit, the crimes specified in sub-clauses (I) through (V);

“(ii) to impose significant penalties to appropriately punish violations and effectively deter the crimes specified in clause (i); and

“(iii) to limit the issuance of citizenship papers, passports, identification documents, and similar documents to persons—

“(I) whose identity is proven to the issuing authority;

“(II) who have a bona fide entitlement to or need for such documents; and

“(III) who are not issued such documents principally on account of a disproportional payment made by them or on their behalf to the issuing authority;

“(E) provide technical assistance to countries to help them fully implement such measures; and

“(F) permit immigration and border officials—

“(i) to confiscate a lost, stolen, or falsified passport at ports of entry;

“(ii) to permit the traveler to return to the sending country without being in possession of the lost, stolen, or falsified passport; and

“(iii) to detain and investigate such traveler upon the return of the traveler to the sending country.

“(3) INTERNATIONAL CIVIL AVIATION ORGANIZATION.—The United States shall lead efforts to track and curtail the travel of terrorists by supporting efforts at the International Civil Aviation Organization to continue to strengthen the security features of passports and other travel documents.

“(c) REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2004], and at least annually thereafter, the President shall submit to the appropriate congressional committees a report on progress toward achieving the goals described in subsection (b).

“(2) TERMINATION.—Paragraph (1) shall cease to be effective when the President certifies to the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate that the goals described in subsection (b) have been fully achieved.”

[Functions of President under subsec. (c) of section 7204 of Pub. L. 108-458, set out above, assigned to Secretary of State by section 1 of Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 48633, set out as a note under section 301 of title 3, The President.]

#### EAST TIMOR TRANSITION TO INDEPENDENCE

Pub. L. 107-228, div. A, title VI, subtitle C, Sept. 30, 2002, 116 Stat. 1399, provided that:

“SEC. 631. SHORT TITLE.

“This subtitle may be cited as the ‘East Timor Transition to Independence Act of 2002’.

“SEC. 632. BILATERAL ASSISTANCE.

“(a) AUTHORITY.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to—

“(1) support the development of civil society, including nongovernmental organizations in East Timor;

“(2) promote the development of an independent news media;

“(3) support job creation, including support for small business and microenterprise programs, environmental protection, sustainable development, development of East Timor’s health care infrastructure, educational programs, and programs strengthening the role of women in society;

“(4) promote reconciliation, conflict resolution, and prevention of further conflict with respect to East Timor, including establishing accountability for past gross human rights violations;

“(5) support the voluntary and safe repatriation and reintegration of refugees into East Timor;

“(6) support political party development, voter education, voter registration, and other activities in support of free and fair elections in East Timor; and

“(7) promote the development of the rule of law.

“(b) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section \$25,000,000 for the fiscal year 2003.

“(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

“SEC. 633. MULTILATERAL ASSISTANCE.

“The Secretary of the Treasury shall instruct the United States executive director at each international financial institution to which the United States is a member to use the voice, vote, and influence of the United States to support economic and democratic development in East Timor.

“SEC. 634. TRADE AND INVESTMENT ASSISTANCE.

“(a) OPIC.—The President should initiate negotiations with the Government of East Timor to enter into a new agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to East Timor in order to expand United States investment in East Timor, emphasizing partnerships with local East Timorese enterprises.

“(b) TRADE AND DEVELOPMENT AGENCY.—

“(1) IN GENERAL.—The Director of the Trade and Development Agency is authorized to carry out projects in East Timor under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421).

“(2) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated to the Trade and Development Agency to carry out this subsection \$1,000,000 for fiscal year 2003.

“(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

“(c) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States should expand its activities in connection with exports to East Timor to the extent such activities are requested and to the extent there is a reasonable assurance of repayment.

“SEC. 635. GENERALIZED SYSTEM OF PREFERENCES.

“As soon as possible after the enactment of this Act [Sept. 30, 2002], the United States Trade Representative and the Commissioner of Customs should send an assessment team to East Timor to compile a list of duty-free eligible products so that the Government of East Timor can begin the process of applying for General System of Preference benefits.

“SEC. 636. AUTHORITY FOR RADIO BROADCASTING.

“The Broadcasting Board of Governors should broadcast to East Timor in an appropriate language or languages.

“SEC. 637. SECURITY ASSISTANCE FOR EAST TIMOR.

“(a) STUDY AND REPORT.—

“(1) STUDY.—The President shall conduct a study to determine—

“(A) the extent to which East Timor’s security needs can be met by the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961 [22 U.S.C. 2321j];

“(B) the extent to which international military education and training (IMET) assistance will enhance professionalism of the armed forces of East Timor, provide training in human rights, and promote respect for human rights and humanitarian law; and

“(C) the terms and conditions under which such defense articles or training, as appropriate, should be provided.

“(2) REPORT.—Not later than 180 days after the date of the enactment of this Act [Sept. 30, 2002], the President shall transmit to the appropriate congressional committees a report that contains the findings of the study conducted under paragraph (1).

## “(b) AUTHORIZATION OF ASSISTANCE.—

“(1) IN GENERAL.—Beginning on the date on which Congress receives the report transmitted under subsection (a)(2), or the date on which Congress receives the certification transmitted under paragraph (2), whichever occurs later, the President is authorized—

“(A) to transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) to East Timor in accordance with such section; and

“(B) to provide military education and training under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) for the armed forces of East Timor in accordance with such chapter.

“(2) CERTIFICATION.—A certification described in this paragraph is a certification that—

“(A) East Timor has established an independent armed forces; and

“(B) the assistance proposed to be provided pursuant to paragraph (1)—

“(i) is in the national security interests of the United States; and

“(ii) will promote both human rights in East Timor and the professionalization of the armed forces of East Timor.

## “SEC. 638. REPORTING REQUIREMENT.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Sept. 30, 2002], and every 12 months thereafter for the next five years, the Secretary shall prepare and transmit to the appropriate congressional committees a report that contains the information described in subsection (b).

“(b) INFORMATION.—The report required by subsection (a) shall include—

“(1) developments in East Timor’s political and economic situation in the period covered by the report, including an evaluation of any elections which have occurred in East Timor and the refugee reintegration process in East Timor;

“(2) in the initial report, a 3-year plan for United States foreign assistance to East Timor in accordance with section 632, prepared by the Administrator of the United States Agency for International Development, which outlines the goals for United States foreign assistance to East Timor during the 3-year period;

“(3) a description of the activities undertaken in East Timor by the International Bank for Reconstruction and Development, the Asian Development Bank, and other international financial institutions, and an evaluation of the effectiveness of these activities;

“(4) an assessment of the status of United States trade and investment relations with East Timor, including a detailed analysis of any trade and investment-related activity supported by the Overseas Private Investment Corporation, the Export-Import Bank of the United States, or the Trade and Development Agency during the period of time since the previous report;

“(5) a comprehensive study and report on local agriculture in East Timor, emerging opportunities for producing, processing, and exporting indigenous agricultural products, and recommendations for appropriate technical assistance from the United States; and

“(6) statistical data drawn from other sources on economic growth, health, education, and distribution of resources in East Timor.”

[For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

[For definitions of “appropriate congressional committees” and “Secretary” as used in subtitle C of title VI of div. A of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

## PRESIDENTIAL CERTIFICATION AUTHORIZING SECURITY ASSISTANCE TO EAST TIMOR

Determination of President of the United States, No. 2003-19, Mar. 28, 2003, 68 F.R. 16167, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 637(b)(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 [Pub. L. 107-228, § 637(b)(2), set out above], I hereby certify that East Timor has established an independent armed forces; and that the provision to East Timor of military assistance in the form of excess defense articles and international military education and training is in the national security interests of the United States, and will promote both human rights in East Timor and the professionalization of the armed forces of East Timor.

You are hereby authorized and directed to report this certification, accompanying memorandum of justification [not set out in the Code], and report on East Timor security assistance to the Congress, and to arrange for the publication of this memorandum in the Federal Register.

GEORGE W. BUSH.

## PACIFIC CHARTER COMMISSION

Pub. L. 106-570, title IV, Dec. 27, 2000, 114 Stat. 3047, provided that:

## “SEC. 401. SHORT TITLE.

“This title may be cited as the ‘Pacific Charter Commission Act of 2000’.

## “SEC. 402. PURPOSES.

“The purposes of this title are—

“(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

“(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

“(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

“(4) to assist in combating terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

“(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

## “SEC. 403. ESTABLISHMENT OF COMMISSION.

“(a) IN GENERAL.—The President is authorized to establish a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the ‘Commission’).

“(b) EXPIRATION OF AUTHORITY.—The authority to establish the Commission under this section shall expire at the close of December 31, 2002.

## “SEC. 404. DUTIES OF COMMISSION.

“(a) DUTIES.—The Commission should establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

“(b) MONITORING OF DEVELOPMENTS.—The Commission should monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

“(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission should evaluate

United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

“(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission should, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

“(e) ANNUAL REPORT.—Not later than 18 months after the date of the establishment of the Commission, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and Congress a report that contains the findings of the Commission, in the case of the initial report, during the period since the date of establishment of the Commission, or, in the case of each subsequent report, during the preceding 12-month period. Each such report shall contain—

“(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

“(2) a description of programs, projects, and activities of the Commission for the prior year or, in the case of the initial report, since the date of establishment of the Commission; and

“(3) a complete accounting of the expenditures made by the Commission during the prior year or, in the case of the initial report, since the date of establishment of the Commission.

“SEC. 405. MEMBERSHIP OF COMMISSION.

“(a) COMPOSITION.—If established pursuant to section 403, the Commission shall be composed of seven members all of whom—

“(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

“(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

“(b) APPOINTMENT.—

“(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

“(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

“(B) by and with the advice and consent of the Senate.

“(2) POLITICAL AFFILIATION.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

“(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

“(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

“(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

“(f) COMPENSATION.—

“(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

“(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

“(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

“(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

“(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

“SEC. 406. POWERS OF COMMISSION.

“(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

“(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department or agency shall furnish such information to the Commission as expeditiously as possible.

“(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

“(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

“SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

“(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission who shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

“(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

“(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

“(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“SEC. 408. TERMINATION.

“The Commission shall terminate not later than 6 years after the date of the establishment of the Commission.

“SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—In the event the Commission is established, there are authorized to be appropriated to carry out this title \$2,500,000 for the initial 24-month period of the existence of the Commission.

“(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

“SEC. 410. EFFECTIVE DATE.

“This title shall take effect on February 1, 2001.”

RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES; ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES

Pub. L. 106-429, §101(a) [title V, §564(e), (g), (j), (k)], Nov. 6, 2000, 114 Stat. 1900, 1900A-48 to 1900A-50, provided that:

“(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section [114 Stat. 1900A–46] is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

“(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

“(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

“(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

“(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

“(4) REPORT.—Beginning 30 days after the date of the enactment of this Act [Nov. 6, 2000], and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

“(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

“(j) DEFINITIONS.—As used in this section—

“(1) COUNTRY.—The term ‘country’ means Bosnia-Herzegovina, Croatia, and Serbia.

“(2) ENTITY.—The term ‘entity’ refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro, and the Republika Srpska.

“(3) DAYTON AGREEMENT.—The term ‘Dayton Agreement’ means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

“(4) TRIBUNAL.—The term ‘Tribunal’ means the International Criminal Tribunal for the Former Yugoslavia.

“(k) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agen-

cy. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of Title 50, War and National Defense.]

Similar provisions were contained in the following prior appropriation act:

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 566(e), (g), (j), (k)], Nov. 29, 1999, 113 Stat. 1535, 1501A–107 to 1501A–109.

REPORT CONCERNING FINANCIAL DISADVANTAGES FOR ADMINISTRATIVE AND TECHNICAL PERSONNEL

Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title III, § 338], Nov. 29, 1999, 113 Stat. 1536, 1501A–443, provided that:

“(a) FINDINGS.—Congress finds that administrative and technical personnel posted to United States missions abroad who do not have diplomatic status suffer financial disadvantages from their lack of such status.

“(b) REPORT.—Not later than 1 year after the date of the enactment of this Act [Nov. 29, 1999], the Secretary of State should submit a report to the appropriate congressional committees [Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate] concerning the extent to which administrative and technical personnel posted to United States missions abroad who do not have diplomatic status suffer financial disadvantages from their lack of such status, including proposals to alleviate such disadvantages.”

PRISONER INFORMATION REGISTRY FOR THE PEOPLE’S REPUBLIC OF CHINA

Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VIII, § 873], Nov. 29, 1999, 113 Stat. 1536, 1501A–474, provided that:

“(a) REQUIREMENT.—The Secretary of State shall establish and maintain a registry which shall, to the extent practicable, provide information on all political prisoners, prisoners of conscience, and prisoners of faith in the People’s Republic of China. The registry shall be known as the ‘Prisoner Information Registry for the People’s Republic of China’.

“(b) INFORMATION IN REGISTRY.—The registry required by subsection (a) shall include information on the charges, judicial processes, administrative actions, uses of forced labor, incidents of torture, lengths of imprisonment, physical and health conditions, and other matters associated with the incarceration of prisoners in the People’s Republic of China referred to in that subsection.

“(c) AVAILABILITY OF FUNDS.—The Secretary may make a grant to nongovernmental organizations currently engaged in monitoring activities regarding political prisoners in the People’s Republic of China in order to assist in the establishment and maintenance of the registry required by subsection (a).”

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, as amended by Pub. L. 107–228, div. B, title XIII, § 1308(g)(1)(D), (2), Sept. 30, 2002, 116 Stat. 1441, 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; and

“(c) steps taken to reduce the DPRK level of forces.”

REPORTS TO WAR CRIMES TRIBUNAL FOR FORMER  
YUGOSLAVIA

Pub. L. 106-113, div. B, §1000(a)(2) [title V, §552], Nov. 29, 1999, 113 Stat. 1535, 1501A-99, provided in part: "That 60 days after the date of the enactment of this Act [Nov. 29, 1999], 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 appropriation acts:

Pub. L. 106-429, §101(a) [title V, §552], Nov. 6, 2000, 114 Stat. 1900, 1900A-41.

Pub. L. 105-277, div. A, §101(d) [title V, §554], Oct. 21, 1998, 112 Stat. 2681-150, 2681-188.

Pub. L. 105-118, title V, §553, Nov. 26, 1997, 111 Stat. 2422.

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 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 pro-

mote 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 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, which required the Secretary of State to report every six months to the Speaker of the House of Representatives and the President of the Senate on failures by Soviet agencies to perform obligations to United States diplomats or United States missions to the Soviet Union and on actions undertaken by the Department of State to redress these failures, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 127 of House Document No. 103-7.

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 implementation 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 U.S.C. App. 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 person-

nel 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.)

**§ 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).

**§ 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).

**§ 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-Wylder 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 13 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.]”

**§ 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)(A) detailed assessments with respect to each foreign country—

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

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

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

(B) detailed assessments with respect to each foreign country whose territory is being used as a sanctuary for terrorists or terrorist organizations;

(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 have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction, 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, any group designated by the Secretary as a foreign terrorist organization under section 1189 of title 8, 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) of this section—

(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;
- (iv) providing weapons of mass destruction, or assistance in obtaining or developing such weapons, to terrorists or terrorist groups;<sup>1</sup>
- (v) 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;

(2) with respect to subsection (a)(1)(B) of this section—

(A) the extent of knowledge by the government of the country with respect to terrorist activities in the territory of the country; and

- (B) the actions by the country—
  - (i) to eliminate each terrorist sanctuary in the territory of the country;
  - (ii) to cooperate with United States anti-terrorism efforts; and
  - (iii) to prevent the proliferation of and trafficking in weapons of mass destruction in and through the territory of the country;

(3)<sup>2</sup> 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) efforts by those groups to obtain or develop weapons of mass destruction;

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

(E) 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

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

(4)<sup>2</sup> a strategy for addressing, and where possible eliminating, terrorist sanctuaries that shall include—

(A) a description of terrorist sanctuaries, together with an assessment of the priorities of addressing and eliminating such sanctuaries;

(B) an outline of strategies for disrupting or eliminating the security provided to terrorists by such sanctuaries;

(C) a description of efforts by the United States to work with other countries in bilateral and multilateral fora to address or eliminate terrorist sanctuaries and disrupt or eliminate the security provided to terrorists by such sanctuaries; and

(D) a description of long-term goals and actions designed to reduce the conditions that allow the formation of terrorist sanctuaries; and

(5) an update of the information contained in the report required to be transmitted to Congress under<sup>3</sup> 7120(b) of the 9/11 Commission Implementation Act of 2004.

(3)<sup>4</sup> to the extent practicable, complete statistical information on the number of individuals, including United States citizens and dual nationals, killed, injured, or kidnapped by each terrorist group during the preceding calendar year; and

(4)<sup>4</sup> an analysis, as appropriate, of trends in international terrorism, including changes in technology used, methods and targets of attack, demographic information on terrorists, and other appropriate information.

**(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

<sup>1</sup> So in original. Probably should be followed by "and".

<sup>2</sup> So in original. Another par. (3) and par. (4) follow par. (5).

<sup>3</sup> So in original. The word "section" probably should appear.

<sup>4</sup> So in original. Another par. (3) and par. (4) precede par. (5).

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;

(3) the term “terrorist group” means any group practicing, or which has significant subgroups which practice, international terrorism;

(4) the terms “territory” and “territory of the country” mean the land, waters, and airspace of the country; and

(5) the terms “terrorist sanctuary” and “sanctuary” mean an area in the territory of the country—

(A) that is used by a terrorist or terrorist organization—

(i) to carry out terrorist activities, including training, fundraising, financing, and recruitment; or

(ii) as a transit point; and

(B) the government of which expressly consents to, or with knowledge, allows, tolerates, or disregards such use of its territory and is not subject to a determination under—

(i) section 2405(j)(1)(A) of the Appendix to title 50;

(ii) section 2371(a) of this title; or

(iii) section 2780(d) of this title.

**(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; Pub. L. 108-458, title VII, §7102(d)(1)-(3), Dec. 17, 2004, 118 Stat. 3777, 3778; Pub. L. 108-487, title VII, §701(a), Dec. 23, 2004, 118 Stat. 3961.)

REFERENCES IN TEXT

[Section] 7120(b) of the 9/11 Commission Implementation Act of 2004, referred to in subsec. (b)(5), is section 7120(b) of Pub. L. 108-458, title VII, Dec. 17, 2004, 118 Stat. 3803, which is not classified to the Code.

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-458, §7102(d)(1), designated existing provisions as subpar. (A), redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (A), and added subpar. (B).

Subsec. (a)(2). Pub. L. 108-487, §701(a)(1), inserted “any terrorist group known to have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction,” after “during the preceding five years,” and “any group designated by the Secretary as a foreign terrorist organization under section 1189 of title 8,” after “section 2405(j) of the Appendix to title 50”.

Subsec. (b)(1). Pub. L. 108-458, §7102(d)(2)(A)(i), substituted “subsection (a)(1)(A)” for “subsection (a)(1)” in introductory provisions.

Subsec. (b)(1)(C)(iv). Pub. L. 108-487, §701(a)(2)(A), added cl. (iv) and redesignated former cl. (iv) as (v).

Subsec. (b)(2). Pub. L. 108-458, §7102(d)(2)(A)(ii), (C), added par. (2). Former par. (2), relating to report provisions with respect to subsec. (a)(2), redesignated (3).

Subsec. (b)(3). Pub. L. 108-487, §701(a)(2)(C), added par. (3) relating to statistical information on individuals killed, injured, or kidnapped by terrorist groups.

Pub. L. 108-487, §701(a)(2)(B)(iii), which directed amendment of subsec. (b)(2)(F), as redesignated by Pub. L. 108-487, §701(a)(2)(B)(i), by substituting a semicolon for the period, was probably intended as an amendment to subpar. (F) of subsec. (b)(3) relating to report provisions with respect to subsec. (a)(2), as redesignated by Pub. L. 108-458, §7102(d)(2)(B), and Pub. L. 108-487, §701(a)(2)(B)(i), but could not be executed because of the amendment by Pub. L. 108-458, §7102(d)(2)(D). See below.

Pub. L. 108-458, §7102(d)(2)(B), (D), redesignated par. (2), relating to report provisions with respect to subsec. (a)(2), as (3) and substituted a semicolon for the period at end.

Subsec. (b)(3)(C) to (F). Pub. L. 108-487, §701(a)(2)(B)(i), (ii), which directed amendment of subsec. (b)(2) by adding subpar. (C) and redesignating former subpars. (C) to (E) as (D) to (F), respectively, was executed by making the amendment to subsec. (b)(3) relating to report provisions with respect to subsec. (a)(2) to reflect the probable intent of Congress and the redesignation of subsec. (b)(2) as (b)(3) by Pub. L. 108-458. See above.

Subsec. (b)(4). Pub. L. 108-487, §701(a)(2)(C), added par. (4) relating to analysis of trends in international terrorism.

Pub. L. 108-458, §7102(d)(2)(E), added par. (4) relating to strategy for addressing, and where possible eliminating, terrorist sanctuaries.

Subsec. (b)(5). Pub. L. 108-458, §7102(d)(2)(E), added par. (5).

Subsec. (d)(4), (5). Pub. L. 108-458, §7102(d)(3), added pars. (4) and (5).

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”.

EFFECTIVE DATE OF 2004 AMENDMENTS

Pub. L. 108-487, title VII, §701(b), Dec. 23, 2004, 118 Stat. 3962, provided that: “The amendments made by subsection (a) [amending this section] shall apply beginning with the first report under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 [this section] that is submitted more than one year after the date of the enactment of this Act [Dec. 23, 2004].”

Pub. L. 108-487, title VIII, §801, Dec. 23, 2004, 118 Stat. 3962, provided that: “Except as otherwise expressly provided in this Act, this Act [enacting sections 403-3g, 403w, 441j to 441j-4, 441m, and 1912 of Title 50, War and National Defense, amending this section and sections 403-4a, 403x, 404n, 1902, 1903, 1910, and 1911 of Title 50, enacting provisions set out as notes under this section, section 873 of Title 21, Food and Drugs, and sections 401,

403-1b, 403-3g, 403-4a, 415b, and 1902 of Title 50, and amending provisions set out as notes under section 8331 of Title 5, Government Organization and Employees, and section 402 of Title 50] (and the amendments made by this Act) shall take effect on the date of the enactment of this Act [Dec. 23, 2004].”

Pub. L. 108-458, title VII, § 7102(d)(4), Dec. 17, 2004, 118 Stat. 3778, provided that: “The amendments made by this subsection [amending this section] apply with respect to the report required to be transmitted under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), by April 30, 2006, and by April 30 of each subsequent year.”

Amendment by Pub. L. 108-458 effective Dec. 17, 2004, notwithstanding any other provision of such Act, see section 7122 of Pub. L. 108-458, set out as a note under section 112a of Title 1, General Provisions.

#### TERRORIST SANCTUARIES

Pub. L. 108-458, title VII, § 7102(a), (b), Dec. 17, 2004, 118 Stat. 3776, provided that:

“(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

“(1) Complex terrorist operations require locations that provide such operations sanctuary from interference by Government or law enforcement personnel.

“(2) A terrorist sanctuary existed in Afghanistan before September 11, 2001.

“(3) The terrorist sanctuary in Afghanistan provided direct and indirect value to members of al Qaeda who participated in the terrorist attacks on the United States on September 11, 2001, and in other terrorist operations.

“(4) Terrorist organizations have fled to some of the least governed and most lawless places in the world to find sanctuary.

“(5) During the 21st century, terrorists are often focusing on remote regions and failing states as locations to seek sanctuary.

“(b) SENSE OF CONGRESS ON UNITED STATES POLICY ON TERRORIST SANCTUARIES.—It is the sense of Congress that it should be the policy of the United States—

“(1) to identify foreign countries that are being used as terrorist sanctuaries;

“(2) to assess current United States resources and tools being used to assist foreign governments to eliminate such sanctuaries;

“(3) to develop and implement a coordinated strategy to prevent terrorists from using such foreign countries as sanctuaries; and

“(4) to work in bilateral and multilateral fora to elicit the cooperation needed to identify and address terrorist sanctuaries that may exist today, but, so far, remain unknown to governments.”

#### REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS

Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title VIII, § 805], Nov. 29, 1999, 113 Stat. 1536, 1501A-470, as amended by Pub. L. 107-228, div. A, title II, § 216(c), Sept. 30, 2002, 116 Stat. 1367, provided that:

“(a) IN GENERAL.—Not later than May 1, 2003, and not later than May 1, 2004, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees [Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate] regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

“(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

“(2) A list of terrorist attacks, occurring between September 13, 1993 and the date of the report, against United States citizens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

“(A) a list of all citizens of the United States killed or injured in such attacks;

“(B) the date of each attack and the total number of people killed or injured in each attack;

“(C) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

“(D) a list of suspects implicated in each attack and the nationality of each suspect, including information on—

“(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;

“(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and

“(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.

“(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities, information on—

“(A) the date each suspect was incarcerated;

“(B) whether any suspects have been released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism; and

“(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.

“(4) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.

“(5) A list of each request by the United States for assistance in investigating terrorist attacks listed in the report, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel since September 13, 1993, and the response to each request from the Palestinian Authority and Israel.

“(6) A description of efforts made by United States officials since September 13, 1993 to bring to justice perpetrators of terrorist acts against United States citizens as listed in the report.

“(7) A list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.

“(8) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1950 and September 13, 1993, to include in each case, where such information is reasonably available, any stated claim of responsibility and the resolution or disposition of each case, except that this list shall be submitted only once with the initial report required under this section unless additional relevant information on these cases becomes available.

“(b) CONSULTATION WITH OTHER DEPARTMENTS.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

“(c) INITIAL REPORT.—Except as provided in subsection (a)(8), the initial report filed under this section shall cover the period between September 13, 1993 and the date of the report.”

### § 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.”

**§ 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.

**§ 2656i. Counterdrug and anticrime activities of Department of State**

**(a) Counterdrug and law enforcement strategy**

**(1) Requirement**

Not later than 180 days after October 21, 1998, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

**(2) Objectives**

In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific and, to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy, and works to achieve the objectives; and

(F) ensure that—

(i) all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms with the objectives; and

(ii) the recommendations of the Department regarding certification determinations made by the President on March 1 as to the counterdrug cooperation, or adequate steps on its own, of each major illicit drug producing and drug trafficking country to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances also conform to meet such objectives.

**(3) Reports**

Not later than February 15 of each year subsequent to the submission of the strategy described in paragraph (1), the Secretary shall submit to Congress an update of the strategy. The update shall include—

(A) an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2); and

(B) detailed information on how certification determinations described in paragraph (2)(F) made the previous year affected achievement of the objectives set forth in paragraph (2) for the previous calendar year.

**(4) Limitation on delegation**

The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

**(b) Information on international criminals**

**(1) Information system**

The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

**(2) Report**

Not later than 180 days after October 21, 1998, the Secretary shall submit to the appropriate congressional committees a report on the actions taken under paragraph (1).

**(c) Overseas coordination of counterdrug and anticrime programs, policy, and assistance**

**(1) Strengthening coordination**

The responsibilities of every diplomatic mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

**(2) Designation of officers**

**(A) In general**

Consistent with existing memoranda of understanding between the Department of State and other departments and agencies of the United States, including the Department of Justice, the chief of mission of every diplomatic mission of the United States shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug, law enforcement, rule of law, and administration of justice programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

**(B) Reports**

The chief of mission of every diplomatic mission of the United States shall submit to

the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

**(3) Report to Congress**

Not later than 180 days after October 21, 1998, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at diplomatic missions of the United States in order to carry out the responsibility set forth in paragraph (1).

(Pub. L. 105-277, div. G, subd. B, title XXII, § 2214, Oct. 21, 1998, 112 Stat. 2681-812.)

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 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.

**§ 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.

#### § 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 (including such expenses as salaries and other personnel 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; Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2212(a), Oct. 21, 1998, 112 Stat. 2681-812.)

#### 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

1998—Pub. L. 105-277, in second par., inserted “(including such expenses as salaries and other personnel expenses)” after “extraordinary expenses”.

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

#### § 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.

#### § 2661b. Services provided to the press

In fiscal year 2001 and thereafter reimbursements for services provided to the press in connection with the travel of senior-level officials may be collected and credited to this appropriation and shall remain available until expended.

(Pub. L. 106-553, §1(a)(2) [title IV], Dec. 21, 2000, 114 Stat. 2762, 2762A-90.)

#### REFERENCES IN TEXT

This appropriation, referred to in text, probably means appropriations under the headings “DEPARTMENT OF STATE”, “ADMINISTRATION OF FOREIGN AFFAIRS”, and “DIPLOMATIC AND CONSULAR PROGRAMS” of the annual Department of State and Related Agency Appropriations Act.

#### § 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, 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 Depart-

ment'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 Government Accountability Office. The Government Accountability 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 Government Accountability 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; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

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.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” wherever appearing.

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

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.

**§ 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.

**§ 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; special purpose passenger motor vehicles; pay obligations arising under international conventions or contracts; personal service contracts**

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 Acquisition

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;

(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;

(n) exercise the authority provided in subsection (c) of this section, upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be; and

(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under section 5596 of title 5, as part of the settlement or compromise of administrative claims or grievances filed against the department.

(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; Pub. L. 107-107, div. A, title VIII, § 833, Dec. 28, 2001, 115 Stat. 1191; Pub. L. 108-447, div. B, title IV, § 413, Dec. 8, 2004, 118 Stat. 2906; Pub. L. 109-313, § 2(c)(1), Oct. 6, 2006, 120 Stat. 1735.)

#### 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 so-

licitation 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

2004—Subsec. (k). Pub. L. 108-447, § 413(b)(1), which directed the striking out of “and”, was executed by striking out “and” after semicolon, to reflect the probable intent of Congress.

Subsec. (l). Pub. L. 108-447, § 413(b)(3), substituted semicolon for period at end.

Subsec. (m). Pub. L. 108-447, § 413(b)(2), (3), transferred subsec. (m) to appear after subsec. (l) and substituted semicolon for period at end.

Subsec. (n). Pub. L. 108-447, § 413(b)(4), substituted “; and” for period at end.

Subsec. (o). Pub. L. 108-447, § 413(a), added subsec. (o).

2001—Subsec. (n). Pub. L. 107-107 added subsec. (n).

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

tation 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.

#### CHANGE OF NAME

“Federal Acquisition Service” substituted for “Federal Supply Service” in subsec. (h) on authority of section 2(c)(1) of Pub. L. 109-313, set out as a note under section 303 of Title 40, Public Buildings, Property, and Works.

#### 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.

### § 2669-1. Payment of tort claims arising in connection with overseas operations

During the current fiscal year and hereafter, the Secretary of State shall have discretionary authority to pay tort claims in the manner authorized by section 2672 of title 28 when such claims arise in foreign countries in connection with the overseas operations of the Department of State.

(Pub. L. 105-277, div. A, § 101(b) [title IV, § 409], Oct. 21, 1998, 112 Stat. 2681-50, 2681-102.)

### § 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 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 sec-

tion, 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; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1335(m), Oct. 21, 1998, 112 Stat. 2681-789.)

#### AMENDMENTS

1998—Subsec. (b)(3). Pub. L. 105-277 struck out “, the United States Information Agency,” after “Department of Commerce”.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

### § 2669b. Reaffirming United States international telecommunications policy

#### (a) Procurement policy

It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

#### (b) Implementation

In order to achieve the policy set forth in subsection (a) of this section, the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition, to the maximum extent practicable, in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular posts overseas;

(2) make every effort to ensure and promote the participation in the competition for such procurement of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the maximum extent practicable, the subcontracting level.

(Pub. L. 105-277, div. G, subdiv. B, title XXII, §2218, Oct. 21, 1998, 112 Stat. 2681-816.)

### § 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.”

**§ 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 when their lives are endangered by war, civil unrest, or natural disaster of—

(i) United States Government employees and their dependents; and

(ii) private United States citizens or third-country nationals, on a reimbursable basis to the maximum extent practicable, with such reimbursements to be credited to the applicable Department of State appropriation and to remain available until expended, except that no reimbursement under this clause shall be paid that is greater than the amount the person evacuated would have been charged for a reasonable commercial air fare immediately prior to the events giving rise to the evacuation;

(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)<sup>1</sup> 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; Pub. L. 104-316, title I, § 115(g)(2)(D), Oct. 19, 1996, 110 Stat. 3835; Pub. L. 107-228, div. A, title II, § 201, Sept. 30, 2002, 116 Stat. 1361.)

#### REFERENCES IN TEXT

Section 3718(c) of title 31, referred to in subsec. (d)(7), was 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

2002—Subsec. (b)(2)(A). Pub. L. 107-228 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “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;”.

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).

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c) of this section relating to transmitting an annual report to the Speaker of the House of Rep-

resentatives and the Committee on Foreign Relations of the Senate, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 131 of House Document No. 103-7.

#### § 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,

<sup>1</sup> See References in Text note below.

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 503 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 503 of title 40” substituted in text for “section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c))” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

Section was formerly classified to section 170l 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, 2670, 2671, 2672, 2673 to 2679a, 2680, 2680a, 2684, 2687 to 2690, 2692, 2695, 2696 to 2715, and 2715b to 2733 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 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 170o 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 enacted chapter 20 (§900 et seq.) and sections 654 to 656 of Title 2, The Congress, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. 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.

### § 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 re-numbered 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.

(Pub. L. 103-236, title V, § 565, Apr. 30, 1994, 108 Stat. 484; Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1336(3), Oct. 21, 1998, 112 Stat. 2681-790.)

#### AMENDMENTS

1998—Subsec. (e). Pub. L. 105-277 struck out heading and text of subsec. (e). Text read as follows: “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.”

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

#### 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 subssecs. (a) and (b) and prohibiting any State Depart-

ment 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.

#### 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 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 Committee on 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 congressional 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 re-

lating to the foreign relations of the United States; and

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

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

#### § 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.)

#### § 2680-2. Facilitating access to Department of State

##### (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 Secretary 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.)

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 effective 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, Transportation, 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 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 1949 act are covered by provisions of the 1949 act which were classified to chapter 10 (§ 471 et seq.) of former Title 40, Public Buildings, Property, and Works, and which were repealed and reenacted by Pub. L. 107-217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapters 1 to 11 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.

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.

**§ 2682. Liquidation and disposal of broadcasting facilities**

Whenever the Secretary 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.)

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.

**§ 2683. Assumption of obligations of operation of broadcasting facilities**

The Department of State 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.)

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.

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.

**§ 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.]<sup>1</sup> The capital of the fund shall con-

<sup>1</sup> So in original. Probably should be followed by a period.

sist 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 of 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.

**§ 2684a. Capital Investment Fund**

**(a) Establishment**

There is established within the Department of State a Capital Investment Fund to provide for the procurement and enhancement 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 shall remain available until expended.

**(d) Expenditures from Fund**

Amounts deposited in the Fund shall be available for purposes of subsection (a) of this section.

**(e) Reprogramming procedures**

Funds credited to the Capital Investment Fund shall not be available for obligation or ex-

penditure except in compliance with the procedures applicable to reprogramming notifications under section 2706 of this title.

(Pub. L. 103-236, title I, §135, Apr. 30, 1994, 108 Stat. 396; Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2209, Oct. 21, 1998, 112 Stat. 2681-811.)

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, §2209(1), inserted “and enhancement” after “procurement”.

Subsec. (c). Pub. L. 105-277, §2209(2), substituted “shall” for “are authorized to”.

Subsec. (d). Pub. L. 105-277, §2209(3), substituted “for purposes of subsection (a) of this section” for “for expenditure to procure capital equipment and information technology”.

Subsec. (e). Pub. L. 105-277, §2209(4), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “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.”

#### § 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, assign-

ment, 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 Government Accountability 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; amended Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

**§ 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 Broadcasting Board of Governors, and the Agency for International Development) 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; Pub. L. 105-277, div. G, subdiv. A, title XII, § 1225(f), title XIII, § 1335(l)(1), Oct. 21, 1998, 112 Stat. 2681-775, 2681-789.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, § 1335(l)(1), substituted "Broadcasting Board of Governors" for "United States Information Agency".

Pub. L. 105-277, § 1225(f), substituted "and the Agency for International Development" for "the Agency for International Development, and the Arms Control and Disarmament Agency".

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

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1225(f) of Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

Amendment by section 1335(l)(1) of Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

EFFECTIVE DATE

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."

**§ 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.”

**§ 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 ac-

cepted 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 Broadcasting Board and Administrator of AID**

The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the Broadcasting Board of Governors and the Administrator of the Agency for International Development with respect to the Board and the Agency.

(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; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1335(l)(2), title XIV, §1422(b)(3)(A), Oct. 21, 1998, 112 Stat. 2681-789, 2681-792.)

AMENDMENTS

1998—Subsec. (f). Pub. L. 105-277, §1422(b)(3)(A), substituted “Administrator of the Agency for International Development” for “Director of the United States International Development Cooperation Agency”.

Pub. L. 105-277, §1335(l)(2), substituted “Broadcasting Board of Governors” for “Director of the United States Information Agency” and “with respect to the Board and the Agency” for “with respect to their respective agencies”.

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 Commu-

nication 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 OF 1998 AMENDMENT

Amendment by section 1335(l)(2) of Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

Amendment by section 1422(b)(3)(A) of Pub. L. 105-277 effective Apr. 1, 1999, see section 1401 of Pub. L. 105-277, set out as an Effective Date note under section 6561 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 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.”

**§ 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 Broadcasting Board of Governors,<sup>1</sup> and the Administrator of the Agency for International Development with respect to the Board and the Agency.

(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; amended Pub. L. 101-246, title III, §303, Feb. 16, 1990, 104 Stat. 64; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1335(l)(3), title XIV, §1422(b)(3)(B), Oct. 21, 1998, 112 Stat. 2681-789, 2681-792; Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title VIII, §802(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-468.)

<sup>1</sup> So in original. The comma probably should not appear.

## AMENDMENTS

1999—Subsec. (b). Pub. L. 106-113 made technical correction to directory language of Pub. L. 105-277, §1422(b)(3)(B). See 1998 Amendment note below.

1998—Subsec. (b). Pub. L. 105-277, §1422(b)(3)(B), as amended by Pub. L. 106-113, substituted “Administrator of the Agency for International Development” for “Director of the United States International Development Cooperation Agency”.

Pub. L. 105-277, §1335(l)(3), substituted “Broadcasting Board of Governors,” for “Director of the United States Information Agency, the chairman of the Board for International Broadcasting,” and “with respect to the Board and the Agency” for “with respect to their respective agencies”.

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 OF 1998 AMENDMENT

Amendment by section 1335(l)(3) of Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

Amendment by section 1422(b)(3)(B) of Pub. L. 105-277 effective Apr. 1, 1999, see section 1401 of Pub. L. 105-277, set out as an Effective Date note under section 6561 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.

**§ 2699. Employment opportunities for family members**

(a) In order to expand employment opportunities for family members of United States Government 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.

**§ 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. Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.

(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; amended Pub. L. 105-277, div. G, subdiv. B, title XXII, §2201, Oct. 21, 1998, 112 Stat. 2681-804.)

## 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.

## AMENDMENTS

1998—Pub. L. 105-277 inserted at end “Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.”

## 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.

**§ 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 op-

eration 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.

AUTHORITY TO PROVIDE ACCOMMODATION AND SUBSISTENCE TO INDIVIDUALS SERVING IN IRAQ AND AFGHANISTAN

Pub. L. 109–234, title I, §1602(e), June 15, 2006, 120 Stat. 442, provided that: “The Secretary of State may provide during any fiscal year, with or without reimbursement, accommodation and subsistence to personnel in Iraq and Afghanistan for whom the Chief of Mission is responsible.”

**§ 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 Broadcasting Board of Governors and the Administrator of the Agency for International Development 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; Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1335(l)(4), title XIV, § 1422(b)(3)(C), Oct. 21, 1998, 112 Stat. 2681-789, 2681-792.)

#### AMENDMENTS

1998—Pub. L. 105-277, § 1422(b)(3)(C), substituted “Administrator of the Agency for International Development” for “Director of the United States International Development Cooperation Agency”.

Pub. L. 105-277, § 1335(l)(4), substituted “the Broadcasting Board of Governors” for “the Director of the United States Information Agency”.

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 OF 1998 AMENDMENT

Amendment by section 1335(l)(4) of Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

Amendment by section 1422(b)(3)(C) of Pub. L. 105-277 effective Apr. 1, 1999, see section 1401 of Pub. L. 105-277, set out as an Effective Date note under section 6561 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.

### § 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. For purposes of this paragraph, the term “consular officer” includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.

(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; amended Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2222(a), Oct. 21, 1998, 112 Stat. 2681-818.)

#### 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.

#### AMENDMENTS

1998—Par. (2). Pub. L. 105-277 inserted at end “For purposes of this paragraph, the term ‘consular officer’ includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.”

#### 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) In general

Unless the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate are notified fifteen days in advance of the proposed reprogramming, funds appropriated for the Department of State shall not be available for obligation or expenditure through any reprogramming 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 reprogramming 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) Final 15 days in which funds available

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.

**(c) Waiver**

The Secretary of State may waive the notification requirement of subsection (a) of this section, if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.

(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; Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2243, Oct. 21, 1998, 112 Stat. 2681-823.)

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

1998—Subsec. (a). Pub. L. 105-277, § 2243(1), in introductory provisions, substituted “International Relations and the Committee on Appropriations” for “Foreign Affairs” and inserted “and the Committee on Appropriations” after “Foreign Relations”.

Subsec. (c). Pub. L. 105-277, § 2243(2), added subsec. (c).  
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 International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 2706a. Rewards payments**

The Secretary may transfer to and merge with “Emergencies in the Diplomatic and Consular Service” for rewards payments unobligated balances of funds appropriated under “Diplomatic and Consular Programs” for this fiscal year and for each fiscal year on and after December 26, 2007, at no later than the end of the fifth fiscal year after the fiscal year for which any such funds were appropriated or otherwise made available.

(Pub. L. 110-161, div. J, title I (part), Dec. 26, 2007, 121 Stat. 2278.)

REFERENCES IN TEXT

Secretary, referred to in text, means the Secretary of State.

**§ 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;<sup>1</sup>

(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. 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 subse-

<sup>1</sup> So in original.

quently 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. Department of State rewards program

## (a) Establishment

## (1) In general

There is established a program for the payment of rewards to carry out the purposes of this section.

## (2) Purpose

The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

## (3) Implementation

The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

## (b) Rewards authorized

In the sole discretion of the Secretary (except as provided in subsection (c)(2) of this section) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

(3) 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—

(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

(B) the killing or kidnapping 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 narcotics laws or the implementing of United States narcotics 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 narcotics laws or the implementing of United States narcotics control objectives; or

(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3);

(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3), including by dismantling an organization in whole or significant part;

(6) the identification or location of an individual who holds a key leadership position in a terrorist organization; or

(7) the disruption of financial mechanisms of a foreign terrorist organization, including the use by the organization of illicit narcotics production or international narcotics trafficking—

(A) to finance acts of international terrorism; or

(B) to sustain or support any terrorist organization.

**(c) Coordination**

**(1) Procedures**

To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(B) the publication of rewards;

(C) the offering of joint rewards with foreign governments;

(D) the receipt and analysis of data; and

(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

**(2) Prior approval of Attorney General required**

Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

**(d) Funding**

**(1) Authorization of appropriations**

Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

**(2) Period of availability**

Amounts appropriated under paragraph (1) shall remain available until expended.

**(e) Limitations and certification**

**(1) Maximum amount**

No reward paid under this section may exceed \$25,000,000, except as personally author-

ized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts. Without first making such determination, the Secretary may authorize a reward of up to twice the amount specified in this paragraph for the capture or information leading to the capture of a leader of a foreign terrorist organization.

**(2) Approval**

A reward under this section of more than \$100,000 may not be made without the approval of the Secretary.

**(3) Certification for payment**

Any reward granted under this section shall be approved and certified for payment by the Secretary.

**(4) Nondelegation of authority**

The authority to approve rewards of more than \$100,000 set forth in paragraph (2) may not be delegated.

**(5) Protection measures**

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 considers necessary to effect such protection.

**(6) Forms of reward payment**

The Secretary may make a reward under this section in the form of money, a nonmonetary item (including such items as automotive vehicles), or a combination thereof.

**(f) Ineligibility**

An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) of this section shall not be eligible for a reward under this section.

**(g) Reports**

**(1) Reports on payment of rewards**

Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form 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. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

**(2) Annual reports**

Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

**(h) Publication regarding rewards offered by foreign governments**

Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

**(i) Media surveys and advertisements****(1) Surveys conducted**

For the purpose of more effectively disseminating information about the rewards program, the Secretary may use the resources of the rewards program to conduct media surveys, including analyses of media markets, means of communication, and levels of literacy, in countries determined by the Secretary to be associated with acts of international terrorism.

**(2) Creation and purchase of advertisements**

The Secretary may use the resources of the rewards program to create advertisements to disseminate information about the rewards program. The Secretary may base the content of such advertisements on the findings of the surveys conducted under paragraph (1). The Secretary may purchase radio or television time, newspaper space, or make use of any other means of advertisement, as appropriate.

**(j) Determinations of Secretary**

A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

**(k) Definitions**

As used in this section:

**(1) Act of international terrorism**

The term “act of international terrorism” includes—

(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 6305 of this title) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 2405(j)(1)(A) of title 50, Appendix.

**(2) Appropriate congressional committees**

The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

**(3) Member of the immediate family**

The term “member of the immediate family”, with respect to an individual, includes—

(A) a spouse, parent, brother, sister, or child of the individual;

(B) a person with respect to whom the individual stands in loco parentis; and

(C) any person not covered by subparagraph (A) or (B) who is living in the individual’s household and is related to the individual by blood or marriage.

**(4) Rewards program**

The term “rewards program” means the program established in subsection (a)(1) of this section.

**(5) United States narcotics laws**

The term “United States narcotics laws” means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 802(6) of title 21).

**(6) United States person**

The term “United States person” means—

(A) a citizen or national of the United States; and

(B) an alien lawfully present in the United States.

(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; Pub. L. 105-277, div. G, subdiv. B, title XXII, §2202, Oct. 21, 1998, 112 Stat. 2681-805; Pub. L. 105-323, title I, §101, Oct. 30, 1998, 112 Stat. 3029; Pub. L. 107-56, title V, §502, Oct. 26, 2001, 115 Stat. 364; Pub. L. 108-447, div. B, title IV, §405(a)-(d), Dec. 8, 2004, 118 Stat. 2902, 2903.)

## REFERENCES IN TEXT

Section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, referred to in subsec. (d)(1), is section 102 of Pub. L. 99-93, title I, Aug. 16, 1985, 99 Stat. 408, which is not classified to the Code.

## 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

2004—Subsec. (b)(7). Pub. L. 108-447, §405(a), added par. (7).

Subsec. (e)(1). Pub. L. 108-447, §405(b), substituted “\$25,000,000” for “\$5,000,000”, struck out period after “terrorist acts.”, and inserted at end “Without first making such determination, the Secretary may authorize a reward of up to twice the amount specified in this paragraph for the capture or information leading to the capture of a leader of a foreign terrorist organization.”

Subsec. (e)(6). Pub. L. 108-447, §405(c), added par. (6).

Subsecs. (i) to (k). Pub. L. 108-447, §405(d), added subsec. (i) and redesignated former subsecs. (i) and (j) as (j) and (k), respectively.

2001—Subsec. (b)(4). Pub. L. 107-56, § 502(1)(A), struck out “or” at end.

Subsec. (b)(5). Pub. L. 107-56, § 502(1)(B), substituted “, including by dismantling an organization in whole or significant part; or” for period at end.

Subsec. (b)(6). Pub. L. 107-56, § 502(1)(C), added par. (6).

Subsec. (d)(2) to (4). Pub. L. 107-56, § 502(2), redesignated par. (4) as (2) and struck out former pars. (2) and (3) which read as follows:

“(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed \$15,000,000.

“(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.”

Subsec. (e)(1). Pub. L. 107-56, § 502(3), inserted “, except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts.” after “\$5,000,000”.

1998—Pub. L. 105-323 generally amended section substantially similar to general amendment by Pub. L. 105-277, except that the maximum reward in subsec. (e)(1) was increased from \$2,000,000 to \$5,000,000.

Pub. L. 105-277 generally amended section revising and restating provisions relating to Department of State program authorizing rewards for information relating to arrests or convictions with respect to international terrorism or drug trafficking.

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).

#### CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### 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.

#### REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO FORMER YUGOSLAVIA OR RWANDA

Pub. L. 105-323, title I, § 102, Oct. 30, 1998, 112 Stat. 3032, as amended by Pub. L. 106-277, § 1, Oct. 2, 2000, 114 Stat. 813; Pub. L. 107-228, div. A, title VI, § 697(d), Sept. 30, 2002, 116 Stat. 1418, provided that:

“(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

“(1) the arrest or conviction in any country; or

“(2) the transfer to, or conviction by, the Special Court of Sierra Leone[,] the International Criminal Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

“(b) PROCEDURES.—

“(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, subject to paragraph (3), the offering, administration, and payment of rewards under this section, including procedures for—

“(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

“(B) the publication of rewards;

“(C) the offering of joint rewards with foreign governments;

“(D) the receipt and analysis of data; and

“(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

“(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

“(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

“(c) REFERENCE.—(1) For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations

pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

“(2) For the purposes of subsection (a), the statute of the International Criminal Tribunal for Rwanda means the statute contained in the annex to Security Council Resolution 955 of November 8, 1994.

“(3) For the purposes of subsection (a), the Statute of the Special Court for Sierra Leone means the Statute contained in the Annex to the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone.

“(d) DETERMINATION OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

“(e) PRIORITY.—Rewards under this section may be paid from funds authorized to carry out section 36 of the State Department Basic Authorities Act of 1956 [22 U.S.C. 2708]. In the Administration and payment of rewards under the rewards program of section 36 of the State Department Basic Authorities Act of 1956, the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 of that Act and that funds paid under this section are paid only after any and all due and payable demands are met under section 36 of that Act.

“(f) REPORTS.—The Secretary shall inform the appropriate committees of rewards paid under this section in the same manner as required by section 36(g) of the State Department Basic Authorities Act of 1956.”

#### 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.”

### § 2708a. Award of Thomas Jefferson Star for Foreign Service

#### (a) Authority to award

The President, upon the recommendation of the Secretary, may award a Thomas Jefferson Star for Foreign Service to any member of the Foreign Service or any other civilian employee of the Government of the United States who, while employed at, or assigned permanently or temporarily to, an official mission overseas or while traveling abroad on official business, incurred a wound or other injury or an illness (whether or not the wound, other injury, or illness resulted in death)—

- (1) as the person was performing official duties;
- (2) as the person was on the premises of a United States mission abroad; or

(3) by reason of the person’s status as a United States Government employee.

#### (b) Selection criteria

The Secretary shall prescribe the procedures for identifying and considering persons eligible for award of a Thomas Jefferson Star for Foreign Service and for selecting the persons to be recommended for the award.

#### (c) Award in the event of death

If a person selected for award of a Thomas Jefferson Star for Foreign Service dies before being presented the award, the award may be made and the star presented to the person’s family or to the person’s representative, as designated by the President.

#### (d) Form of award

The Secretary shall prescribe the design of the Thomas Jefferson Star for Foreign Service. The award may not include a stipend or any other cash payment.

#### (e) Funding

Any expenses incurred in awarding a person a Thomas Jefferson Star for Foreign Service may be paid out of appropriations available at the time of the award for personnel of the department or agency of the United States Government in which the person was employed when the person incurred the wound, injury, or illness upon which the award is based.

(Aug. 1, 1956, ch. 841, title I, §36A, as added Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title III, §321], Nov. 29, 1999, 113 Stat. 1536, 1501A–436; amended Pub. L. 107–228, div. A, title III, §311, Sept. 30, 2002, 116 Stat. 1377.)

#### AMENDMENTS

2002—Pub. L. 107–228 substituted “Thomas Jefferson Star for Foreign Service” for “Foreign Service star” in section catchline and wherever appearing in text.

### § 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) obtain and execute search and arrest warrants, as well as 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);

(D) foreign missions (as defined in section 4302(a)(4)<sup>1</sup> of this title) and international or-

<sup>1</sup> See References in Text note below.

ganizations (as defined in section 4309(b) of this title), within the United States;

(E) a departing Secretary of State for a period of up to 180 days after the date of termination of that individual's incumbency as Secretary of State, on the basis of a threat assessment; and

(F) an individual who has been designated by the President or President-elect to serve as Secretary of State, prior to that individual's appointment.<sup>2</sup>

(4) if designated by the Secretary and qualified, under regulations approved by the Attorney General, for the use of firearms, carry firearms for the purpose of performing the duties authorized by this section; and

(5) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

**(b) Agreements with Attorney General and Secretary of the Treasury and firearms regulations**

**(1) Agreement with Attorney General**

The authority conferred by paragraphs (1) and (4) of subsection (a) of this section shall be exercised subject to an agreement between the Secretary and the Attorney General.

**(2) Agreement with Attorney General and Secretary of the Treasury**

The authority conferred by paragraphs (2) and (5) of subsection (a) of this section shall be exercised subject to an agreement among the Secretary, the Attorney General, and the Secretary of the Treasury.

**(3) 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 3056 or 3056A 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; Pub. L. 106-553, §1(a)(2) [title IV, §406, formerly §407], Dec. 21, 2000, 114 Stat. 2762, 2762A-97, renumbered Pub. L. 106-554, §1(a)(4) [div. A, §213(a)(5)], Dec. 21, 2000, 114 Stat. 2763, 2763A-180; Pub. L. 107-228, div. A,

title II, §202(a), (b), Sept. 30, 2002, 116 Stat. 1362; Pub. L. 109-177, title VI, §605(e)(2)(A), Mar. 9, 2006, 120 Stat. 255.)

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

2006—Subsec. (c). Pub. L. 109-177 substituted "section 3056 or 3056A of title 18" for "section 202 of title 3 or section 3056 of title 18".

2002—Subsec. (a)(2). Pub. L. 107-228, §202(a)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "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;"

Subsec. (a)(3)(F). Pub. L. 107-228, §202(a)(2), inserted "or President-elect" after "President".

Subsec. (a)(5). Pub. L. 107-228, §202(a)(3), amended par. (5) generally. Prior to amendment, par. (5) read as follows: "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."

Subsec. (b). Pub. L. 107-228, §202(b), substituted "Agreements with Attorney General and Secretary of the Treasury and firearms regulations" for "Agreement with Attorney General and firearms regulations" in heading, added pars. (1) and (2), struck out former par. (1), which related to agreement with the Attorney General, and redesignated former par. (2) as (3).

2000—Subsec. (a)(3)(E), (F). Pub. L. 106-553, as renumbered by Pub. L. 106-554, added subpars. (E) and (F).

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".

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, includ-

<sup>2</sup> So in original. The period probably should be a semicolon.

ing the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

IMPLEMENTATION OF SEARCH, SEIZURE, SERVICE, AND ARREST AUTHORITY

Pub. L. 107–228, div. A, title II, §202(c), Sept. 30, 2002, 116 Stat. 1362, provided that:

“(1) The authority conferred by paragraphs (2) and (5) of section 37(a) of the State Department Basic Authorities Act of 1956 [22 U.S.C. 2709(a)(2), (5)], as amended by subsection (a), may not be exercised until the date on which the Secretary—

“(A) submits the agreement required by subsection (b)(2) of section 37 of such Act [22 U.S.C. 2709(b)(2)] to the appropriate congressional committees; and

“(B) publishes in the Federal Register a notice that the agreement has been submitted in accordance with the requirements of subparagraph (A).

“(2) The authority conferred by paragraphs (2) and (5) of subsection (a) of section 37 of the State Department Basic Authorities Act of 1956, as in effect on the day before the date of the enactment of this Act [Sept. 30, 2002], may continue to be exercised until the date on which the notice described in paragraph (1)(B) is published in the Federal Register.”

[For definitions of “Secretary” and “appropriate congressional committees” as used in section 202(c) of Pub. L. 107–228, set out above, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title.]

**§ 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 personal and 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 Government 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).

**(e) Retention of funds**

**(1) In general**

To reimburse the expenses of the United States Government in preparing or prosecuting a proceeding before an international tribunal, or a claim against a foreign government or other foreign entity, the Secretary may retain 1.5 percent of any amount between \$100,000 and \$5,000,000, and one percent of any amount over \$5,000,000, received per claim under section 2668a of this title.

**(2) Treatment**

Amounts retained under the authority of paragraph (1) shall be deposited into the fund under subsection (d) of this section.

(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; Pub. L. 105–277, div. G, subd. B, title XXII, §2212(b), Oct. 21, 1998, 112 Stat. 2681–812; Pub. L. 107–228, div. A, title II, §203, Sept. 30, 2002, 116 Stat. 1362.)

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.

Section 2668a of this title, referred to in subsec. (e)(1), was in the original “chapter 34 of the Act of February

27, 1896 (22 U.S.C. 2668a; 29 Stat. 32)”. Section 2668a of this title contains the only provisions of the Act which are classified to the Code.

#### 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

2002—Subsec. (e). Pub. L. 107-228 added subsec. (e).  
 1998—Subsec. (c). Pub. L. 105-277 inserted “personal and” before “other support services” in first sentence.  
 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 enforce-

ment, 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 national, 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 Harry S Truman Federal 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.<sup>1</sup> 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 Harry S Truman Federal 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; amended Pub. L. 106-218, §2, June 20, 2000, 114 Stat. 345.)

## 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. Except for title III of the Act, which is classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts, the Act was repealed and reenacted by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapters 1 to 11 of Title 40, Public Buildings, Property, and Works.

## 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.

## AMENDMENTS

2000—Pub. L. 106-218 substituted "Harry S Truman Federal Building" for "Department of State Building" in section catchline and in subsec. (c).

## DESIGNATION OF DEPARTMENT OF STATE BUILDING AS HARRY S TRUMAN FEDERAL BUILDING

Pub. L. 106-218, June 20, 2000, 114 Stat. 345, provided that:

"SECTION 1. DESIGNATION.

"The Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, shall be known and designated as the 'Harry S Truman Federal Building'.

<sup>1</sup> See References in Text note below.

“SEC. 2. REFERENCES.

“Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ‘Harry S Truman Federal Building’.”

**§ 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<sup>1</sup> 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**

**(a) Authority**

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 appro-

<sup>1</sup> So in original. Probably should be followed by “a”.

priate information concerning such disaster or incident and its effect on United States citizens to the next-of-kin of such individuals. Notification 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 estates pursuant to section 2715c of this title.

**(b) Definitions**

For purposes of this section and sections 2715b and 2715c of this title, the term “consular officer” includes any United States citizen employee of the Department of State who is designated by the Secretary of State to perform consular services pursuant to such regulations as the Secretary may prescribe.

(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; amended Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title II, § 235], Nov. 29, 1999, 113 Stat. 1536, 1501A-429.)

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.

AMENDMENTS

1999—Pub. L. 106-113 designated existing provisions as subsec. (a), inserted subsec. heading, substituted “disposition of personal estates pursuant to section 2715c of this title” for “disposition of personal effects”, and added subsec. (b).

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.”

**§ 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.)

**§ 2715b. Notification of next of kin; reports of death**

**(a) In general**

Whenever a United States citizen or national dies abroad, a consular officer shall endeavor to notify, or assist the Secretary of State in notifying, the next of kin or legal guardian as soon as possible, except that, in the case of death of any Peace Corps volunteer (within the meaning of section 2504(a) of this title), any member of the Armed Forces, any dependent of such a volunteer or member, or any Department of Defense employee, the consular officer shall assist the Peace Corps or the appropriate military authorities, as the case may be, in making such notifications.

**(b) Reports of death or presumptive death**

The consular officer may, for any United States citizen who dies abroad—

(1) in the case of a finding of death by the appropriate local authorities, issue a report of death or of presumptive death; or

(2) in the absence of a finding of death by the appropriate local authorities, issue a report of presumptive death.

**(c) Implementing regulations**

The Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

(Aug. 1, 1956, ch. 841, title I, § 43A, as added Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title II, § 234(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-426.)

#### EFFECTIVE DATE

Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title II, § 234(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A-429, provided that: “The repeal and amendment made by this section [enacting this section and section 2715c of this title and repealing section 4195 of this title] shall take effect six months after the date of enactment of this Act [Nov. 29, 1999].”

#### ADMINISTRATIVE ASSISTANCE IN ARRANGEMENTS FOLLOWING DEATH OF UNITED STATES CITIZEN ABROAD

Pub. L. 95-426, title I, § 121, 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 the Department of State should, in the performance of its consular duties, render all reasonable administrative assistance to a United States citizen who is making necessary arrangements following the death of another United States citizen abroad.”

### § 2715c. Conservation and disposition of estates

#### (a) Conservation of estates abroad

##### (1) Authority to act as conservator

Whenever a United States citizen or national dies abroad, a consular officer shall act as the provisional conservator of the portion of the decedent's estate located abroad and, subject to paragraphs (3), (4), and (5), shall—

(A) take possession of the personal effects of the decedent within his jurisdiction;

(B) inventory and appraise the personal effects of the decedent, sign the inventory, and annex thereto a certificate as to the accuracy of the inventory and appraised value of each article;

(C) when appropriate in the exercise of prudent administration, collect the debts due to the decedent in the officer's jurisdiction and pay from the estate the obligations owed by the decedent;

(D) sell or dispose of, as appropriate, in the exercise of prudent administration, all perishable items of property;

(E) sell, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, such additional items of property as necessary to provide funds sufficient to pay the decedent's debts and property taxes in the country of death, funeral expenses, and other expenses incident to the disposition of the estate;

(F) upon the expiration of the one-year period beginning on the date of death (or after such additional period as may be required for final settlement of the estate), if no claimant shall have appeared, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, sell or dispose of the residue of the personal estate, except as provided in subparagraph (G), in the same manner as United States Government-owned foreign excess property;

(G) transmit to the custody of the Secretary of State in Washington, D.C. the proceeds of any sales, together with all financial instruments (including bonds, shares of stock, and notes of indebtedness), jewelry,

heirlooms, and other articles of obvious sentimental value, to be held in trust for the legal claimant; and

(H) in the event that the decedent's estate includes an interest in real property located within the jurisdiction of the officer and such interest does not devolve by the applicable laws of intestate succession or otherwise, provide for title to the property to be conveyed to the Government of the United States unless the Secretary declines to accept such conveyance.

##### (2) Authority to act as administrator

Subject to paragraphs (3) and (4), a consular officer may act as administrator of an estate in exceptional circumstances if expressly authorized to do so by the Secretary of State.

##### (3) Exceptions

The responsibilities described in paragraphs (1) and (2) may not be performed to the extent that the decedent has left or there is otherwise appointed, in the country where the death occurred or where the decedent was domiciled, a legal representative, partner in trade, or trustee appointed to take care of his personal estate. If the decedent's legal representative shall appear at any time prior to transmission of the estate to the Secretary and demand the proceeds and effects being held by the consular officer, the officer shall deliver them to the representative after having collected any prescribed fee for the services performed under this section.

##### (4) Additional requirement

In addition to being subject to the limitations in paragraph (3), the responsibilities described in paragraphs (1) and (2) may not be performed unless—

(A) authorized by treaty provisions or permitted by the laws or authorities of the country wherein the death occurs, or the decedent is domiciled; or

(B) permitted by established usage in that country.

##### (5) Statutory construction

Nothing in this section supersedes or otherwise affects the authority of any military commander under title 10 with respect to the person or property of any decedent who died while under a military command or jurisdiction or the authority of the Peace Corps with respect to a Peace Corps volunteer or the volunteer's property.

#### (b) Disposition of estates by the Secretary of State

##### (1) Personal estates

###### (A) In general

After receipt of a personal estate pursuant to subsection (a) of this section, the Secretary may seek payment of all outstanding debts to the estate as they become due, may receive any balances due on such estate, may endorse all checks, bills of exchange, promissory notes, and other instruments of indebtedness payable to the estate for the benefit thereof, and may take such other action as is reasonably necessary for the conservation of the estate.

**(B) Disposition as surplus United States property**

If, upon the expiration of a period of 5 fiscal years beginning on October 1 after a consular officer takes possession of a personal estate under subsection (a) of this section, no legal claimant for such estate has appeared, title to the estate shall be conveyed to the United States, the property in the estate shall be under the custody of the Department of State, and the Secretary shall dispose of the estate in the same manner as surplus United States Government-owned property is disposed or by such means as may be appropriate in light of the nature and value of the property involved. The expenses of sales shall be paid from the estate, and any lawful claim received thereafter shall be payable to the extent of the value of the net proceeds of the estate as a refund from the appropriate Treasury appropriations account.

**(C) Transfer of proceeds**

The net cash estate after disposition as provided in subparagraph (B) shall be transferred to the miscellaneous receipts account of the Treasury of the United States.

**(2) Real property**

**(A) Designation as excess property**

In the event that title to real property is conveyed to the Government of the United States pursuant to subsection (a)(1)(H) of this section and is not required by the Department of State, such property shall be considered foreign excess property under title IV of the Federal Property and Administrative Services Act of 1949.<sup>1</sup>

**(B) Treatment as gift**

In the event that the Department requires such property, the Secretary of State shall treat such property as if it were an unconditional gift accepted on behalf of the Department of State under section 2697 of this title and section 300(a)(3) of this title.

**(c) Losses in connection with the conservation of estates**

**(1) Authority to compensate**

The Secretary is authorized to compensate the estate of any United States citizen who has died overseas for property—

(A) the conservation of which has been undertaken under section 2715 of this title or subsection (a) of this section; and

(B) that has been lost, stolen, or destroyed while in the custody of officers or employees of the Department of State.

**(2) Liability**

**(A) Exclusion of personal liability after provision of compensation**

Any such compensation shall be in lieu of personal liability of officers or employees of the Department of State.

**(B) Liability to the Department**

An officer or employee of the Department of State may be liable to the Department of

State to the extent of any compensation provided under paragraph (1).

**(C) Determinations of liability**

The liability of any officer or employee of the Department of State to the Department for any payment made under subsection (a) of this section shall be determined pursuant to the Department's procedures for determining accountability for United States Government property.

**(d) Regulations**

The Secretary of State may prescribe such regulations as may be necessary to carry out this section.

(Aug. 1, 1956, ch. 841, title I, § 43B, as added Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title II, § 234(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-427.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (b)(2)(A), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title IV of the Act, which was classified generally to subchapter III (§511 et seq.) of chapter 10 of former Title 40, Public Buildings, Property, and Works, was repealed and reenacted by Pub. L. 107-217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapter 7 (§ 701 et seq.) of Title 40, Public Buildings, Property, and Works.

EFFECTIVE DATE

Section effective six months after Nov. 29, 1999, see section 1000(a)(7) [title II, § 234(c)] of Pub. L. 106-113, set out as a note under section 2715b of this title.

**§ 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 subse-

<sup>1</sup> See References in Text note below.

quently 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

For each fiscal year, 100 percent 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;

(2) the automation of defense trade controls functions, including compliance and enforcement activities, and the processing of defense trade controls license applications, including the development, procurement, and utilization of computer equipment and related software; and

(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.

(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; Pub. L. 105-261, div. A, title XV, §1513(b), Oct. 17, 1998, 112 Stat. 2174; Pub. L. 105-277, div. G, subdiv. B, title XXII, §2203, Oct. 21, 1998, 112 Stat. 2681-808.)

#### 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

1998—Pub. L. 105-277, which directed the amendment of subsec. (a) by striking out “and” at end of par. (1), substituting “functions, including compliance and enforcement activities,” for “functions” in par. (2), substituting “; and” for period at end of par. (2), and adding par. (3), was executed by making the amendments to text of section to reflect the probable intent of Congress and the amendment by Pub. L. 105-261. See below.

Pub. L. 105-261 designated subsec. (a) as entire section, struck out former subsec. (a) heading “Defense trade controls registration fees”, substituted “100 percent” for “\$700,000”, and struck out heading and text of subsec. (b). Text read as follows: “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.”

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 “Muni-

tions Control”, and “defense trade controls” for “munitions control” wherever appearing.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-261 effective as of Oct. 1, 1998, see section 1513(c)(2) of Pub. L. 105-261, set out in a Satellite Export Controls note under section 2778 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.

#### § 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.

#### 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

##### (1) Denial of visas

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.

**(2) Visa issuance to inadmissible aliens**

The Secretary shall, on a semiannual basis, submit to the appropriate committees of the Congress a report describing every instance during the period covered by the report in which a consular post or the Visa Office of the Department of State issued an immigrant or nonimmigrant visa to an alien who is inadmissible to the United States based upon terrorist activity or failed to object to the issuance of an immigrant or nonimmigrant visa to an alien notwithstanding any such ground of inadmissibility. The report shall set forth the name and nationality of the alien, the issuing post, and a brief factual statement of the basis for issuance of the visa or the failure to object. The report may be submitted in classified or unclassified form.

**(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; amended Pub. L. 107-228, div. A, title II, §231, Sept. 30, 2002, 116 Stat. 1372.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-228 designated existing provisions as par. (1), inserted par. (1) heading, and added par. (2).

**§ 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. Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.

(Aug. 1, 1956, ch. 841, title I, §52, as added Pub. L. 103-236, title I, §136, Apr. 30, 1994, 108 Stat. 396; amended Pub. L. 105-277, div. G, subdiv. B, title XXII, §2204, Oct. 21, 1998, 112 Stat. 2681-808.)

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-277 inserted at end “Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.”

**§ 2725. Fees for use of the George P. Shultz National Foreign Affairs Training Center**

The Secretary is authorized to charge a fee for use of the George P. Shultz National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.

(Aug. 1, 1956, ch. 841, title I, §53, as added Pub. L. 105-277, div. G, subdiv. B, title XXII, §2205(b), Oct. 21, 1998, 112 Stat. 2681-809; amended Pub. L. 107-132, §2(a), Jan. 16, 2002, 115 Stat. 2412.)

AMENDMENTS

2002—Pub. L. 107-132 inserted “George P. Shultz” before “National Foreign Affairs Training Center” in section catchline and in text.

REPORTING ON PILOT PROGRAM

Pub. L. 105-277, div. G, subdiv. B, title XXII, §2205(c), Oct. 21, 1998, 112 Stat. 2681-809, required the Secretary of State to submit, two years after Oct. 21, 1998, a report to Congress on the number of persons taking advantage of the pilot program established under section 4021 of this title and this section, their business or government affiliations, the amount of fees collected, and the impact of the program on the primary mission of the National Foreign Affairs Training Center, prior to repeal by Pub. L. 107-228, div. A, title III, §318(3), Sept. 30, 2002, 116 Stat. 1380.

**§ 2726. Fee for use of diplomatic reception rooms**

The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.

(Aug. 1, 1956, ch. 841, title I, §54, as added Pub. L. 105-277, div. G, subdiv. B, title XXII, §2206, Oct. 21, 1998, 112 Stat. 2681-810.)

**§ 2727. Accounting of collections in budget presentation documents**

The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.

(Aug. 1, 1956, ch. 841, title I, §55, as added Pub. L. 105-277, div. G, subdiv. B, title XXII, §2207, Oct. 21, 1998, 112 Stat. 2681-810.)

**§ 2728. Crimes committed by diplomats****(a) Annual report concerning diplomatic immunity****(1) Report to Congress**

180 days after October 21, 1998, and annually thereafter, the Secretary of State shall prepare and submit to the Congress, a report concerning diplomatic immunity entitled “Report on Cases Involving Diplomatic Immunity”.

**(2) Content of report**

In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

(F) Whether the Secretary has made the notifications referred to in subsection (c) of this section during the period covered by the report.

**(3) Serious criminal offense defined**

For the purposes of this section, the term “serious criminal offense” means—

(A) any felony under Federal, State, or local law;

(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

(C) any crime of violence as defined for purposes of section 16 of title 18; or

(D)(i) driving under the influence of alcohol or drugs;

(ii) reckless driving; or

(iii) driving while intoxicated.

**(b) United States policy concerning reform of diplomatic immunity**

It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

**(c) Notification of diplomatic corps**

The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(Aug. 1, 1956, ch. 841, title I, §56, as added Pub. L. 105-277, div. G, subdiv. B, title XXII, §2217, Oct. 21, 1998, 112 Stat. 2681-815.)

**§ 2729. State Department records of overseas deaths of United States citizens from non-natural causes****(a) Collection of information**

The Secretary shall, to the maximum extent practicable, collect, with respect to each foreign country, the following information with respect to each United States citizen who dies in that country from a nonnatural cause on or after September 30, 2002:

(1) The date of death.

(2) The locality where the death occurred (including the state or province and municipality, if available).

(3) The cause of death, including information on the circumstances of the death, and including, if the death resulted from an act of terrorism, a statement disclosing that information.

(4) Such other information as the Secretary shall prescribe.

**(b) Database**

The Secretary shall establish and maintain a database containing the information collected under subsection (a) of this section.

**(c) Public availability of information**

Beginning three months after September 30, 2002, the Secretary, shall make available, on a country-by-country basis, on the Internet website of the Department’s Bureau of Consular Affairs, the information from the database described in subsection (b) of this section with respect to deaths occurring since September 30, 2002, or occurring during the preceding three

calendar years, whichever period is shorter. The information shall be updated at least every six months.

(Aug. 1, 1956, ch. 841, title I, §57, as added Pub. L. 107-228, div. A, title II, §204, Sept. 30, 2002, 116 Stat. 1363.)

**§ 2730. Prohibition on funding the involuntary return of refugees**

**(a) Prohibition**

**(1) In general**

Except as provided in paragraph (2), none of the funds made available to the Department of State, or the United States Emergency Refugee and Migration Assistance Fund established in section 2601(c) of this title, may be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

**(2) Exception**

The prohibition in paragraph (1) does not apply to the return of any person on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate resolution of advice and consent to ratification of the Protocol.

**(b) Congressional notification required in all cases**

None of the funds made available to the Department of State, or the United States Emergency Refugee and Migration Assistance Fund established in section 2601(c) of this title, may be available to effect the involuntary return by the United States of any person to any country unless the Secretary first notifies the appropriate congressional committees, except that, in the case of an emergency involving a threat to human life, the Secretary shall notify the appropriate congressional committees as soon as practicable.

**(c) Statutory construction**

Nothing in this section shall be construed as affecting activities of the Department of State that relate to removal proceedings under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] or extradition.

**(d) Definitions**

In this section:

**(1) Appropriate congressional committees**

The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

**(2) To effect the involuntary return**

The term “to effect the involuntary return” means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the

person’s will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

(Aug. 1, 1956, ch. 841, title I, §58, as added Pub. L. 107-228, div. A, title II, §241, Sept. 30, 2002, 116 Stat. 1373.)

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (c), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 2731. Monitoring and combating anti-Semitism**

**(a) Office to Monitor and Combat anti-Semitism**

**(1) Establishment of Office**

The Secretary shall establish within the Department of State an Office to Monitor and Combat anti-Semitism (in this section referred to as the “Office”).

**(2) Head of Office**

**(A) Special Envoy for Monitoring and Combating anti-Semitism**

The head of the Office shall be the Special Envoy for Monitoring and Combating anti-Semitism (in this section referred to as the “Special Envoy”).

**(B) Appointment of head of Office**

The Secretary shall appoint the Special Envoy. If the Secretary determines that such is appropriate, the Secretary may appoint the Special Envoy from among officers and employees of the Department. The Secretary may allow such officer or employee to retain the position (and the responsibilities associated with such position) held by such officer or employee prior to the appointment of such officer or employee to the position of Special Envoy under this paragraph.

**(b) Purpose of Office**

Upon establishment, the Office shall assume the primary responsibility for—

(1) monitoring and combating acts of anti-Semitism and anti-Semitic incitement that occur in foreign countries;

(2) coordinating and assisting in the preparation of that portion of the report required by sections 2151n(d)(7) and 2304(b) of this title relating to an assessment and description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement for inclusion in the annual Country Reports on Human Rights Practices; and

(3) coordinating and assisting in the preparation of that portion of the report required by section 6412(b)(1)(A)(iv) of this title relating to an assessment and description of the nature and extent of acts of anti-Semitism and anti-

Semitic incitement for inclusion in the Annual Report on International Religious Freedom.

**(c) Consultations**

The Special Envoy shall consult with domestic and international nongovernmental organizations and multilateral organizations and institutions, as the Special Envoy considers appropriate to fulfill the purposes of this section.

(Aug. 1, 1956, ch. 841, title I, § 59, as added Pub. L. 108-332, § 5, Oct. 16, 2004, 118 Stat. 1284.)

**FINDINGS**

Pub. L. 108-332, § 2, Oct. 16, 2004, 118 Stat. 1282, provided that: “Congress makes the following findings:

“(1) Acts of anti-Semitism in countries throughout the world, including some of the world’s strongest democracies, have increased significantly in frequency and scope over the last several years.

“(2) During the last 3 months of 2003 and the first 3 months of 2004, there were numerous instances of anti-Semitic violence around the world, including the following incidents:

“(A) In Putrajaya, Malaysia, on October 16, 2003, former Prime Minister Mahatir Mohammad told the 57 national leaders assembled for the Organization of the Islamic Conference that Jews ‘rule the world by proxy’, and called for a ‘final victory’ by the world’s 1.3 billion Muslims, who, he said, ‘cannot be defeated by a few million Jews.’

“(B) In Istanbul, Turkey, on November 15, 2003, simultaneous car bombs exploded outside two synagogues filled with worshippers, killing 24 people and wounding more than 250 people.

“(C) In Australia on January 5, 2004, poison was used to ignite, and burn anti-Semitic slogans into, the lawns of the Parliament House in the state of Tasmania.

“(D) In St. Petersburg, Russia, on February 15, 2004, vandals desecrated approximately 50 grave-stones in a Jewish cemetery, painting the stones with swastikas and anti-Semitic graffiti.

“(E) In Toronto, Canada, over the weekend of March 19 through March 21, 2004, vandals attacked a Jewish school, a Jewish cemetery, and area synagogues, painting swastikas and anti-Semitic slogans on the walls of a synagogue and on residential property in a nearby, predominantly Jewish, neighborhood.

“(F) In Toulon, France, on March 23, 2004, a Jewish synagogue and community center were set on fire.

“(3) Anti-Semitism in old and new forms is also increasingly emanating from the Arab and Muslim world on a sustained basis, including through books published by government-owned publishing houses in Egypt and other Arab countries.

“(4) In November 2002, state-run television in Egypt broadcast the anti-Semitic series entitled ‘Horseman Without a Horse’, which is based upon the fictitious conspiracy theory known as the Protocols of the Elders of Zion. The Protocols have been used throughout the last century by despots such as Adolf Hitler to justify violence against Jews.

“(5) In November 2003, Arab television featured an anti-Semitic series, entitled ‘Ash-Shatat’ (or ‘The Diaspora’), which depicts Jewish people hatching a plot for Jewish control of the world.

“(6) The sharp rise in anti-Semitic violence has caused international organizations such as the Organization for Security and Cooperation in Europe (OSCE) to elevate, and bring renewed focus to, the issue, including the convening by the OSCE in June 2003 of a conference in Vienna dedicated solely to the issue of anti-Semitism.

“(7) The OSCE convened a conference again on April 28-29, 2004, in Berlin, to address the problem of

anti-Semitism with the United States delegation led by former Mayor of New York City, Ed Koch.

“(8) The United States Government has strongly supported efforts to address anti-Semitism through bilateral relationships and interaction with international organizations such as the OSCE, the European Union, and the United Nations.

“(9) Congress has consistently supported efforts to address the rise in anti-Semitic violence. During the 107th Congress, both the Senate and the House of Representatives passed resolutions expressing strong concern with the sharp escalation of anti-Semitic violence in Europe and calling on the Department of State to thoroughly document the phenomenon.

“(10) Anti-Semitism has at times taken the form of vilification of Zionism, the Jewish national movement, and incitement against Israel.”

**§ 2732. Public diplomacy responsibilities of the Department of State**

**(a) Integral component**

The Secretary of State shall make public diplomacy an integral component in the planning and execution of United States foreign policy.

**(b) Coordination and development of strategy**

The Secretary shall make every effort to—

(1) coordinate, subject to the direction of the President, the public diplomacy activities of Federal agencies; and

(2) coordinate with the Broadcasting Board of Governors to—

(A) develop a comprehensive and coherent strategy for the use of public diplomacy resources; and

(B) develop and articulate long-term measurable objectives for United States public diplomacy.

**(c) Objectives**

The strategy developed pursuant to subsection (b) of this section shall include public diplomacy efforts targeting developed and developing countries and select and general audiences, using appropriate media to properly explain the foreign policy of the United States to the governments and populations of such countries, with the objectives of increasing support for United States policies and providing news and information. The Secretary shall, through the most effective mechanisms, counter misinformation and propaganda concerning the United States. The Secretary shall continue to articulate the importance of freedom, democracy, and human rights as fundamental principles underlying United States foreign policy goals.

**(d) Identification of United States foreign assistance**

In cooperation with the United States Agency for International Development (USAID) and other public and private assistance organizations and agencies, the Secretary should ensure that information relating to foreign assistance provided by the United States, nongovernmental organizations, and private entities of the United States is disseminated widely, and particularly, to the extent practicable, within countries and regions that receive such assistance. The Secretary should ensure that, to the extent practicable, projects funded by USAID not involving commodities, including projects implemented by private voluntary organizations, are identified as provided by the people of the United States.

(Aug. 1, 1956, ch. 841, title I, §60, as added Pub. L. 108-458, title VII, §7109(a), Dec. 17, 2004, 118 Stat. 3792.)

**§ 2733. Reemployment of annuitants under the Civil Service Retirement System and Federal Employees' Retirement System**

**(a) Authority**

**(1) In general**

To facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the Service assigned to Iraq and Afghanistan, the Secretary of State may waive the application of the provisions of section 8344 or 8468 of title 5 on a case-by-case basis for employment of an annuitant in a position in the Department of State for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

**(2) Termination of authority**

The authority of the Secretary under paragraph (1) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

**(b) Procedures**

The Secretary should prescribe procedures for the exercise of any authority under subsection (a), including criteria for any exercise of authority and procedures for a delegation of authority.

**(c) Annuitants not treated as employees for purposes of retirement benefits**

An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5.

(Aug. 1, 1956, ch. 841, title I, §61, as added Pub. L. 109-234, title I, §1602(b)(1), June 15, 2006, 120 Stat. 441.)

**CODIFICATION**

Pub. L. 109-234, title I, §1602(b)(1), June 15, 2006, 120 Stat. 441, which directed that this section be added at the end of title I of the Department of State Basic Authorities Act of 1956, was executed by adding this section at the end of title I of the State Department Basic Authorities Act of 1956, to reflect the probable intent of Congress.

**CHAPTER 39—ARMS EXPORT CONTROL**

**SUBCHAPTER I—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS**

<p>Sec. 2751.</p>	<p>Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; arms sales policy.</p>
<p>2752.</p>	<p>Coordination with foreign policy.</p>
<p>2753.</p>	<p>Eligibility for defense services or defense articles.</p>
<p>2754.</p>	<p>Purposes for which military sales or leases by the United States are authorized; report to Congress.</p>
<p>2755.</p>	<p>Discrimination prohibited if based on race, religion, national origin, or sex.</p>
<p>2756.</p>	<p>Foreign intimidation and harassment of individuals in United States.</p>

**Sec. SUBCHAPTER II—FOREIGN MILITARY SALES AUTHORIZATIONS**

<p>2761. 2762. 2763. 2764. 2765.  2766. 2767.</p>	<p>Sales from stocks. Procurement for cash sales. Credit sales. Guaranties. Annual estimate and justification for sales program. Security assistance surveys. Authority of President to enter into cooperative projects with friendly foreign countries.</p>
<p>2767a, 2768.</p>	<p>Repealed.</p>

**SUBCHAPTER II-A—FOREIGN MILITARY CONSTRUCTION SALES**

<p>2769.</p>	<p>Foreign military construction sales.</p>
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**SUBCHAPTER II-B—SALES TO UNITED STATES COMPANIES FOR INCORPORATION INTO END ITEMS**

<p>2770.</p>	<p>General authority.</p>
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**SUBCHAPTER II-C—EXCHANGE OF TRAINING AND RELATED SUPPORT**

<p>2770a.</p>	<p>Exchange of training and related support.</p>
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**SUBCHAPTER III—MILITARY EXPORT CONTROLS**

<p>2771.  2772. 2773.  2774. 2775.  2776.  2776a.  2777.  2778. 2778a.  2779. 2779a. 2780.  2781.</p>	<p>Military sales authorizations and ceilings. Repealed. Restraint in arms sales to Sub-Saharan Africa. Foreign military sales credit standards. Foreign military sales to less developed countries. Reports and certifications to Congress on military exports. Annual report on foreign sales of significant military equipment manufactured in the United States. Fiscal provisions relating to foreign military sales credits. Control of arms exports and imports. Exportation of uranium depleted in the isotope 235. Fees of military sales agents. Prohibition on incentive payments. Transactions with countries supporting acts of international terrorism. Transactions with countries not fully cooperating with United States anti-terrorism efforts.</p>
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**SUBCHAPTER III-A—END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES**

<p>2785.</p>	<p>End-use monitoring of defense articles and defense services.</p>
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**SUBCHAPTER IV—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS**

<p>2791. 2792. 2793. 2794.</p>	<p>General provisions. Administrative expenses. Other provisions unaffected. Definitions.</p>
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**SUBCHAPTER V—SPECIAL DEFENSE ACQUISITION FUND**

<p>2795. 2795a.  2795b.</p>	<p>Fund. Use and transfer of items procured by Fund. Repealed.</p>
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**SUBCHAPTER VI—LEASES OF DEFENSE ARTICLES AND LOAN AUTHORITY FOR COOPERATIVE RESEARCH AND DEVELOPMENT PURPOSES**

<p>2796.</p>	<p>Leasing authority.</p>
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