

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 paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.

(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 exceed 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; Pub. L. 110-252, title I, § 1408(b), June 30, 2008, 122 Stat. 2342.)

AMENDMENTS

2008—Subsec. (b)(7)(D). Pub. L. 110-252 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “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.”

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 De-

partment of State (including the Foreign Service). The Secretary of the Treasury may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such funds and the income from such investments shall be available for expenditure in the operation of the Department of State (including the Foreign Service) and the performance of its functions, subject to the same examination and audit as is provided for appropriations made for the Foreign Service by the Congress, but shall not be expended for representational purposes at United States missions except in accordance with the conditions that apply to appropriated funds.

(c) Evidences of unconditional gift of intangible personal property

The evidences of any unconditional gift of intangible personal property (other than money) accepted under subsection (a) of this section, shall be deposited with the Secretary of the Treasury who may hold or liquidate them, except that they shall be liquidated upon the request of the Secretary of State whenever necessary to meet payments required in the operation of the Department of State (including the Foreign Service) or the performance of its functions.

(d) Use of real property or tangible personal property received unconditionally

(1) The Secretary of State shall hold any real property or any tangible personal property accepted unconditionally pursuant to subsection (a) of this section and shall either use such property for the operation of the Department of State (including the Foreign Service) and the performance of its functions or lease or hire such property, except that any such property not required for the operation of the Department of State (including the Foreign Service) or the performance of its functions may be liquidated by the Secretary of State whenever in the judgment of the Secretary of State the purposes of the gift will be served thereby. The Secretary of State may insure any property held under this subsection. Except as provided in paragraph (2), the Secretary shall deposit the income from any property held under this subsection with the Secretary of the Treasury as provided in subsection (b) of this section.

(2) The income from any real property or tangible personal property held under this subsection shall be available for expenditure at the discretion of the Secretary of State for the maintenance, preservation, or repair and insurance of such property and any proceeds from insurance may be used to restore the property insured.

(e) Taxation

For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted under this section shall be deemed to be a gift, devise, or bequest to and for the use of the United States.

(f) Availability of statutory authorities to Broadcasting Board and Administrator of AID

The authorities available to the Secretary of State under this section with respect to the De-

partment 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 Communication Agency” in subsec. (f), pursuant to section 303(b) of Pub. L. 97-241, set out as a note under section 1461 of this title.

EFFECTIVE DATE 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,¹ 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.)

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 Gov-

ernment personnel assigned abroad, the Secretary of State shall seek to conclude such bilateral and multilateral agreements as will facilitate the employment of such family members in foreign economies.

(b) Any member of a family of a member of the Foreign Service may accept gainful employment in a foreign country unless such employment—

(1) would violate any law of such country or of the United States; or

(2) could, as certified in writing by the United States chief of mission to such country, damage the interests of the United States.

(Aug. 1, 1956, ch. 841, title I, §27, as added Pub. L. 96-465, title II, §2201(a), Oct. 17, 1980, 94 Stat. 2154; renumbered title I, Pub. L. 97-241, title II, §202(a), Aug. 24, 1982, 96 Stat. 282.)

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as a note under section 3901 of this title.

§ 2700. Use of vehicles

The Secretary of State may authorize the principal officer of a Foreign Service post to provide for the use of Government owned or leased vehicles located at that post for transportation of United States Government employees and their families when public transportation is unsafe or not available or when such use is advantageous to the Government.

(Aug. 1, 1956, ch. 841, title I, §28, as added Pub. L. 96-465, title II, §2201(a), Oct. 17, 1980, 94 Stat. 2154; renumbered title I, Pub. L. 97-241, title II, §202(a), Aug. 24, 1982, 96 Stat. 282.)

EFFECTIVE DATE

Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as a note under section 3901 of this title.

§ 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

¹ So in original. The comma probably should not appear.