

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 Repealed.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 3304(a)(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;