

§ 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, whether at or away from their duty stations, 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; Pub. L. 110-321, § 3, Sept. 19, 2008, 122 Stat. 3535.)

AMENDMENTS

2008—Pub. L. 110-321 substituted “on authorized protective missions, whether at or away from their duty stations, and” for “on authorized protective missions, and”.

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. Reprogramming 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 ex-