

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) 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;

(n) exercise the authority provided in subsection (c), 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 former Title 41, Public Contracts, applicable with respect to any solicitation for bids or proposals issued after Mar. 31, 1985. See section 2751(a) of Pub. L. 98-369, set out as an Effective Date of 1984 Amendment note under section 2302 of Title 10, Armed Forces.

#### 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.

In subsec. (h), "section 3304(a)(2) of title 41" substituted for "section 303(c)(2) of the Federal Property and Administrative Services Act of 1949" on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

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) and of any other law administered by the Secretary concerning the employment of such individuals abroad)".

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

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

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 (b) was repealed by section 511(a)(2) of Pub.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

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

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 L. 86-707 repealed subsec.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

#### 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

Pub. L. 99-93, title I, §118(b), Aug. 16, 1985, 99 Stat. 412, 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