

foreign mission (as defined in section 202(a)(4)<sup>1</sup> of title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(4)) may, pursuant to the authority of that title [22 U.S.C. 4301 et seq.], only be awarded to or performed by bidders qualifying under subsection (a) (1) or (2) or by nationals of the country for which the contract is being performed who are granted the right of entry into the United States for that purpose.

**(d) Discretionary determinations by Secretary of State**

Determinations under this section shall be committed to the discretion of the Secretary of State.

**(e) Termination of requirements**

This section shall cease to be effective when the Secretary of State determines that there are internationally-agree-upon<sup>2</sup> rules in effect on bidding for construction contracts.

(May 7, 1926, ch. 250, § 11, as added Pub. L. 98-164, title I, § 136, Nov. 22, 1983, 97 Stat. 1029; amended Pub. L. 107-228, div. A, title II, § 206(a), Sept. 30, 2002, 116 Stat. 1364.)

REFERENCES IN TEXT

Title II of the State Department Basic Authorities Act of 1956, referred to in subsec. (c), 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. Section 202(a)(4) of title II was redesignated section 202(a)(3), and former section 202(a)(5) was redesignated section 202(a)(4), by Pub. L. 103-236, title I, § 162(o)(1), Apr. 30, 1994, 108 Stat. 409. For complete classification of title II to the Code, see Short Title note set out under section 4301 of this title and Tables.

AMENDMENTS

2002—Subsec. (b)(4)(A). Pub. L. 107-228 inserted “or at a United States diplomatic or consular establishment abroad” after “United States”.

**§ 303. Repealed. Pub. L. 114-323, title VII, § 715(a)(1), Dec. 16, 2016, 130 Stat. 1946**

Section, act May 7, 1926, ch. 250, § 12, as added Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2215, Oct. 21, 1998, 112 Stat. 2681-814, required Secretary of State to submit annual report on overseas surplus properties.

**§ 304. Annual report on embassy construction costs**

**(a) In general**

Not later than 180 days after December 16, 2016, and annually thereafter, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a comprehensive report regarding all ongoing embassy construction projects and major embassy security upgrade projects.

**(b) Contents**

Each report required under subsection (a) shall include the following with respect to each ongoing embassy construction projects and major embassy security upgrade projects:

- (1) The initial cost estimate.
- (2) The amount expended on the project to date.
- (3) The projected timeline for completing the project.
- (4) Any cost overruns incurred by the project.

**(c) Initial report**

The first report required under subsection (a) shall include an annex regarding all embassy construction projects and major embassy security upgrade projects completed during the 10-year period ending on December 16, 2016, including, for each such project, the following:

- (1) The initial cost estimate.
- (2) The amount actually expended on the project.
- (3) Any additional time required to complete the project beyond the initial timeline.
- (4) Any cost overruns incurred by the project.

(Pub. L. 114-323, title I, § 118, Dec. 16, 2016, 130 Stat. 1912; Pub. L. 115-94, § 2(b), Dec. 18, 2017, 131 Stat. 2038.)

CODIFICATION

Section was enacted as part of the Department of State Authorities Act, Fiscal Year 2017, and not as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-94 inserted “and the Committees on Appropriations of the Senate and the House of Representatives” after “appropriate congressional committees”.

DEFINITIONS

For definitions of “Secretary” and “appropriate congressional committees” as used in this section, see section 2 of Pub. L. 114-323, set out as a note under section 2651 of this title.

**CHAPTER 9—FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY**

**SUBCHAPTER I—WAR MATERIALS**

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|-------------|---|
| Sec.        |   |
| 401.        | Illegal exportation of war materials.   |
| 402 to 405. | Repealed.   |
| 406.        | Interference with foreign trade.  |
| 407.        | Repealed.   |
| 408.        | Use of land and naval forces to prevent exportation.  |
| 408a.       | “United States” defined.  |
| 409 to 420. | Repealed or Omitted.  |
| 421.        | Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States. |
| 422.        | Retention for United States of defense articles procured for foreign governments.   |
| 423.        | Omitted.  |
|             | <b>SUBCHAPTER II—NEUTRALITY</b>   |
| 441.        | Proclamation of state of war between foreign states.  |
| 442, 443.   | Repealed.   |
| 444.        | American Red Cross vessels.   |
| 445.        | Travel on vessels of belligerent states.  |
| 446.        | Repealed.   |
| 447.        | Financial transactions.   |
| 448.        | Solicitation and collection of funds and contributions.   |
| 449.        | American republics.   |

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

<sup>2</sup> So in original. Probably should be “internationally-agreed-upon”.