

(2) Upon complaint of any foreign or United States person of a violation of the certification as required by this section, filed with the Secretary of State, the Department of State shall investigate such complaint, and if such complaint is found to be correct and a violation of the certification has been found, all contracts with such violator shall be terminated for default as soon as practicable, and, for a period of two years thereafter, the State Department shall not enter into any contracts with such a violator.

(Pub. L. 103-236, title V, §565, Apr. 30, 1994, 108 Stat. 484; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1336(3), Oct. 21, 1998, 112 Stat. 2681-790.)

REFERENCES IN TEXT

Section 4607(a) of title 50, referred to in subsecs. (a)(2)(A), (3) and (c)(3), was repealed by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

Section 4618(2) of title 50, referred to in subsec. (a)(2)(B), was repealed by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

Section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)), referred to in subsec. (c)(1) in the quoted clause, is section 8(a) of Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 521, which was editorially transferred to section 4607(a) of Title 50, War and National Defense, and was subsequently repealed by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

CODIFICATION

In subsec. (a)(1), “section 134 of title 41” substituted for “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1998—Subsec. (e). Pub. L. 105-277 struck out heading and text of subsec. (e). Text read as follows: “The provisions of this section shall apply to the United States Information Agency in the same manner and extent to which such provisions apply to the Department of State. In the application of this section to the United States Information Agency, the Director of the United States Information Agency or a designee shall have the authorities and responsibilities of the Secretary of State.”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by 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.

SHORT TITLE

Pub. L. 103-236, title V, §561, Apr. 30, 1994, 108 Stat. 483, provided that: “This part [part C (§§561-565) of title V of Pub. L. 103-236, enacting this section and provisions set out as a note under section 2751 of this title] may be cited as the ‘Anti-Economic Discrimination Act of 1994.’”

§ 2679d. Exemption from certain procurement protest procedures for noncompetitive contracting in emergency circumstances

A determination by the Department to use procedures other than competitive procedures under section 3304 of title 41 in order to meet emergency security requirements, as determined by the Secretary or the Secretary’s designee, including physical security upgrades, protective equipment, and other immediate threat mitigation projects, shall not be subject to challenge

by protest under either subchapter V of chapter 35 of title 31 or section 1491 of title 28.

(Pub. L. 114-323, title I, §115, Dec. 16, 2016, 130 Stat. 1911.)

DEFINITIONS

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

§ 2680. Appropriations for State Department; information to congressional committees

(a)(1) Notwithstanding any provision of law enacted before October 26, 1974, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972—

(A) unless the appropriation thereof has been authorized by law enacted on or after February 7, 1972; or

(B) in excess of an amount prescribed by law enacted on or after such date.

(2) To the extent that legislation enacted after the making of an appropriation to the Department of State authorizes the obligation or expenditure thereof the limitation contained in paragraph (1) shall have no effect.

(3) The provisions of this section—

(A) shall not be superseded except by a provision of law enacted after February 7, 1972, which specifically repeals, modifies, or supersedes the provisions of this section; and

(B) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.

(Aug. 1, 1956, ch. 841, title I, §15, 70 Stat. 892; Pub. L. 92-226, pt. IV, §407(b), Feb. 7, 1972, 86 Stat. 35; Pub. L. 92-352, title I, §102, July 13, 1972, 86 Stat. 490; Pub. L. 93-475, §11, Oct. 26, 1974, 88 Stat. 1442; H. Res. 163, Mar. 19, 1975; renumbered title I, Pub. L. 97-241, title II, §202(a), Aug. 24, 1982, 96 Stat. 282.)

CODIFICATION

Section was formerly classified to section 170t 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

1974—Subsec. (a). Pub. L. 93-475 incorporated existing provisions into par. (1) preceding subpar. (A), and par. 3(B), added pars. (1)(A), (B), (2), and (3)(A), and substituted “enacted before October 26, 1974, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972” of “, no appropriation shall be made to the Department of State under any law for any fiscal year

commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.", in par. (1) preceding subpar. (A), and "section" for "subsection" in par. (3).

1972—Subsec. (a). Pub. L. 92-352 inserted provisions that this subsection shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

Pub. L. 92-226 substituted provisions constituting subsecs. (a) and (b) and prohibiting any State Department appropriation on and after July 1, 1972, without a prior congressional legislative authorization, and requiring the State Department and Federal agencies to furnish information to congressional committees for former provisions constituting the entire section and authorizing and making appropriations available for the State Department.

FUNDING

Pub. L. 113-76, div. K, title VII, § 7082(d)(1), (2), Jan. 17, 2014, 128 Stat. 567, provided that:

"(1) DIPLOMATIC AND CONSULAR PROGRAMS FUNDS.—Amounts made available to the Department of State pursuant to the sixth proviso under the heading 'Diplomatic and Consular Programs' in title I of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161) are authorized to be used by the Department of State to pay benefits or payments made available pursuant to this Act [div. K of Pub. L. 113-76].

"(2) AVAILABILITY.—To pay benefits or payments made available pursuant to this Act, the Secretary of State may merge with the amounts described in paragraph (1) unobligated balances of funds appropriated under the 'Diplomatic and Consular Programs' heading for fiscal year 2014 and subsequent fiscal years, up until the end of the fifth fiscal year after the fiscal year for which such funds were appropriated or otherwise made available."

FUTURE ASSISTANCE PROJECTIONS

Pub. L. 101-513, title V, § 581, Nov. 5, 1990, 104 Stat. 2046, directed that the Congressional Presentation Documents of departments and agencies included within this Act should contain funding projections for each of its major program components for each of the three years following the year for which new budget or other authority was being requested and provided that the requirements of this section were effective for Congressional Presentation Documents submitted for fiscal year 1992.

REPORT ON EXPENDITURES MADE FROM APPROPRIATION FOR EMERGENCIES IN DIPLOMATIC AND CONSULAR SERVICE

Pub. L. 100-204, title I, § 124, Dec. 22, 1987, 101 Stat. 1341, as amended by Pub. L. 102-138, title I, § 114, Oct. 28, 1991, 105 Stat. 655, provided that: "The Secretary of State shall provide to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives within 30 days after the end of each quarter of the fiscal year a complete report, including amount, payee, and purpose, of all expenditures made from the appropriation for 'Emergencies in the Diplomatic and Consular Service' for that quarter. Items included in each such report concerning representation, official travel, and gifts shall be submitted in unclassified form."

INFORMATION-SHARING ARRANGEMENT BETWEEN DEPARTMENT OF STATE AND CONGRESSIONAL COMMITTEES

Pub. L. 95-426, title I, § 122, Oct. 7, 1978, 92 Stat. 970, as amended by Pub. L. 97-241, title V, § 505(a)(2), (b)(1), Aug. 24, 1982, 96 Stat. 299, provided that: "The Congress finds that—

"(1) international political, economic, and other studies prepared systematically by analysts of the

Department of State as needed background information for executive branch policymakers could be similarly valuable to the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate in fulfilling their responsibilities; and

"(2) a formal information-sharing arrangement between the Department of State and such congressional committees could therefore serve the national interest, provided that controls on dissemination are established which insure that neither the process of analysis nor necessary confidentiality is jeopardized."

CONGRESSIONAL PURPOSE RESPECTING LAWS RELATING TO DEPARTMENT OF STATE AND UNITED STATES INFORMATION AGENCY; FOREIGN RELATIONS; AND AUTHORIZATION OF APPROPRIATIONS

Pub. L. 92-226, title IV, § 407(a), Feb. 7, 1972, 86 Stat. 35, provided that: "It is the purpose of this section [amending sections 1476, 2680, and 2684 of this title] to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Act of 1946 and 1970 [see Short Title notes set out under section 4301 of Title 2, The Congress], with respect to—

"(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

"(2) providing periodic authorizations of appropriations for that Department and Agency."

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

§ 2680-1. Deadline for responses to questions from congressional committees

(a) In general

An officer or employee of the Department of State to whom a written or oral question is addressed by any member of a committee specified in subsection (b), acting within his official capacity, shall respond to such question within 21 days unless the Secretary of State submits a letter to such member explaining why a timely response cannot be made.

(b) Specified committees

The committees referred to in subsection (a) are the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(Pub. L. 102-138, title I, § 196, Oct. 28, 1991, 105 Stat. 684.)

§ 2680-2. Facilitating access to Department of State

(a) Procedures to facilitate access

The Department of State shall maintain procedures to ensure that the members and staff of the congressional committees of jurisdiction are granted easy access to the Department of State in the conduct of their duties.

(b) Parking

The Department of State shall also make available adequate parking for members and