

“(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the modernization project site; and

“(F) has the existing technical and financial resources in the United States to perform the contract; and

“(2) the term ‘qualified United States joint venture person’ means a joint venture in which a United States person or persons own at least 51 percent of the assets of the joint venture.

“(e) EFFECTIVE DATE.—The provisions of this section shall apply to any project with respect to which the Request For Proposals (commonly referred to as ‘RFP’) or the Invitation For Bids (commonly referred to as ‘IFB’) was issued after December 28, 1986.”

[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.]

§ 1472. Department of State and other Government agencies

(a) Authority of agencies

In carrying on activities which further the purposes of this chapter, subject to approval of such activities by the Secretary, the Department and the other Government agencies are authorized—

(1) to place orders and make purchases and rentals of materials and equipment;

(2) to make contracts, including contracts with governmental agencies, foreign or domestic, including subdivisions thereof, and intergovernmental organizations of which the United States is a member, and, with respect to contracts entered into in foreign countries, without regard to section 6306 of title 41;

(3) under such regulations as the Secretary may prescribe, to pay the transportation expenses, and not to exceed \$10 per diem in lieu of subsistence and other expenses, of citizens or subjects of other countries, without regard to the Standardized Government Travel Regulations and the Subsistence Expense Act of 1926,¹ as amended; and

(4) to make grants for, and to pay expenses incident to, training and study.

(b) Contracts for telecommunication activities, etc.; availability of appropriations; cancellation costs

(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of 5 years when—

(A) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

(B) the Director of the United States Information Agency determines that—

(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

(iii) such method of contracting will not inhibit small business participation.

(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to telecommunication activities, newswire services, and the distribution of books and other publications in foreign countries.

(4)(A) Notwithstanding the other provisions of this subsection, the Broadcasting Board of Governors is authorized to enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs and is authorized to enter into contracts for periods not to exceed ten years to acquire local broadcasting services outside the United States.

(B) The authority of this paragraph may be exercised for a fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

(Jan. 27, 1948, ch. 36, title VIII, § 802, 62 Stat. 12; Pub. L. 97-241, title III, § 304(b), Aug. 24, 1982, 96 Stat. 292; Pub. L. 103-236, title II, § 225, Apr. 30, 1994, 108 Stat. 423; Pub. L. 107-228, div. A, title V, § 503, Sept. 30, 2002, 116 Stat. 1392.)

REFERENCES IN TEXT

The Subsistence Expenses Act of 1926, as amended, referred to in subsec. (a)(3), was repealed and superseded by the Travel Expense Act of 1949, which is covered by subchapter I of chapter 57 of Title 5, Government Organization and Employees. Section 9(a) of the 1949 Act provided in part: “All Acts . . . applicable to civilian officers or employees of the departments and establishments, providing for reimbursement of actual travel or transportation expense, and all other Acts, general or special, which are in conflict with the provisions of this Act . . . are hereby modified, but only to the extent of inconsistency or conflict with the provisions of this Act . . .”.

CODIFICATION

In subsec. (a)(2), “section 6306 of title 41” substituted for “section 3741 of the Revised Statutes (41 U.S.C. 22)” on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2002—Subsec. (b)(4)(A). Pub. L. 107-228 substituted “Broadcasting Board of Governors” for “United States Information Agency” and inserted before period “and is authorized to enter into contracts for periods not to exceed ten years to acquire local broadcasting services outside the United States”.

1994—Subsec. (b)(4). Pub. L. 103-236 added par. (4).

1982—Pub. L. 97-241 designated existing provisions as subsec. (a) and added subsec. (b).

CHANGE OF NAME

Broadcasting Board of Governors renamed United States Agency for Global Media pursuant to section 6204(a)(22) of this title. The renaming was effectuated by notice to congressional appropriations committees dated May 24, 2018, and became effective Aug. 22, 2018.

¹ See References in Text note below.

TRANSFER OF FUNCTIONS

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

EX. ORD. NO. 10477. AUTHORITY OF UNITED STATES INFORMATION AGENCY

Ex. Ord. No. 10477, Aug. 1, 1953, 18 F.R. 4540, as amended by Ex. Ord. No. 10822, May 20, 1959, 24 F.R. 4159; Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967; provided:

SECTION 1. *Determination.* It is hereby determined that it is necessary, in order to carry out the functions transferred to the Director of the United States Information Agency (hereinafter referred to as the Director) by the provisions of subsections (a), (b), and (c) of section 2 of the said Reorganization Plan No. 8 of 1953, to authorize the Director to exercise, in relation to respective functions so transferred, the authority specified in sections 2 and 3 hereof.

SEC. 2. [Revoked by Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967.]

SEC. 3. *Authority under various other statutes.* The Director is authorized to exercise the authority available to the Secretary of State or the Director of the Foreign Operations Administration, as the case may be, under the following-described provisions of law:

(a) The Foreign Service Buildings Act of 1926, as amended [22 U.S.C. 292 et seq.], regarding the acquisition, construction, alteration, repair, furnishing, exchange, and disposal of buildings and grounds in foreign countries.

(b) The act of July 9, 1949 [see 22 U.S.C. 2681 to 2683], regarding the transfer, acquisition, use, and disposal of international broadcasting facilities.

(c) The act of August 3, 1950, regarding the importation of sound recordings.

(d) The provisions under the first heading "Salaries and Expenses" of the Department of State Appropriation Act, 1954, regarding (1) employment of aliens, by contract, for services abroad, (2) purchase of uniforms, (3) cost of transporting to and from a place of storage and the cost of storing the furniture and household effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Secretary of State may prescribe, (4) dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others, (5) examination of estimates of appropriations in the field, (6) purchase of ice and drinking water abroad, (7) payment of excise taxes on negotiable instruments abroad, and (8) procurement, by contract or otherwise, of services, supplies and facilities, as follows: (i) maintenance, improvement, and repair of properties used for international information activities in foreign countries, (ii) fuel and utilities for Government-owned or leased property abroad, and (iii) rental or lease for periods not exceeding ten years of offices, buildings, grounds, and living quarters, and the furnishing of living quarters to officers and employees engaged in international information activities abroad [22 U.S.C. 291].

(e) The provisions of the Department of State Appropriation Act, 1954, regarding (1) exchange of funds for payment of expenses in connection with the operation of information establishments abroad without regard to the provisions of section 3651 of the Revised Statutes [section 543 of former Title 31], (section 103 of the General Provisions of the Department of State Appropriation Act, 1954), (2) payment of travel expenses outside the continental limits of the United States from funds available in the fiscal year that such travel is authorized and actually begins (section 104 of the General Provisions of the Department of State Appropriation Act, 1954), (3) granting authority to the chief of each information Field Staff to approve, with the concurrence of the Chief of Mission, use of Government-owned vehicles

for travel under conditions described in section 105 of the General Provisions of the Department of State Appropriation Act, 1954, and (4) purchase with foreign currencies for use abroad of passenger motor vehicles (exclusive of buses, ambulances, and station wagons) at a cost not to exceed the equivalent of \$2,200 for each vehicle (section 106 of the General Provisions of the Department of State Appropriation Act, 1954).

(f) Section 202 of the Revised Statutes of the United States [see 22 U.S.C. 2656], so far as it authorizes the Secretary of State to keep the American public informed about the international information aspects of the United States foreign affairs.

(g) Section 504(d) of the Mutual Security Act of 1951, as amended (relating to reduction in personnel) [section 1655d of this title], with respect to personnel transferred from the Mutual Security Agency or the Foreign Operations Administration to the United States Information Agency.

(h) Section 161 of the Revised Statutes of the United States [see 5 U.S.C. 301], and section 4 of the act of May 26, 1949 [see 22 U.S.C. 2658], regarding the promulgation of rules and regulations and the delegation of authority.

SEC. 4. *Effective Date.* This order shall become effective on August 1, 1953.

[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.]

§ 1473. Use of existing Government property and facilities

In carrying on activities under this chapter which require the utilization of Government property and facilities, maximum use shall be made of existing Government property and facilities.

(Jan. 27, 1948, ch. 36, title VIII, § 803, 62 Stat. 12.)

§ 1474. Additional authority of Secretary of State or other Government agency authorized to administer provisions

In carrying out the provisions of this chapter, the Secretary, or any Government agency authorized to administer such provisions, may—

(1) employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens are not available when job vacancies occur, and aliens so employed abroad may be admitted to the United States, if otherwise qualified, as non-immigrants under section 1101(a)(15) of title 8 for such time and under such conditions and procedures as may be established by the Director of the United States Information Agency and the Attorney General;

(2) pay travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States;

(3) incur expenses for entertainment within the United States within such amounts as may be provided in appropriations Acts;

(4) obtain insurance on official motor vehicles operated by the Secretary or such agency in foreign countries, and pay the expenses incident thereto;