

## CODIFICATION

Section was not enacted as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

**§ 293. Repealed. Pub. L. 88-94, § 2(a), Aug. 12, 1963, 77 Stat. 122**

Section, acts May 7, 1926, ch. 250, § 2, 44 Stat. 404; May 29, 1928, ch. 876, § 2, 45 Stat. 971; June 19, 1952, ch. 446, § 1, 66 Stat. 140, established the Foreign Service Buildings Commission, prescribed its duties, abolished the prior commission, authorized the issuance of rules and regulations, required annual reports to Congress and provided for appointment of personnel.

FOREIGN SERVICE BUILDINGS COMMISSION; REFERENCES  
IN OTHER LAWS

Pub. L. 88-94, § 2(g), Aug. 12, 1963, 77 Stat. 122, provided that: "All references to the Foreign Service Buildings Commission, originally established by the Foreign Service Buildings Act, 1926 [this chapter] in all laws of the United States are hereby repealed."

**§ 294. Manner of use of buildings; contracts for construction, etc.**

Buildings and grounds acquired under this chapter or prior to May 7, 1926, acquired or authorized for the use of the diplomatic and consular establishments in foreign countries may be used, in the case of buildings and grounds for the diplomatic establishment, as Government offices or residences or as such offices and residences; or, in the case of other buildings and grounds, as such offices or such offices and residences. The contracts for purchases of buildings, for leases, and for all work of construction, alteration, and repair under this chapter 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 and without regard to section 3324(a) and (b) of title 31.

(May 7, 1926, ch. 250, § 3, 44 Stat. 404; Pub. L. 88-94, § 2(c), Aug. 12, 1963, 77 Stat. 122; Pub. L. 102-138, title I, § 115(c), Oct. 28, 1991, 105 Stat. 656.)

## CODIFICATION

"Section 3324(a) and (b) of title 31" substituted in text for "section 3648 of the Revised Statutes of the United States (31 U.S.C. 529)" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

## AMENDMENTS

1991—Pub. L. 102-138 inserted "purchases of buildings, for leases, and for" after "contracts for".

1963—Pub. L. 88-94 struck out ", subject to the direction of the commission," before "be used" and "in the judgment of the commission," after "where necessary," and inserted "and without regard to section 529 of title 31".

**§ 294a. Contracts requiring payment in foreign currency**

Whenever a contract is made for the construction, alteration, or repair of a Foreign Service building which requires payments in a foreign currency, the Secretary of State is authorized to purchase such currency at such times and in

such amounts (within the total amount of the payments to be made under such contract) as he may deem necessary, the currency so purchased to be disbursed and accounted for at its cost price.

(May 14, 1940, ch. 189, title I, 54 Stat. 186.)

## CODIFICATION

Section was not enacted as a part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

## PRIOR PROVISIONS

Prior similar provisions were contained in act June 29, 1939, ch. 248, title I, 53 Stat. 890.

**§ 295. Authorization of appropriations; Foreign Service Building Fund; expenditures; foreign currencies**

(a) For the purpose of carrying into effect the provisions of this chapter there is authorized to be appropriated an amount not exceeding \$10,000,000, and the appropriations made pursuant to this authorization shall constitute a fund to be known as the Foreign Service Building Fund, to remain available until expended. Under this authorization not more than \$2,000,000 shall be appropriated for any one year, but within the total authorization provided in this chapter the Secretary of State may enter into contracts for the acquisition of the buildings and grounds authorized by this chapter. In the case of the buildings and grounds authorized by this chapter, after the initial alterations, repairs, and furnishing have been completed, subsequent expenditures for such purposes may be made out of the appropriations authorized by this chapter in amounts authorized by the Congress each fiscal year.

(b) For the purpose of carrying into effect the provisions of this chapter there is authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed \$90,000,000, which shall be available exclusively for payments representing the value, in whole or in part, of property or credits in accordance with the provisions of section 295b<sup>1</sup> of this title. Sums appropriated pursuant to this authorization shall remain available until expended.

(c) For the purpose of carrying into effect the provisions of this chapter there is hereby authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed \$10,000,000, which shall remain available until expended.

(d) In addition to amounts authorized before the date of enactment of this section, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition, by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed \$7,140,000 of which not to exceed \$3,270,000 may be appropriated for the fiscal year 1964;

(B) for use in the American Republics, not to exceed \$5,360,000, of which not to exceed

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

\$4,030,000 may be appropriated for the fiscal year 1964;

(C) for use in Europe, not to exceed \$6,839,000, of which not to exceed \$1,820,000 may be appropriated for the fiscal year 1964;

(D) for use in the Far East, not to exceed \$2,350,000, of which not to exceed \$2,200,000 may be appropriated for the fiscal year 1964;

(E) for use in the Near East, not to exceed \$2,710,000, of which not to exceed \$2,100,000 may be appropriated for the fiscal year 1964;

(F) for facilities for the United States Information Agency, not to exceed \$1,125,000, of which not to exceed \$720,000 may be appropriated for the fiscal year 1964, and

(G) for facilities for agricultural and defense attaché housing, not to exceed \$800,000, of which not to exceed \$400,000 may be appropriated for the fiscal year 1964;

(2) for use to carry out the other purposes of this chapter, not to exceed \$11,500,000 for the fiscal year 1964, \$12,000,000 for the fiscal year 1965, \$12,200,000 for the fiscal year 1966, \$12,400,000 for the fiscal year 1967.

(e) For the purpose of carrying into effect the provisions of this chapter in South Vietnam, there is hereby authorized to be appropriated, in addition to amounts previously authorized prior to May 21, 1965, \$2,600,000, to remain available until expended.

(f) In addition to amounts authorized before October 10, 1966, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed \$5,485,000, of which not to exceed \$1,885,000 may be appropriated for the fiscal year 1967;

(B) for use in the American Republics, not to exceed \$7,920,000, of which not to exceed \$3,585,000 may be appropriated for the fiscal year 1967;

(C) for use in Europe, not to exceed \$3,310,000, of which not to exceed \$785,000 may be appropriated for the fiscal year 1967;

(D) for use in the Far East, not to exceed \$3,150,000, of which not to exceed \$560,000 may be appropriated for the fiscal year 1967;

(E) for use in the Near East, not to exceed \$6,930,000, of which not to exceed \$1,890,000 may be appropriated for the fiscal year 1967;

(F) for facilities for the United States Information Agency, not to exceed \$615,000, of which not to exceed \$430,000 may be appropriated for the fiscal year 1967;

(G) for facilities for agricultural and defense attaché housing, not to exceed \$800,000, of which not to exceed \$400,000 may be appropriated for the fiscal year 1967;

(2) for use to carry out the other purposes of this chapter, not to exceed \$12,600,000 for the fiscal year 1968, not to exceed \$12,750,000 for the fiscal year 1969, not to exceed \$13,500,000 for the fiscal year 1970, not to exceed \$14,300,000 for the fiscal year 1971, not to exceed \$15,000,000 for the fiscal year 1972, and not to exceed \$15,900,000 for the fiscal year 1973.

(g) In addition to amounts authorized before June 22, 1973, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Africa, not to exceed \$850,000, of which not to exceed \$631,000 may be appropriated for the fiscal year 1974;

(B) for use in the American Republics, not to exceed \$240,000, of which not to exceed \$240,000 may be appropriated for the fiscal year 1974;

(C) for use in Europe, not to exceed \$682,000, of which not to exceed \$204,000 may be appropriated for the fiscal year 1974;

(D) for use in East Asia, not to exceed \$1,243,000, of which not to exceed \$985,000 may be appropriated for the fiscal year 1974;

(E) for use in the Near East and South Asia, not to exceed \$10,433,000, of which not to exceed \$2,287,000 may be appropriated for the fiscal year 1974;

(F) for facilities for the United States Information Agency, not to exceed \$45,000 for use beginning in the fiscal year 1975;

(G) for facilities for agricultural and defense attaché housing, not to exceed \$318,000 for use beginning in the fiscal year 1974; and

(2) for use to carry out other purposes of this chapter for fiscal years 1974 and 1975, \$48,532,000, of which not to exceed \$23,066,000 may be appropriated for fiscal year 1974.

(h) In addition to amounts authorized before November 29, 1975, there is authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this chapter, and for major alterations of buildings acquired under this chapter, the following sums—

(A) for use in Europe, not to exceed \$225,000 for fiscal year 1977;

(B) for use in the Near East and South Asia, not to exceed \$12,885,000, of which not to exceed \$3,985,000 may be appropriated for fiscal year 1976;

(C) for facilities for the United States Information Agency, not to exceed \$3,400,000, of which not to exceed \$2,800,000 may be appropriated for fiscal year 1976;

(D) for facilities for agricultural and defense attaché housing, not to exceed \$150,000 for fiscal year 1977; and

(E) for facilities for the United States Agency for International Development, not to exceed \$17,200,000 for fiscal year 1977; and

(2) for use to carry out the other purposes of this chapter for fiscal years 1976 and 1977, \$73,058,000, of which not to exceed \$32,840,000 may be appropriated for fiscal year 1976.

(i)(1) Sums appropriated under authority of this chapter shall remain available until expended. To the maximum extent feasible, expenditures under this chapter shall be made out

of foreign currencies owned by or owed to the United States.

(2) Not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraph (1).

(3) There are hereby authorized to be appropriated to the Secretary of State such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(j)(1) In addition to exercising any other transfer authority available to the Secretary of State, and subject to paragraph (2), the Secretary may transfer to, and merge with, any appropriation for fiscal year 2018 under the heading "Diplomatic and Consular Programs", including for Worldwide Security Protection, and under the heading "Embassy Security, Construction, and Maintenance" funds appropriated under such headings if the Secretary determines such transfer is necessary to implement the recommendations of the Benghazi Accountability Review Board, or to prevent or respond to security situations and requirements.

(A) shall<sup>2</sup> not exceed 20 percent of any appropriation made available for fiscal year 2018 for the Department of State under the heading "Administration of Foreign Affairs", and no such appropriation shall be increased by more than 10 percent by any such transfer; and

(B) shall<sup>2</sup> be merged with funds in the heading to which transferred, and shall be available subject to the same terms and conditions as the funds with which merged.

(2) Not later than 15 days before any transfer of funds pursuant to paragraph (1), the Secretary of State shall notify in writing 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. Any such notification shall include a description of the particular security need necessitating the transfer at issue.

(May 7, 1926, ch. 250, § 4, 44 Stat. 404; June 19, 1952, ch. 446, § 2, 66 Stat. 140; Pub. L. 86-723, § 49, Sept. 8, 1960, 74 Stat. 847; Pub. L. 88-94, §§ 1, 2(d), Aug. 12, 1963, 77 Stat. 121, 122; Pub. L. 88-414, Aug. 10, 1964, 78 Stat. 387; Pub. L. 89-22, May 21, 1965, 79 Stat. 112; Pub. L. 89-636, § 1, Oct. 10, 1966, 80 Stat. 881; Pub. L. 90-442, July 30, 1968, 82 Stat. 461; Pub. L. 91-586, Dec. 24, 1970, 84 Stat. 1578; Pub. L. 93-47, June 22, 1973, 87 Stat. 98; Pub. L. 93-263, Apr. 12, 1974, 88 Stat. 83; Pub. L. 94-141, title I, § 171, Nov. 29, 1975, 89 Stat. 760; Pub. L. 94-350, title I, § 109, July 12, 1976, 90 Stat. 824; Pub. L. 95-45, § 3, June 15, 1977, 91 Stat. 221; Pub. L. 103-199, title V, § 503, Dec. 17, 1993, 107 Stat. 2327; Pub. L. 114-323, title I, § 113, Dec. 16, 2016, 130 Stat. 1911.)

#### REFERENCES IN TEXT

Section 295b of this title, referred to in subsec. (b), was omitted from the Code.

Date of enactment of this section, referred to in subsec. (d), probably means the date of enactment of Pub. L. 88-94, which was approved on Aug. 12, 1963.

<sup>2</sup> So in original.

#### AMENDMENTS

2016—Subsec. (j). Pub. L. 114-323 added subsec. (j).

1993—Subsec. (j). Pub. L. 103-199 struck out subsec. (j) which read as follows: "For the purpose of carrying into effect the provisions of this chapter in the Union of Soviet Socialist Republics, there is authorized to be appropriated, in addition to amounts authorized prior to July 12, 1976, \$30,000,000, which amount is authorized to remain available until expended."

1977—Subsec. (h)(1). Pub. L. 95-45 substituted "\$225,000" for "\$6,725,000" in subpar. (A), "\$12,885,000" for "\$8,005,000" in subpar. (B), "\$3,400,000" for "\$3,745,000" in subpar. (C), "\$150,000" for "\$420,000" in subpar. (D), added subpar. (E), authorizing an appropriation of not to exceed \$17,200,000 for facilities for the United States Agency for International Development for fiscal year 1977, and struck out subpars. which had authorized appropriations for Africa, the American Republics, and East Asia for fiscal year 1977.

1976—Subsec. (h)(2). Pub. L. 94-350, § 109(1), increased appropriations authorization for fiscal years 1976 and 1977 to \$73,058,000 from \$71,600,000.

Subsec. (j). Pub. L. 94-350, § 109(2), added subsec. (j).

1975—Subsec. (g)(1). Pub. L. 94-141, § 171(a), substituted "\$850,000" for "\$2,190,000" in subpar. (A), "\$240,000" for "\$375,000" in subpar. (B), "\$682,000" for "\$4,780,000" in subpar. (C), "\$1,243,000" for "\$2,585,000" in subpar. (D), and "\$10,433,000" for "\$3,518,000" in subpar. (E).

Subsec. (h). Pub. L. 94-141, § 171(b)(1), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 94-141, § 171(b), redesignated former subsec. (h) as (i), and, as so redesignated, in par. (2) inserted reference to subsec. (h) of this section.

1974—Subsec. (g)(1). Pub. L. 93-263, § 1(1)-(3), increased appropriations authorization for fiscal year 1974, in subpar. (A) to \$631,000 from \$590,000, in subpar. (C) to \$204,000 from \$160,000, and in subpar. (E) to \$2,287,000 from \$2,218,000.

Subsec. (g)(2). Pub. L. 92-263, § 1(4), increased appropriations authorization for fiscal years 1974 and 1975 to \$48,532,000 from \$45,800,000 and increased limitation for fiscal year 1974, to \$23,066,000 from \$21,700,000.

1973—Subsec. (g). Pub. L. 93-47, § 1(1), added subsec. (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 93-47, § 1(1), (2), redesignated former subsec. (g) as (h), struck out from par. (2) provision for application of the paragraph beginning with the fiscal year 1966, inserted reference to subsec. (g), and added par. (3), respectively.

1970—Subsec. (f)(2). Pub. L. 91-586 authorized appropriations of not more than \$15,000,000 for fiscal year 1972, and not more than \$15,900,000 for fiscal year 1973.

1968—Subsec. (f)(2). Pub. L. 90-442 authorized appropriations not to exceed \$13,500,000 for fiscal year 1970, and not to exceed \$14,300,000 for fiscal year 1971.

1966—Subsec. (d). Pub. L. 89-636, § 1(1), struck out last three sentences providing for availability of appropriated funds until expended, use of foreign currencies for expenditures, and use of funds authorized by any subpar. of par. (1) of subsec. (d), now incorporated in subsec. (g)(1) and (2) of this section, respectively.

Subsec. (e). Pub. L. 89-636, § 1(2), substituted "\$2,600,000" for "\$1,000,000".

Subsec. (f). Pub. L. 89-636, § 1(3), added subsec. (f).

Subsec. (g). Pub. L. 89-636, § 1(3), redesignated second and third sentences of subsec. (d) as par. (1) and last sentence of subsec. (d) as par. (2), inserting therein provision for use of funds authorized by any subpar. of par. (1) of subsec. (f).

1965—Subsec. (e). Pub. L. 89-22 added subsec. (e).

1964—Subsec. (d). Pub. L. 88-414 authorized appropriations of not more than \$12,200,000 for fiscal year 1966, \$12,400,000 for fiscal year 1967, and beginning with fiscal year 1966, permitted use of not more than 10 per centum of the funds authorized for any subparagraph under par. (1) of this subsection for the purposes of any other subparagraph of such par. (1).

1963—Subsec. (a). Pub. L. 88-94, § 2(d), struck out "subject to the direction of the commission," after "Secretary of State".

Subsec. (d). Pub. L. 88-94, §1, added subsec. (d).  
 1960—Subsec. (c). Pub. L. 86-723 added subsec. (c).  
 Subsec. (b). Act June 19, 1952, added subsec. (b).  
 1952—Act June 19, 1952, designated existing provisions as subsec. (a), permitted the expenditure of the authorized and appropriated funds for continuing alterations, repairs, and furnishings, and added subsec. (b).

## EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86-723 effective on first day of first pay period which begins more than thirty days after Sept. 8, 1960, see section 56(a) of Pub. L. 86-723.

## 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.

## §§ 295a, 295b. Omitted

## CODIFICATION

Section 295a, act May 25, 1938, ch. 275, 52 Stat. 441, authorized additional appropriations of an amount not to exceed \$5,000,000.

Section 295b, act June 25, 1946, ch. 643, 60 Stat. 663, authorized additional appropriations of an amount not to exceed \$125,000,000 of which \$110,000,000 was to be used exclusively for the payments representing the value of property or credits held abroad by the Government or owing to the Government which could have been used by the Department of State for buildings, equipment, etc.

## DIPLOMATIC ESTABLISHMENTS IN PHILIPPINE ISLANDS

Acts July 9, 1947, ch. 211, title I, §101, 61 Stat. 288; June 3, 1948, ch. 400, title I, §1, 62 Stat. 315; July 20, 1949, ch. 354, title I, §101, 63 Stat. 456, provided in part that the construction of diplomatic and consular establishments in the Philippines should be without regard to the limitation proviso of section 295a.

## § 296. Duties of Secretary of State with respect to commission and properties

For the purposes of this chapter the Secretary of State is authorized to supervise, preserve, maintain, operate, and, when deemed necessary, to insure the Foreign Service properties in foreign countries and the other properties acquired in accordance with the provisions of this chapter; to rent and insure objects of art; to collect information and formulate plans; and, without regard to civil service and classification laws, to obtain architectural and other expert technical services as may be necessary and pay therefor the scale of professional fees as established by local authority, law or custom, and to make expenditures without regard to section 295a of this title requiring purchase of articles manufactured in the United States.

(May 7, 1926, ch. 250, §5, 44 Stat. 404; June 19, 1952, ch. 446, §3, 66 Stat. 140.)

## REFERENCES IN TEXT

Section 295a of this title, referred to in text, was omitted from the Code.

## AMENDMENTS

1952—Act June 19, 1952, amended section generally to authorize Secretary of State to supervise, preserve, maintain, operate, and insure Foreign Service property in foreign countries.

## § 296a. Maintenance management of overseas property

The Director of the Office of Foreign Buildings Operations shall—

(1) direct overseas posts to make annual building condition assessments of buildings and facilities used by the post;

(2) not later than 90 days after October 28, 1991, revise the Foreign Affairs Manual to stipulate that the Buildings and Maintenance Handbook shall be used by each post to identify their maintenance needs, standardize their maintenance operations, and conduct annual assessments as required by paragraph (1);

(3) direct the Office of Foreign Buildings Operations to provide proper training and assistance to posts to ensure that annual surveys are effectively completed; and

(4) direct overseas posts to ensure that all maintenance program fiscal transactions are properly encoded in the Department of State accounting system to enable compilation of actual expenditures on routine maintenance and specific maintenance funded by the Office of Foreign Buildings Operations.

(Pub. L. 102-138, title I, §125, Oct. 28, 1991, 105 Stat. 659.)

## CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, and not as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

## AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103-236, set out as a note under section 2651a of this title.

## § 297. Acquisition of property by lease

The authority granted to acquire sites and buildings by purchase or otherwise shall include authority to acquire leaseholds.

(May 7, 1926, ch. 250, §6, 44 Stat. 405; June 19, 1952, ch. 446, §4, 66 Stat. 140; Pub. L. 95-105, title I, §106(b), Aug. 17, 1977, 91 Stat. 845.)

## AMENDMENTS

1977—Pub. L. 95-105 struck out “of not less than ten years” after “acquire leaseholds”.

1952—Act June 19, 1952, provided for leaseholds of not less than 10 years.

## § 297a. Omitted

## CODIFICATION

Section, which related to leaseholds of not less than ten years, was from the Department of State Appropriation Act, 1953, act July 10, 1952, ch. 651, title I, 66 Stat. 550, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

1951—Oct. 22, 1951, ch. 533, title I, 65 Stat. 577.

1950—Sept. 6, 1950, ch. 896, ch. III, title I, 64 Stat. 610.

1949—July 20, 1949, ch. 354, title I, 63 Stat. 449.

## § 298. Omitted

## CODIFICATION

Section, act May 7, 1926, ch. 250, §7, 44 Stat. 405, repealed act Feb. 17, 1911, ch. 105, 36 Stat. 917, incor-