

izing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available under that subsection unless such disclosure is specifically prohibited by law.

(Pub. L. 105-107, title III, §307, Nov. 20, 1997, 111 Stat. 2252.)

§ 2715b. Notification of next of kin; reports of death

(a) In general

Whenever a United States citizen or national dies abroad, a consular officer shall endeavor to notify, or assist the Secretary of State in notifying, the next of kin or legal guardian as soon as possible, except that, in the case of death of any Peace Corps volunteer (within the meaning of section 2504(a) of this title), any member of the Armed Forces, any dependent of such a volunteer or member, or any Department of Defense employee, the consular officer shall assist the Peace Corps or the appropriate military authorities, as the case may be, in making such notifications.

(b) Reports of death or presumptive death

The consular officer may, for any United States citizen who dies abroad—

(1) in the case of a finding of death by the appropriate local authorities, issue a report of death or of presumptive death; or

(2) in the absence of a finding of death by the appropriate local authorities, issue a report of presumptive death.

(c) Implementing regulations

The Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

(Aug. 1, 1956, ch. 841, title I, §43A, as added Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §234(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-426.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §234(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A-429, provided that: "The repeal and amendment made by this section [enacting this section and section 2715c of this title and repealing section 4195 of this title] shall take effect six months after the date of enactment of this Act [Nov. 29, 1999]."

ADMINISTRATIVE ASSISTANCE IN ARRANGEMENTS FOLLOWING DEATH OF UNITED STATES CITIZEN ABROAD

Pub. L. 95-426, title I, §121, 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 the Department of State should, in the performance of its consular duties, render all reasonable administrative assistance to a United States citizen who is making necessary arrangements following the death of another United States citizen abroad."

§ 2715c. Conservation and disposition of estates

(a) Conservation of estates abroad

(1) Authority to act as conservator

Whenever a United States citizen or national dies abroad, a consular officer shall act

as the provisional conservator of the portion of the decedent's estate located abroad and, subject to paragraphs (3), (4), and (5), shall—

(A) take possession of the personal effects of the decedent within his jurisdiction;

(B) inventory and appraise the personal effects of the decedent, sign the inventory, and annex thereto a certificate as to the accuracy of the inventory and appraised value of each article;

(C) when appropriate in the exercise of prudent administration, collect the debts due to the decedent in the officer's jurisdiction and pay from the estate the obligations owed by the decedent;

(D) sell or dispose of, as appropriate, in the exercise of prudent administration, all perishable items of property;

(E) sell, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, such additional items of property as necessary to provide funds sufficient to pay the decedent's debts and property taxes in the country of death, funeral expenses, and other expenses incident to the disposition of the estate;

(F) upon the expiration of the one-year period beginning on the date of death (or after such additional period as may be required for final settlement of the estate), if no claimant shall have appeared, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, sell or dispose of the residue of the personal estate, except as provided in subparagraph (G), in the same manner as United States Government-owned foreign excess property;

(G) transmit to the custody of the Secretary of State in Washington, D.C. the proceeds of any sales, together with all financial instruments (including bonds, shares of stock, and notes of indebtedness), jewelry, heirlooms, and other articles of obvious sentimental value, to be held in trust for the legal claimant; and

(H) in the event that the decedent's estate includes an interest in real property located within the jurisdiction of the officer and such interest does not devolve by the applicable laws of intestate succession or otherwise, provide for title to the property to be conveyed to the Government of the United States unless the Secretary declines to accept such conveyance.

(2) Authority to act as administrator

Subject to paragraphs (3) and (4), a consular officer may act as administrator of an estate in exceptional circumstances if expressly authorized to do so by the Secretary of State.

(3) Exceptions

The responsibilities described in paragraphs (1) and (2) may not be performed to the extent that the decedent has left or there is otherwise appointed, in the country where the death occurred or where the decedent was domiciled, a legal representative, partner in trade, or trustee appointed to take care of his personal estate. If the decedent's legal representative

shall appear at any time prior to transmission of the estate to the Secretary and demand the proceeds and effects being held by the consular officer, the officer shall deliver them to the representative after having collected any prescribed fee for the services performed under this section.

(4) Additional requirement

In addition to being subject to the limitations in paragraph (3), the responsibilities described in paragraphs (1) and (2) may not be performed unless—

(A) authorized by treaty provisions or permitted by the laws or authorities of the country wherein the death occurs, or the decedent is domiciled; or

(B) permitted by established usage in that country.

(5) Statutory construction

Nothing in this section supersedes or otherwise affects the authority of any military commander under title 10 with respect to the person or property of any decedent who died while under a military command or jurisdiction or the authority of the Peace Corps with respect to a Peace Corps volunteer or the volunteer's property.

(b) Disposition of estates by the Secretary of State

(1) Personal estates

(A) In general

After receipt of a personal estate pursuant to subsection (a), the Secretary may seek payment of all outstanding debts to the estate as they become due, may receive any balances due on such estate, may endorse all checks, bills of exchange, promissory notes, and other instruments of indebtedness payable to the estate for the benefit thereof, and may take such other action as is reasonably necessary for the conservation of the estate.

(B) Disposition as surplus United States property

If, upon the expiration of a period of 5 fiscal years beginning on October 1 after a consular officer takes possession of a personal estate under subsection (a), no legal claimant for such estate has appeared, title to the estate shall be conveyed to the United States, the property in the estate shall be under the custody of the Department of State, and the Secretary shall dispose of the estate in the same manner as surplus United States Government-owned property is disposed or by such means as may be appropriate in light of the nature and value of the property involved. The expenses of sales shall be paid from the estate, and any lawful claim received thereafter shall be payable to the extent of the value of the net proceeds of the estate as a refund from the appropriate Treasury appropriations account.

(C) Transfer of proceeds

The net cash estate after disposition as provided in subparagraph (B) shall be transferred to the miscellaneous receipts account of the Treasury of the United States.

(2) Real property

(A) Designation as excess property

In the event that title to real property is conveyed to the Government of the United States pursuant to subsection (a)(1)(H) and is not required by the Department of State, such property shall be considered foreign excess property under title IV of the Federal Property and Administrative Services Act of 1949.¹

(B) Treatment as gift

In the event that the Department requires such property, the Secretary of State shall treat such property as if it were an unconditional gift accepted on behalf of the Department of State under section 2697 of this title and section 300(a)(3) of this title.

(c) Losses in connection with the conservation of estates

(1) Authority to compensate

The Secretary is authorized to compensate the estate of any United States citizen who has died overseas for property—

(A) the conservation of which has been undertaken under section 2715 of this title or subsection (a) of this section; and

(B) that has been lost, stolen, or destroyed while in the custody of officers or employees of the Department of State.

(2) Liability

(A) Exclusion of personal liability after provision of compensation

Any such compensation shall be in lieu of personal liability of officers or employees of the Department of State.

(B) Liability to the Department

An officer or employee of the Department of State may be liable to the Department of State to the extent of any compensation provided under paragraph (1).

(C) Determinations of liability

The liability of any officer or employee of the Department of State to the Department for any payment made under subsection (a) shall be determined pursuant to the Department's procedures for determining accountability for United States Government property.

(d) Regulations

The Secretary of State may prescribe such regulations as may be necessary to carry out this section.

(Aug. 1, 1956, ch. 841, title I, § 43B, as added Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title II, § 234(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-427.)

Editorial Notes

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (b)(2)(A), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title IV of the Act, which was classified generally to subchapter III (§511 et seq.) of chapter 10 of former Title 40, Public

¹ See References in Text note below.

Buildings, Property, and Works, was repealed and reenacted by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapter 7 (§701 et seq.) of Title 40, Public Buildings, Property, and Works.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective six months after Nov. 29, 1999, see section 1000(a)(7) [title II, §234(c)] of Pub. L. 106-113, set out as a note under section 2715b of this title.

§ 2716. Debt collection

(a) Contract authority

(1) Subject to the availability of appropriations, the Secretary of State shall enter into contracts for collection services to recover indebtedness owed by a person, other than a foreign country, to the United States which arises out of activities of the Department of State and is delinquent by more than 90 days.

(2) Each contract entered into under this section shall provide that the person with whom the Secretary enters into such contract shall submit to the Secretary at least once every 180 days a status report on the success of the person in collecting debts. Section 3718 of title 31 shall apply to any such contract to the extent that such section is not inconsistent with this subsection.

(b) Disclosure of delinquent debt to credit reporting agencies

The Secretary of State shall, to the extent otherwise allowed by law, disclose to those credit reporting agencies to which the Secretary reports loan activity information concerning any debt of more than \$100 owed by a person, other than a foreign country, to the United States which arises out of activities of the Department of State and is delinquent by more than 31 days.

(Aug. 1, 1956, ch. 841, title I, §44, as added Pub. L. 101-246, title I, §117(2), Feb. 16, 1990, 104 Stat. 25.)

Editorial Notes

PRIOR PROVISIONS

A prior section 44 of act Aug. 1, 1956, was renumbered section 45 by section 117(1) of Pub. L. 101-246, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102-138, title I, §111(1), Oct. 28, 1991, 105 Stat. 654.

§ 2717. Defense trade controls registration fees

For each fiscal year, 100 percent of the registration fees collected by the Office of Defense Trade Controls of the Department of State shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for payment of expenses incurred for—

(1) contract personnel to assist in the evaluation of defense trade controls license applications, reduction in processing time for license applications, and improved monitoring of compliance with the terms of licenses;

(2) the automation of defense trade controls functions, including compliance and enforcement activities, and the processing of defense

trade controls license applications, including the development, procurement, and utilization of computer equipment and related software; and

(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.

(Aug. 1, 1956, ch. 841, title I, §45, as added Pub. L. 101-246, title I, §118(2), Feb. 16, 1990, 104 Stat. 25; amended Pub. L. 102-138, title I, §126, Oct. 28, 1991, 105 Stat. 659; Pub. L. 105-261, div. A, title XV, §1513(b), Oct. 17, 1998, 112 Stat. 2174; Pub. L. 105-277, div. G, subdiv. B, title XXII, §2203, Oct. 21, 1998, 112 Stat. 2681-808.)

Editorial Notes

PRIOR PROVISIONS

A prior section 45 of act Aug. 1, 1956, was renumbered section 46 by section 118(1) of Pub. L. 101-246, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102-138, title I, §111(1), Oct. 28, 1991, 105 Stat. 654.

AMENDMENTS

1998—Pub. L. 105-277, which directed the amendment of subsec. (a) by striking out “and” at end of par. (1), substituting “functions, including compliance and enforcement activities,” for “functions” in par. (2), substituting “; and” for period at end of par. (2), and adding par. (3), was executed by making the amendments to text of section to reflect the probable intent of Congress and the amendment by Pub. L. 105-261. See below.

Pub. L. 105-261 designated subsec. (a) as entire section, struck out former subsec. (a) heading “Defense trade controls registration fees”, substituted “100 percent” for “\$700,000”, and struck out heading and text of subsec. (b). Text read as follows: “The authority contained in subsection (a) of this section shall be exercised to such extent and in such amounts as are to be provided in an appropriation Act.”

1991—Pub. L. 102-138, §126(1), substituted “Defense trade controls registration fees” for “Munitions control registration fees” in section catchline.

Subsec. (a). Pub. L. 102-138, §126, substituted in heading “Defense trade controls registration fees” for “Munitions control registration fees” and in text “\$700,000” for “\$500,000”, “Defense Trade Controls” for “Munitions Control”, and “defense trade controls” for “munitions control” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-261 effective as of Oct. 1, 1998, see section 1513(c)(2) of Pub. L. 105-261, set out in a Satellite Export Controls note under section 2778 of this title.

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.