

1990—Subsec. (a)(2). Pub. L. 101-246, §113(1), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (a)(5). Pub. L. 101-246, §113(2), amended introductory provisions generally, substituting “970, or 1028” for “911, 970, 1001, 1028, 1541, 1542, 1543, 1544, 1545, or 1546”.

Statutory Notes and Related Subsidiaries

CONSTRUCTION

Pub. L. 114-323, title IV, §408(b), Dec. 16, 2016, 130 Stat. 1930, provided that: “Nothing in the amendment made by subsection (a) [amending this section] may be construed to limit the investigative authority of any Federal department or agency other than the Department [of State].”

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

IMPLEMENTATION OF SEARCH, SEIZURE, SERVICE, AND ARREST AUTHORITY

Pub. L. 107-228, div. A, title II, §202(c), Sept. 30, 2002, 116 Stat. 1362, provided that:

“(1) The authority conferred by paragraphs (2) and (5) of section 37(a) of the State Department Basic Authorities Act of 1956 [22 U.S.C. 2709(a)(2), (5)], as amended by subsection (a), may not be exercised until the date on which the Secretary—

“(A) submits the agreement required by subsection (b)(2) of section 37 of such Act [22 U.S.C. 2709(b)(2)] to the appropriate congressional committees; and

“(B) publishes in the Federal Register a notice that the agreement has been submitted in accordance with the requirements of subparagraph (A).

“(2) The authority conferred by paragraphs (2) and (5) of subsection (a) of section 37 of the State Department Basic Authorities Act of 1956, as in effect on the day before the date of the enactment of this Act [Sept. 30, 2002], may continue to be exercised until the date on which the notice described in paragraph (1)(B) is published in the Federal Register.”

[For definitions of “Secretary” and “appropriate congressional committees” as used in section 202(c) of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

§ 2710. Expenses relating to participation in arbitrations of certain disputes

(a) International agreements

The Secretary of State may use funds available to the Secretary for the expenses of United States participation in arbitrations and other proceedings for the peaceful resolution of disputes under treaties or other international agreements.

(b) Contracts abroad

The Secretary of State may use funds available to the Secretary for the expenses of United States participation in arbitrations arising under contracts authorized by law for the performance of services or acquisition of property, real or personal, abroad.

(c) Procurement of services

The Secretary of State may use competitive procedures or procedures other than competitive

procedures to procure the services of experts for use in preparing or prosecuting a proceeding before an international tribunal or a claim by or against a foreign government or other foreign entity, whether or not the expert is expected to testify, or to procure personal and other support services for such proceedings or claims. The Secretary need not provide any written justification for the use of procedures other than competitive procedures when procuring such services under this subsection and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.

(d) International Litigation Fund

(1) Establishment

In order to provide the Department of State with a dependable, flexible, and adequate source of funding for the expenses of the Department related to preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, there is established an International Litigation Fund (hereafter in this subsection referred to as the “ILF”). The ILF may be available without fiscal year limitation. Funds otherwise available to the Department for the purposes of this paragraph may be credited to the ILF.

(2) Reprogramming procedures

Funds credited to the ILF shall be treated as a reprogramming of funds under section 2706 of this title and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings. This paragraph shall not apply to the transfer of funds under paragraph (3).

(3) Transfers of funds

Funds received by the Department of State from another agency of the United States Government or pursuant to the Department of State Appropriations Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) to meet costs of preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, shall be credited to the ILF.

(4) Use of funds

Funds deposited in the ILF shall be available only for the purposes of paragraph (1).

(e) Retention of funds

(1) In general

To reimburse the expenses of the United States Government in preparing or prosecuting a proceeding before an international tribunal, or a claim against a foreign government or other foreign entity, the Secretary may retain 1.5 percent of any amount between \$100,000 and \$5,000,000, and one percent of any amount over \$5,000,000, received per claim under section 2668a of this title.

(2) Treatment

Amounts retained under the authority of paragraph (1) shall be deposited into the fund under subsection (d).

(Aug. 1, 1956, ch. 841, title I, § 38, as added Pub. L. 99-93, title I, § 128, Aug. 16, 1985, 99 Stat. 419; amended Pub. L. 103-236, title I, § 123, Apr. 30, 1994, 108 Stat. 392; Pub. L. 105-277, div. G, subd. B, title XXII, § 2212(b), Oct. 21, 1998, 112 Stat. 2681-812; Pub. L. 107-228, div. A, title II, § 203, Sept. 30, 2002, 116 Stat. 1362.)

Editorial Notes

REFERENCES IN TEXT

The Department of State Appropriations Act of 1937, referred to in subsec. (d)(3), probably means the Department of State Appropriation Act, 1937, which is title I of act May 15, 1936, ch. 405, 49 Stat. 1309. Provisions relating to acceptance by the Secretary of State of reimbursement for expenses incurred in pursuing certain private claims against foreign governments were added to that act by Pub. L. 100-204, title I, § 142(b), Dec. 22, 1987, 101 Stat. 1350, and are classified to section 2661 of this title.

Section 2668a of this title, referred to in subsec. (e)(1), was in the original “chapter 34 of the Act of February 27, 1896 (22 U.S.C. 2668a; 29 Stat. 32)”. Section 2668a of this title contains the only provisions of the Act which are classified to the Code.

PRIOR PROVISIONS

A prior section 38 of act Aug. 1, 1956, was renumbered section 39 by section 128 of Pub. L. 99-93, 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

2002—Subsec. (e). Pub. L. 107-228 added subsec. (e).
1998—Subsec. (c). Pub. L. 105-277 inserted “personal and” before “other support services” in first sentence.
1994—Subsecs. (c), (d). Pub. L. 103-236 added subsecs. (c) and (d).

§ 2711. Counterterrorism Protection Fund

(a) Authority

The Secretary of State may reimburse domestic and foreign persons, agencies, or governments for the protection of judges or other persons who provide assistance or information relating to terrorist incidents primarily outside the territorial jurisdiction of the United States. Before making a payment under this section in a matter over which there is Federal criminal jurisdiction, the Secretary shall advise and consult with the Attorney General.

(b) Authorization of appropriations

There are authorized to be appropriated to the Secretary of State for “Administration of Foreign Affairs” \$1,000,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 for use in reimbursing persons, agencies, or governments under this section.

(c) Designation of Fund

Amounts made available under this section may be referred to as the “Counterterrorism Protection Fund”.

(Aug. 1, 1956, ch. 841, title I, § 39, as added Pub. L. 99-399, title V, § 504(2), Aug. 27, 1986, 100 Stat. 871.)

Editorial Notes

PRIOR PROVISIONS

A prior section 39 of act Aug. 1, 1956, was renumbered section 40 by section 504(1) of Pub. L. 99-399, and subse-

quently 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.

§ 2712. Authority to control certain terrorism-related services

(a) Authority

The Secretary of State may, by regulation, impose controls on the provision of the services described in subsection (b) if the Secretary determines that provision of such services would aid and abet international terrorism.

(b) Services subject to control

The services subject to control under subsection (a) are the following:

- (1) Serving in or with the security forces of a designated foreign government.
- (2) Providing training or other technical services having a direct military, law enforcement, or intelligence application, to or for the security forces of a designated foreign government.

Any regulations issued to impose controls on services described in paragraph (2) shall list the specific types of training and other services subject to the controls.

(c) Persons subject of controls

These services may be controlled under subsection (a) when they are provided within the United States by any individual or entity and when they are provided anywhere in the world by a United States person.

(d) Licenses

In carrying out subsection (a), the Secretary of State may require licenses, which may be revoked, suspended, or amended, without prior notice, whenever such action is deemed to be advisable.

(e) Definitions

(1) Designated foreign government

As used in this section, the term “designated foreign government” means a foreign government that the Secretary of State has determined, for purposes of section 4605(j)(1)¹ of title 50, has repeatedly provided support for acts of international terrorism.

(2) Security forces

As used in this section, the term “security forces” means any military or paramilitary forces, any police or other law enforcement agency (including any police or other law enforcement agency at the regional or local level), and any intelligence agency of a foreign government.

(3) United States

As used in this section, the term “United States” includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(4) United States person

As used in this section, the term “United States person” means any United States na-

¹ See References in Text note below.