

agencies represented at the NEC or NCC that is to be constructed.

(2) An analysis of the tradeoffs between risk and the needs of United States Government policy conducted as part of the most recent Vital Presence Validation Process, if applicable.

(3) Reasonable assumptions about the strategic importance of the NEC or NCC, as the case may be, over the life of the building at issue.

(4) Any other data that would be helpful in projecting the future growth of NEC or NCC.

(b) Other Federal agencies

The head of each Federal agency represented at a United States embassy or consulate shall provide to the Secretary, upon request, growth projections for the personnel of each such agency over the estimated life of each embassy or consulate, as the case may be.

(c) Basis for estimates

The Department shall base its growth assumption for all NECs and NCCs on the estimates required under subsections (a) and (b).

(d) Congressional notification

Any congressional notification of site selection for a NEC or NCC submitted after December 27, 2021 shall include the growth assumption used pursuant to subsection (c).

(Pub. L. 117–81, div. E, title LII, §5205, Dec. 27, 2021, 135 Stat. 2355.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of State Authorization Act of 2021 and also as part of the National Defense Authorization Act for Fiscal Year 2022, and not as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Department” and “Secretary” as used in this section, see section 5002 of Pub. L. 117–81, set out as a note under section 263c of this title.

§ 306. Contracting methods in capital construction

(a) Delivery

Unless the Secretary of State notifies the appropriate congressional committees that the use of the design-build project delivery method would not be appropriate, the Secretary shall make use of such method at United States diplomatic posts that have not yet received design or capital construction contracts as of December 27, 2021.

(b) Notification

Before executing a contract for a delivery method other than design-build in accordance with subsection (a), the Secretary of State shall notify the appropriate congressional committees in writing of the decision, including the reasons therefor. The notification required by this subsection may be included in any other report regarding a new United States diplomatic post

that is required to be submitted to the appropriate congressional committees.

(c) Performance evaluation

Not later than 180 days after December 27, 2021, the Secretary of State shall report to the appropriate congressional committees regarding performance evaluation measures in accordance with GAO’s “Standards for Internal Control in the Federal Government” that will be applicable to design and construction, lifecycle cost, and building maintenance programs of the Bureau of Overseas Building Operations of the Department.

(Pub. L. 117–81, div. E, title LII, §5211, Dec. 27, 2021, 135 Stat. 2358.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of State Authorization Act of 2021 and also as part of the National Defense Authorization Act for Fiscal Year 2022, and not as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “appropriate congressional committees” and “Department” as used in this section, see section 5002 of Pub. L. 117–81, set out as a note under section 263c of this title.

Pub. L. 117–81, div. E, title LII, §5214, Dec. 27, 2021, 135 Stat. 2359, provided that: “In this title [enacting this section and section 305 of this title, amending sections 304 and 4852 of this title, and enacting provisions set out as notes under sections 292, 4802, and 4851 of this title]:

“(1) DESIGN-BUILD.—The term ‘design-build’ means a method of project delivery in which one entity works under a single contract with the Department to provide design and construction services.

“(2) NON-STANDARD DESIGN.—The term ‘non-standard design’ means a design for a new embassy compound project or new consulate compound project that does not utilize a standardized design for the structural, spatial, or security requirements of such embassy compound or consulate compound, as the case may be.”

CHAPTER 9—FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY

SUBCHAPTER I—WAR MATERIALS

- | | |
|-------------|---|
| Sec. | |
| 401. | Illegal exportation of war materials. |
| 402 to 405. | Repealed. |
| 406. | Interference with foreign trade. |
| 407. | Repealed. |
| 408. | Use of land and naval forces to prevent exportation. |
| 408a. | “United States” defined. |
| 409 to 420. | Repealed or Omitted. |
| 421. | Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States. |
| 422. | Retention for United States of defense articles procured for foreign governments. |
| 423. | Omitted. |
| | SUBCHAPTER II—NEUTRALITY |
| 441. | Proclamation of state of war between foreign states. |
| 442, 443. | Repealed. |
| 444. | American Red Cross vessels. |

- Sec.
 445. Travel on vessels of belligerent states.
 446. Repealed.
 447. Financial transactions.
 448. Solicitation and collection of funds and contributions.
 449. American republics.
 450. Restrictions on use of American ports.
 451. Submarines and armed merchant vessels.
 452. Repealed.
 453. Regulations.
 454. Unlawful use of the American flag by vessel of foreign state.
 455. General penalty provision.
 456. Definitions.
 457. Appropriations.

SUBCHAPTER III—PREVENTION OF OFFENSES AGAINST NEUTRALITY

461. Enforcement by courts; employment of land or naval forces.
 462. Compelling foreign vessels to depart.
 463. Bonds from armed vessels on clearing.
 464. Detention by collectors of customs.
 465. Detention of vessels.

Executive Documents

PROCLAMATIONS RESPECTING WAR AND NEUTRALITY

See notes preceding section 1 of Title 50, War and National Defense.

SUBCHAPTER I—WAR MATERIALS

§ 401. Illegal exportation of war materials

(a) Seizure and forfeiture of materials and carriers

Whenever an attempt is made to export or ship from or take out of the United States any arms or munitions of war or other articles in violation of law, or whenever it is known or there shall be probable cause to believe that any arms or munitions of war or other articles are intended to be or are being or have been exported or removed from the United States in violation of law, the Secretary of the Treasury, or any person duly authorized for the purpose by the President, may seize and detain such arms or munitions of war or other articles and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been or is being used in exporting or attempting to export such arms or munitions of war or other articles. The Secretary of Commerce may seize and detain any commodity (other than arms or munitions of war) or technology which is intended to be or is being exported in violation of laws governing such exports and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been used or is being used in exporting or attempting to export such articles. All arms or munitions of war and other articles, vessels, vehicles, and aircraft seized pursuant to this subsection shall be forfeited.

(b) Applicability of laws relating to seizure, forfeiture, and condemnation

All provisions of law relating to seizure, summary and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of com-

pensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. However, with respect to seizures and forfeitures of property under this section by the Secretary of Commerce, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary of Commerce or, upon the request of the Secretary of Commerce, by any other agency that has authority to manage and dispose of seized property. Awards of compensation to informers under this section may be paid only out of funds specifically appropriated therefor.

(c) Disposition of forfeited materials

Arms and munitions of war forfeited under subsection (b) of this section shall be delivered to the Secretary of Defense for such use or disposition as he may deem in the public interest, or, in the event that the Secretary of Defense refuses to accept such arms and munitions of war, they shall be sold or otherwise disposed of as prescribed under existing law in the case of forfeitures for violation of the customs laws.

(June 15, 1917, ch. 30, title VI, §1, 40 Stat. 223; June 17, 1930, ch. 497, title IV, §523, 46 Stat. 740; Aug. 13, 1953, ch. 434, §1, 67 Stat. 577; Pub. L. 105-119, title II, §211(a), Nov. 26, 1997, 111 Stat. 2487.)

Editorial Notes

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-119, which directed the amendment of section 401 of title 22, United States Code, by inserting “The Secretary of Commerce may seize and detain any commodity (other than arms or munitions of war) or technology which is intended to be or is being exported in violation of laws governing such exports and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been used or is being used in exporting or attempting to export such articles.” after first sentence in subsec. (a), was executed by making the insertion in section 1(a) of act June 15, 1917, ch. 30, which is classified to this section, to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 105-119, which directed the amendment of section 401 of title 22, United States Code, by inserting “However, with respect to seizures and forfeitures of property under this section by the Secretary of Commerce, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary of Commerce or, upon the request of the Secretary of Commerce, by any other agency that has authority to manage and dispose of seized property.” after “and not inconsistent with the provisions hereof.” in subsec. (b), was executed by making the insertion in section 1(b) of act June 15, 1917, ch. 30, which is classified to this section, to reflect the probable intent of Congress.

1953—Act Aug. 13, 1953, provided not only seizure and forfeiture of articles or merchandise which are being, or are intended to be illegally exported, and the vehicle, vessel, or aircraft in which exportation is intended to accomplish, but also for the seizure and forfeiture of articles or merchandise actually illegally exported out, the carrier used to effectuate the exportation, provided for applicability of laws relating to seizure, summary