

AMENDMENTS

1994—Pub. L. 103-236, as amended by Pub. L. 103-415, substituted “There shall” for “In addition to the positions provided under section 2652 of this title, there shall” and inserted before period at end “and for such other related duties as the Secretary may from time to time designate”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103-236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103-236, as amended, set out as a note under section 2651a 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.

§ 2656. Management of foreign affairs

The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the Department, and he shall conduct the business of the Department in such manner as the President shall direct.

(R.S. § 202.)

CODIFICATION

R.S. § 202 derived from acts July 27, 1789, ch. 4, § 1, 1 Stat. 28; Sept. 15, 1789, ch. 14, § 1, 1 Stat. 68.

Section was formerly classified to section 156 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

DELEGATION OF FUNCTIONS

Functions of President respecting certain facilities constructed and maintained on United States borders delegated to Secretary of State, see Ex. Ord. No. 11423, Aug. 16, 1968, 33 F.R. 11741, set out as a note under section 301 of Title 3, The President.

PRESIDENTIAL DIRECTIVE

National Intelligence Authority and Central Intelligence Group, established by Presidential Directive, Feb. 1, 1946, 11 F.R. 1337, to coordinate Federal foreign intelligence activities, ceased to exist upon creation of Central Intelligence Agency; personnel, property and records of the group were transferred to the Agency; and unexpended funds of the group were made available to the Agency, by act July 26, 1947, ch. 343, title I, § 102, 61 Stat. 497, set out as section 403 of Title 50, War and National Defense.

PACIFIC CHARTER COMMISSION

Pub. L. 106-570, title IV, Dec. 27, 2000, 114 Stat. 3047, provided that:

“SEC. 401. SHORT TITLE.

“This title may be cited as the ‘Pacific Charter Commission Act of 2000’.

“SEC. 402. PURPOSES.

“The purposes of this title are—

“(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

“(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

“(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

“(4) to assist in combating terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

“(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

“SEC. 403. ESTABLISHMENT OF COMMISSION.

“(a) IN GENERAL.—The President is authorized to establish a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the ‘Commission’).

“(b) EXPIRATION OF AUTHORITY.—The authority to establish the Commission under this section shall expire at the close of December 31, 2002.

“SEC. 404. DUTIES OF COMMISSION.

“(a) DUTIES.—The Commission should establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

“(b) MONITORING OF DEVELOPMENTS.—The Commission should monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

“(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission should evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

“(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission should, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

“(e) ANNUAL REPORT.—Not later than 18 months after the date of the establishment of the Commission, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and Congress a report that contains the findings of the Commission, in the case of the initial report, during the period since the date of establishment of the Commission, or, in the case of each subsequent report, during the preceding 12-month period. Each such report shall contain—

“(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

“(2) a description of programs, projects, and activities of the Commission for the prior year or, in the case of the initial report, since the date of establishment of the Commission; and

“(3) a complete accounting of the expenditures made by the Commission during the prior year or, in the case of the initial report, since the date of establishment of the Commission.

“SEC. 405. MEMBERSHIP OF COMMISSION.

“(a) COMPOSITION.—If established pursuant to section 403, the Commission shall be composed of seven members all of whom—

“(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

“(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

“(b) APPOINTMENT.—

“(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

“(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

“(B) by and with the advice and consent of the Senate.

“(2) POLITICAL AFFILIATION.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

“(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

“(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

“(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

“(f) COMPENSATION.—

“(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

“(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

“(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

“(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

“(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

“SEC. 406. POWERS OF COMMISSION.

“(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

“(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department or agency shall furnish such information to the Commission as expeditiously as possible.

“(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

“(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

“SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

“(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission who shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

“(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

“(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

“(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“SEC. 408. TERMINATION.

“The Commission shall terminate not later than 6 years after the date of the establishment of the Commission.

“SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—In the event the Commission is established, there are authorized to be appropriated to carry out this title \$2,500,000 for the initial 24-month period of the existence of the Commission.

“(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

“SEC. 410. EFFECTIVE DATE.

“This title shall take effect on February 1, 2001.”

RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES; ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES

Pub. L. 106-429, §101(a) [title V, §564(e), (g), (j), (k)], Nov. 6, 2000, 114 Stat. 1900, 1900A-48 to 1900A-50, provided that:

“(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section [114 Stat. 1900A-46] is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

“(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

“(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

“(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

“(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

“(4) REPORT.—Beginning 30 days after the date of the enactment of this Act [Nov. 6, 2000], and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality,

if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

“(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

“(j) DEFINITIONS.—As used in this section—

“(1) COUNTRY.—The term ‘country’ means Bosnia-Herzegovina, Croatia, and Serbia.

“(2) ENTITY.—The term ‘entity’ refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro, and the Republika Srpska.

“(3) DAYTON AGREEMENT.—The term ‘Dayton Agreement’ means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

“(4) TRIBUNAL.—The term ‘Tribunal’ means the International Criminal Tribunal for the Former Yugoslavia.

“(k) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 106-113, div. B, § 1000(a)(2) [title V, § 566(e), (g), (j), (k)], Nov. 29, 1999, 113 Stat. 1535, 1501A-107 to 1501A-109.

REPORT CONCERNING FINANCIAL DISADVANTAGES FOR ADMINISTRATIVE AND TECHNICAL PERSONNEL

Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title III, § 338], Nov. 29, 1999, 113 Stat. 1536, 1501A-443, provided that:

“(a) FINDINGS.—Congress finds that administrative and technical personnel posted to United States missions abroad who do not have diplomatic status suffer financial disadvantages from their lack of such status.

“(b) REPORT.—Not later than 1 year after the date of the enactment of this Act [Nov. 29, 1999], the Secretary of State should submit a report to the appropriate congressional committees [Committee on International Relations of the House of Representatives and Committee on Foreign Relations of the Senate] concerning the extent to which administrative and technical personnel posted to United States missions abroad who do not have diplomatic status suffer financial disadvantages from their lack of such status, including proposals to alleviate such disadvantages.”

PRISONER INFORMATION REGISTRY FOR THE PEOPLE'S REPUBLIC OF CHINA

Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title VIII, § 873], Nov. 29, 1999, 113 Stat. 1536, 1501A-474, provided that:

“(a) REQUIREMENT.—The Secretary of State shall establish and maintain a registry which shall, to the extent practicable, provide information on all political prisoners, prisoners of conscience, and prisoners of faith in the People's Republic of China. The registry shall be known as the ‘Prisoner Information Registry for the People's Republic of China’.

“(b) INFORMATION IN REGISTRY.—The registry required by subsection (a) shall include information on the charges, judicial processes, administrative actions, uses of forced labor, incidents of torture, lengths of im-

prisonment, physical and health conditions, and other matters associated with the incarceration of prisoners in the People's Republic of China referred to in that subsection.

“(c) AVAILABILITY OF FUNDS.—The Secretary may make a grant to nongovernmental organizations currently engaged in monitoring activities regarding political prisoners in the People's Republic of China in order to assist in the establishment and maintenance of the registry required by subsection (a).”

REPORT TO CONGRESS ON ACTIVITIES OF NORTH KOREAN ARMED FORCES

Pub. L. 104-208, div. A, title I, § 101(c) [title V, § 585], Sept. 30, 1996, 110 Stat. 3009-121, 3009-171, provided that: “Ninety days after the date of enactment of this Act [Sept. 30, 1996], and every 180 days thereafter, the Secretary of State, in consultation with the Secretary of Defense, shall provide a report in a classified or unclassified form to the Committee on Appropriations including the following information:

“(a) a best estimate on fuel used by the military forces of the Democratic People's Republic of Korea (DPRK);

“(b) the deployment position and military training and activities of the DPRK forces and best estimate of the associated costs of these activities;

“(c) steps taken to reduce the DPRK level of forces; and

“(d) cooperation, training, or exchanges of information, technology or personnel between the DPRK and any other nation supporting the development or deployment of a ballistic missile capability.”

REPORTS TO WAR CRIMES TRIBUNAL FOR FORMER YUGOSLAVIA

Pub. L. 106-113, div. B, § 1000(a)(2) [title V, § 552], Nov. 29, 1999, 113 Stat. 1535, 1501A-99, provided in part: “That 60 days after the date of the enactment of this Act [Nov. 29, 1999], and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia”.

Similar provisions were contained in the following appropriation acts:

Pub. L. 106-429, § 101(a) [title V, § 552], Nov. 6, 2000, 114 Stat. 1900, 1900A-41.

Pub. L. 105-277, div. A, § 101(d) [title V, § 554], Oct. 21, 1998, 112 Stat. 2681-150, 2681-188.

Pub. L. 105-118, title V, § 553, Nov. 26, 1997, 111 Stat. 2422.

Pub. L. 104-208, div. A, title I, § 101(c) [title V, § 555], Sept. 30, 1996, 110 Stat. 3009-121, 3009-160.

Pub. L. 104-107, title V, § 556, Feb. 12, 1996, 110 Stat. 743.

Pub. L. 103-306, title V, § 575, Aug. 23, 1994, 108 Stat. 1653.

REPORTING REQUIREMENTS ON OCCUPIED TIBET

Pub. L. 103-236, title V, § 536, Apr. 30, 1994, 108 Stat. 481, provided that:

“(a) REPORT ON UNITED STATES-TIBET RELATIONS.—Because Congress has determined that Tibet is an occupied sovereign country under international law and that its true representatives are the Dalai Lama and the Tibetan Government in exile—

“(1) it is the sense of the Congress that the United States should seek to establish a dialogue with those recognized by Congress as the true representatives of the Tibetan people, the Dalai Lama, his representatives and the Tibetan Government in exile, concerning the situation in Tibet and the future of the Tibetan people and to expand and strengthen United States-Tibet cultural and educational relations, including promoting bilateral exchanges arranged directly with the Tibetan Government in exile; and

“(2) not later than 6 months after the date of enactment of this Act [Apr. 30, 1994], and every 12 months thereafter, the Secretary of State shall transmit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a report on the state of relations between the United States and those recognized by Congress as the true representatives of the Tibetan people, the Dalai Lama, his representatives and the Tibetan Government in exile, and on conditions in Tibet.

“(b) SEPARATE TIBET REPORTS.—

“(1) It is the sense of the Congress that whenever a report is transmitted to the Congress on a country-by-country basis there should be included in such report, where applicable, a separate report on Tibet listed alphabetically with its own state heading.

“(2) The reports referred to in paragraph (1) include, but are not limited to, reports transmitted under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 [22 U.S.C. 2151n(d), 2304(b)] (relating to human rights).”

CAMBODIAN GENOCIDE

Pub. L. 103-236, title V, part D, Apr. 30, 1994, 108 Stat. 486, provided that:

“SEC. 571. SHORT TITLE.

“This part may be cited as the ‘Cambodian Genocide Justice Act’.

“SEC. 572. POLICY.

“(a) IN GENERAL.—Consistent with international law, it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975, and January 7, 1979.

“(b) SPECIFIC ACTIONS URGED.—To that end, the Congress urges the President—

“(1) to collect, or assist appropriate organizations and individuals to collect relevant data on crimes of genocide committed in Cambodia;

“(2) in circumstances which the President deems appropriate, to encourage the establishment of a national or international criminal tribunal for the prosecution of those accused of genocide in Cambodia; and

“(3) as necessary, to provide such national or international tribunal with information collected pursuant to paragraph (1).

“SEC. 573. ESTABLISHMENT OF STATE DEPARTMENT OFFICE.

“(a) ESTABLISHMENT.—(1) None of the funds authorized to be appropriated by this Act for ‘Diplomatic and Consular Programs’ shall be available for obligation or expenditure during fiscal years 1994 and 1995 unless, not later than 90 days after the date of enactment of this Act [Apr. 30, 1994], the Secretary of State has established within the Department of State under the Assistant Secretary for East Asia and Pacific Affairs (or any successor Assistant Secretary) the Office of Cambodian Genocide Investigation (hereafter in this part referred to as the ‘Office’).

“(2) The Office may carry out its activities inside or outside of Cambodia, except that not less than 75 percent of the funds made available for the Office and its activities shall be used to carry out activities within Cambodia.

“(b) PURPOSE.—The purpose of the Office shall be to support, through organizations and individuals with whom the Secretary of State may contract to carry out the operations of the Office, as appropriate, efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975, and January 7, 1979, including—

“(1) to investigate crimes against humanity committed by national Khmer Rouge leaders during that period;

“(2) to provide the people of Cambodia with access to documents, records, and other evidence held by the Office as a result of such investigation;

“(3) to submit the relevant data to a national or international penal tribunal that may be convened to formally hear and judge the genocidal acts committed by the Khmer Rouge; and

“(4) to develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of those accused of genocide in Cambodia.

“(c) CONTRACTING AUTHORITY.—The Secretary of State shall, subject to the availability of appropriations, contract with appropriate individuals and organizations to carry out the purpose of the Office.

“(d) NOTIFICATION TO CONGRESS.—The Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs [now Committee on International Relations] and the Committee on Appropriations of the House of Representatives shall be notified of any exercise of the authority of section 34 of the State Department Basic Authorities Act of 1956 [22 U.S.C. 2706] with respect to the Office or any of its programs, projects, or activities at least 15 days in advance in accordance with procedures applicable to notifications under that section.

“SEC. 574. REPORTING REQUIREMENT.

“(a) IN GENERAL.—Beginning 6 months after the date of enactment of this Act [Apr. 30, 1994], and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees—

“(1) that describes the activities of the Office, and sets forth new facts learned about past Khmer Rouge practices, during the preceding 6-month period; and

“(2) that describes the steps the President has taken during the preceding 6-month period to promote human rights, to support efforts to bring to justice the national political and military leadership of the Khmer Rouge, and to prevent the recurrence of human rights abuses in Cambodia through actions which are not related to United Nations activities in Cambodia.

“(b) DEFINITION.—For purposes of this section, the term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs [now Committee on International Relations] of the House of Representatives.”

[Functions of President under section 574 of Pub. L. 103-236, set out above, delegated to Secretary of State by Memorandum of President of the United States, July 26, 1994, 59 F.R. 40205, set out as a note under section 2370a of this title.]

BROADENING CULTURAL, GEOGRAPHIC, AND ETHNIC REPRESENTATION OF FOREIGN SERVICE AND DEPARTMENT OF STATE; PLAN

Pub. L. 101-246, title I, §153(a), (b), Feb. 16, 1990, 104 Stat. 43, as amended by Pub. L. 101-302, title III, §320(b)(2), May 25, 1990, 104 Stat. 247, provided that:

“(a) FINDINGS.—The Congress finds that a primary role of the Department of State is to represent the interests of the American people in foreign affairs and, as such, should strive to represent and include, among its policy and professional employees, the great diversity of the American people.

“(b) RECRUITMENT.—(1) Not later than 120 days after the date of enactment of this Act [Feb. 16, 1990], the Secretary of State shall provide the Congress with a plan to assure that equal efforts are undertaken in each of the regions of the United States to recruit policy and professional Government Service employees and Foreign Service officers for the Department of State and each of its affiliated agencies.

“(2) Not later than January 1, 1991, the Secretary of State shall implement the plan provided for in paragraph (1).”

PROHIBITION ON USE OF FUNDS FOR POLITICAL PURPOSES

Pub. L. 100-204, title I, §109, Dec. 22, 1987, 101 Stat. 1339, provided that: “No funds authorized to be appro-

priated by this Act or by any other Act authorizing funds for any entity engaged in any activity concerning the foreign affairs of the United States shall be used—

“(1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress;

“(2) to influence in any way the outcome of a political election in the United States; or

“(3) for any publicity or propaganda purposes not authorized by Congress.”

CONSULAR AND DIPLOMATIC POSTS ABROAD

Pub. L. 100-204, title I, §122, Dec. 22, 1987, 101 Stat. 1339, prohibited use of appropriated funds for closing United States consular or diplomatic posts abroad, or for paying expenses related to Bureau of Administration of Department of State if a post was closed after Jan. 1, 1987, and not reopened, provided funding for certain consulates, provided exceptions for prohibition on use of appropriated funds, permitted Secretary of State, in case of a sequestration order, to submit a report proposing a list of consular posts to be downgraded or closed in order to comply with sequestration order, and provided that the prohibitions were to be effective 180 days after Dec. 22, 1987, prior to repeal by Pub. L. 102-138, title I, §112(b), Oct. 28, 1991, 105 Stat. 655. See section 2720 of this title.

CLOSING OF DIPLOMATIC AND CONSULAR POSTS IN ANTIGUA AND BARBUDA

Pub. L. 100-204, title I, §123, Dec. 22, 1987, 101 Stat. 1339, directed that none of the funds made available for the Department of State for any fiscal year be used for expenses of maintaining a United States diplomatic or consular post in Antigua and Barbuda and provided that such prohibition take effect 60 days after Dec. 22, 1987, unless the President made a determination that such closing would not be in the national security interest of the United States and informed both the Chairman of the Senate Foreign Relations Committee and the House Foreign Affairs Committee of such determination, prior to repeal by Pub. L. 101-246, title I, §121, Feb. 16, 1990, 104 Stat. 27.

CLOSURE OF MISSION IN ANTIGUA AND BARBUDA NOT IN UNITED STATES INTERESTS

Determination of the President of the United States, No. 88-9, Feb. 9, 1988, 53 F.R. 5749, provided:

Memorandum for the Secretary of State

In accordance with Section 123 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) [set out above], I have determined that closure of the U.S. Diplomatic and Consular Mission in Antigua and Barbuda is not in the national security interests of the United States.

You are hereby authorized and directed to report this determination to the Congress, as required by law. This determination shall be published in the Federal Register.

RONALD REAGAN.

ASSIGNMENT OF DRUG ENFORCEMENT ADMINISTRATION AGENTS ABROAD

Pub. L. 100-204, title VIII, §801, Dec. 22, 1987, 101 Stat. 1397, provided that: “If the Secretary of State, in exercising his authority to establish overseas staffing levels for Federal agencies with activities abroad, authorizes the assignment of any Drug Enforcement Administration agent to a particular United States mission abroad, the Secretary shall authorize the assignment of at least two such agents to that mission.”

WAIVER OF PROVISIONS OF PUBLIC LAW 100-204 DURING FISCAL YEARS 1988 AND 1989

Pub. L. 100-202, §101(a) [title III, §305], Dec. 22, 1987, 101 Stat. 1329, 1329-23, provided that: “The following sections of H.R. 1777 (the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 [Pub. L. 100-204])

are waived during Fiscal Years 1988 and 1989 in the event that H.R. 1777 is enacted into law: Sec. 122 [set out above], Sec. 151, and Sec. 204 [22 U.S.C. 1461 note].”

REPORT TO CONGRESS ON SOVIET BREACH OF DUTIES OBLIGATIONS TO UNITED STATES DIPLOMATS OR MISSIONS

Pub. L. 99-500, §101(b) [title III, §300], Oct. 18, 1986, 100 Stat. 1783-39, 1783-58, and Pub. L. 99-591, §101(b) [title III, §300], Oct. 30, 1986, 100 Stat. 3341-39, 3341-58, which required the Secretary of State to report every six months to the Speaker of the House of Representatives and the President of the Senate on failures by Soviet agencies to perform obligations to United States diplomats or United States missions to the Soviet Union and on actions undertaken by the Department of State to redress these failures, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 127 of House Document No. 103-7.

RESPONSIBILITY OF UNITED STATES MISSIONS TO PROMOTE FREEDOM OF PRESS ABROAD

Pub. L. 99-93, title I, §138, Aug. 16, 1985, 99 Stat. 422, provided that:

“(a) RESPONSIBILITY.—The United States chief of mission to a foreign country in which there is not respect for freedom of the press shall actively promote respect for freedom of the press in that country.

“(b) DEFINITION.—As used in this section, the term ‘respect for freedom of the press’ means that a government—

“(1) allows foreign news correspondents into the country and does not subject them to harassment or restrictions;

“(2) allows nongovernment-owned press to operate in the country; and

“(3) does not subject the press in the country to systematic censorship.”

EMERGENCY TELEPHONE SERVICE AT UNITED STATES CONSULAR OFFICES

Pub. L. 99-93, title I, §139, Aug. 16, 1985, 99 Stat. 422, provided that: “It is the sense of the Congress that the Secretary of State should ensure that all United States consular offices are equipped with 24-hour emergency telephone service through which United States citizens can contact a member of the staff of any such office. The Secretary should publicize the telephone number of each such service for the information of United States citizens. Not more than 90 days after the date of the enactment of this Act [Aug. 16, 1985], the Secretary shall submit a report to the Congress on steps taken in accordance with this section.”

TORTURE BY FOREIGN GOVERNMENTS; UNITED STATES POLICY IN OPPOSITION; IMPLEMENTATION

Pub. L. 98-447, Oct. 4, 1984, 98 Stat. 1721, provided: “That the Congress reaffirms that it is the continuing policy of the United States Government to oppose the practice of torture by foreign governments through public and private diplomacy and, when necessary and appropriate, through the enactment and vigorous implementation of laws intended to reinforce United States policies with respect to torture. The United States Government opposes acts of torture wherever they occur, without regard to ideological or regional considerations, and will make every effort to work cooperatively with other governments and with nongovernmental organizations to combat the practice of torture worldwide.

“SEC. 2. (a) The President is requested—

“(1) to instruct the Permanent Representative of the United States to the United Nations to continue to raise the issue of torture practiced by governments; and

“(2) to continue to involve the United States Government in the formulation of international stand-

ards and effective implementing mechanisms, particularly the draft Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

“(b) In order to implement the policy expressed in the first section of this resolution, the Secretary of State is requested to issue formal instructions to each United States chief of mission regarding United States policy with respect to torture, including—

“(1) instructions—

“(A) to examine allegations of the practice of torture, particularly allegations concerning the existence of secret detention, extended incommunicado detention, and restrictions on access by family members, lawyers, and independent medical personnel to detainees; and

“(B) to forward such information as may be gathered, including information regarding any efforts made by the host government to reduce and eliminate the practice of torture, to the Assistant Secretary of State for Human Rights and Humanitarian Affairs for analysis in preparing the Department’s annual country reports on human rights practices;

“(2) in the case of a chief of mission assigned to a country where torture is regularly practiced, instructions to report on a periodic basis as circumstances require to the Assistant Secretary of State for Human Rights and Humanitarian Affairs regarding efforts made by the respective United States diplomatic mission to implement United States policy with respect to combating torture;

“(3) instructions to meet with indigenous human rights monitoring groups knowledgeable about the practice of torture for the purpose of gathering information about such practice; and

“(4) instructions to express concern in individual cases of torture brought to the attention of a United States diplomatic mission including, whenever feasible, sending United States observers to trials when there is reason to believe that torture has been used against the accused.

“(c) The Secretary of Commerce should continue to enforce vigorously the current restrictions on the export of crime control equipment pursuant to the Export Administration Act of 1979 [50 App. U.S.C. 2401 et seq.].

“(d) The heads of the appropriate departments of the United States Government that furnish military and law enforcement training to foreign personnel, particularly personnel from countries where the practice of torture has been a documented concern, shall include in such training, when relevant, instruction regarding international human rights standards and the policy of the United States with respect to torture.”

[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.]

UNITED STATES DIPLOMATIC RELATIONS WITH THE VATICAN

Pub. L. 98-164, title I, §134, Nov. 22, 1983, 97 Stat. 1029, provided that: “In order to provide for the establishment of United States diplomatic relations with the Vatican, the Act entitled ‘An Act making Appropriations for the Consular and Diplomatic Expenses of the Government for the Year ending thirtieth June, eighteen hundred and sixty-eight, and for other purposes’, approved February 28, 1867, is amended by repealing the following sentence (14 Stat. 413): ‘And no money hereby or otherwise appropriated shall be paid for the support of an American legation at Rome, from and after the thirtieth day of June, eighteen hundred and sixty-seven.’”

REOPENING CERTAIN UNITED STATES CONSULATES

Pub. L. 97-241, title I, §103(b), (c), Aug. 24, 1982, 96 Stat. 273, as amended by Pub. L. 98-164, title I, §137,

Nov. 22, 1983, 97 Stat. 1030; Pub. L. 103-236, title I, §139(8), Apr. 30, 1994, 108 Stat. 398, provided that:

“(b) None of the funds made available under this [Pub. L. 97-241] or any other Act for ‘Administration of Foreign Affairs’ may be used for the establishment or operation of any United States consulate that did not exist on the date of enactment of this Act [Aug. 24, 1982] (other than the consulates specified in subsection (c)) until all the United States consulates specified in subsection (c) have been reopened as required by section 108 of the Department of State Authorization Act, Fiscal Years 1980 and 1981 [section 108 of Pub. L. 96-60, set out as a note below], to the extent such reopening is authorized by the foreign government involved.

“(c) The consulates referred to in subsections (a) [section 103(a) of Pub. L. 97-241, which was not classified to the Code] and (b) of this section are the consulates in the following locations: Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.”

UNITED STATES CONSULATES

Pub. L. 96-60, title I, §108, Aug. 15, 1979, 93 Stat. 397, provided that:

“(a) The following United States consulates shall not be closed or, if closed on the date of enactment of this Act [Aug. 15, 1979], shall be reopened as soon as possible after such date: Salzburg, Austria; Bremen, Germany; Nice, France; Turin, Italy; Goteborg, Sweden; Adana, Turkey; Tangier, Morocco; Mandalay, Burma; Brisbane, Australia; and Surabaya, Indonesia.

“(b) Personnel assigned to the consulates described in subsection (a) shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget.”

ACTION WITH REGARD TO INTERNATIONAL JOURNALISTIC FREEDOM

Pub. L. 95-426, title VI, §603, Oct. 7, 1978, 92 Stat. 985, as amended by Pub. L. 97-241, title V, §505(a)(2), Aug. 24, 1982, 96 Stat. 299, provided that:

“(a) The Congress finds that—

“(1) news dissemination and the free flow of information across national boundaries are vital to international understanding and to healthy relations among countries; and

“(2) recurring and reliable reports strongly indicate that in many countries foreign news correspondents are subject to governmental harassment and restriction, including the denial of access to legitimate news sources, the imposition of censorship, and detention, incarceration, and expulsion.

“(b) It is therefore the sense of the Congress that the President should—

“(1) advise the appropriate officials of any foreign government which subjects foreign news correspondents to harassment and restrictions that the United States considers such mistreatment a significant and potentially damaging factor in overall relations of the United States with such country; and

“(2) raise in appropriate international forums the issue of the treatment of foreign news correspondents, with a view toward gaining multilateral support for the legitimate rights of such correspondents.

“(c) [Repealed. Pub. L. 97-241, title V, §505(a)(2), Aug. 24, 1982, 96 Stat. 299.]”

DIPLOMATIC RELATIONS WITH FOREIGN GOVERNMENT NOT INDICATION OF APPROVAL OF SUCH GOVERNMENT

Pub. L. 95-426, title VI, §607, Oct. 7, 1978, 92 Stat. 988, provided that: “The Congress finds that the conduct of diplomatic relations with a foreign government has as its principal purpose the discussion and negotiation with that government of outstanding issues and, like the recognition of a foreign government, does not in itself imply approval of that government or of the political-economic system it represents.”

§ 2656a. Congressional declaration of findings of major significance of modern scientific and technological advances in foreign policy

The Congress finds that—

(1) the consequences of modern scientific and technological advances are of such major significance in United States foreign policy that understanding and appropriate knowledge of modern science and technology by officers and employees of the United States Government are essential in the conduct of modern diplomacy;

(2) many problems and opportunities for development in modern diplomacy lie in scientific and technological fields;

(3) in the formulation, implementation, and evaluation of the technological aspects of United States foreign policy, the United States Government should seek out and consult with both public and private industrial, academic, and research institutions concerned with modern technology; and

(4) the effective use of science and technology in international relations for the mutual benefit of all countries requires the development and use of the skills and methods of long-range planning.

(Pub. L. 95–426, title V, § 501, Oct. 7, 1978, 92 Stat. 982.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3503 of this title.

§ 2656b. Congressional declaration of policy regarding consequences of science and technology on conduct of foreign policy

In order to maximize the benefits and to minimize the adverse consequences of science and technology in the conduct of foreign policy, the Congress declares the following to be the policy of the United States:

(1) Technological opportunities, impacts, changes, and threats should be anticipated and assessed, and appropriate measures should be implemented to influence such technological developments in ways beneficial to the United States and other countries.

(2) The mutually beneficial applications of technology in bilateral and multilateral agreements and activities involving the United States and foreign countries or international organizations should be recognized and supported as an important element of United States foreign policy.

(3) The United States Government should implement appropriate measures to insure that individuals are trained in the use of science and technology as an instrument in international relations and that officers and employees of the United States Government engaged in formal and informal exchanges of scientific and technical information, personnel, and hardware are knowledgeable in international affairs.

(4) In recognition of the environmental and technological factors that change relations among countries and in recognition of the growing interdependence between the domestic and foreign policies and programs of the United States, United States foreign policy

should be continually reviewed by the executive and legislative branches of the Government to insure appropriate and timely application of science and technology to the conduct of United States foreign policy.

(5) Federally supported international science and technology agreements should be negotiated to ensure that—

(A) intellectual property rights are properly protected; and

(B) access to research and development opportunities and facilities, and the flow of scientific and technological information, are, to the maximum extent practicable, equitable and reciprocal.

(Pub. L. 95–426, title V, § 502, Oct. 7, 1978, 92 Stat. 982; Pub. L. 100–418, title V, § 5171(a), Aug. 23, 1988, 102 Stat. 1452.)

AMENDMENTS

1988—Par. (5). Pub. L. 100–418 added par. (5).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2656d, 3503 of this title.

§ 2656c. Responsibilities of President

(a) Identification, evaluation and initiation of scientific and technological developments

The President, in consultation with the Director of the Office of Science and Technology Policy and other officials whom the President considers appropriate, shall—

(1) notwithstanding any other provision of law, insure that the Secretary of State is informed and consulted before any agency of the United States Government takes any major action, primarily involving science or technology, with respect to any foreign government or international organization;

(2) identify and evaluate elements of major domestic science and technology programs and activities of the United States Government with significant international implications;

(3) identify and evaluate international scientific or technological developments with significant implications for domestic programs and activities of the United States Government; and

(4) assess and initiate appropriate international scientific and technological activities which are based upon domestic scientific and technological activities of the United States Government and which are beneficial to the United States and foreign countries.

(b) Repealed. Pub. L. 104–66, title I, § 1111(b), Dec. 21, 1995, 109 Stat. 723

(c) Disclosure of sensitive information

Except as otherwise provided by law, nothing in this section shall be construed as requiring the public disclosure of sensitive information relating to intelligence sources or methods or to persons engaged in monitoring scientific or technological developments for intelligence purposes.

(d) Availability to United States Trade Representative of information and recommendations

(1) The information and recommendations developed under subsection (b)(3) of this section