

be construed to preempt any State or municipal law or governmental authority regarding zoning, land use, health, safety, or welfare, except that a denial by the Secretary involving a benefit for a foreign mission within the jurisdiction of a particular State or local government shall be controlling.

(Aug. 1, 1956, ch. 841, title II, § 207, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 288.)

#### **§ 4308. General provisions**

##### **(a) Issuance of regulations**

The Secretary may issue such regulations as the Secretary may determine necessary to carry out the policy of this chapter.

##### **(b) Discharge of obligation; liability**

Compliance with any regulation, instruction, or direction issued by the Secretary under this chapter shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court or administrative proceeding for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this chapter, or any regulation, instruction, or direction issued by the Secretary under this chapter.

##### **(c) Use of employees from other Federal agencies; experts and consultants**

For purposes of administering this chapter—

(1) the Secretary may accept details and assignments of employees of Federal agencies to the Department of State on a reimbursable or nonreimbursable basis (with any such reimbursements to be credited to the appropriations made available for the salaries and expenses of officers and employees of the employing agency); and

(2) the Secretary may, to the extent necessary to obtain services without delay, exercise his authority to employ experts and consultants under section 3109 of title 5 without requiring compliance with such otherwise applicable requirements for that employment as the Secretary may determine, except that such employment shall be terminated after 60 days if by that time those requirements are not complied with.

##### **(d) Contracts and subcontracts for supplies and services; advertisement; factors considered**

Contracts and subcontracts for supplies or services, including personal services, made by or on behalf of the Secretary shall be made after advertising, in such manner and at such times as the Secretary shall determine to be adequate to ensure notice and opportunity for competition, except that advertisement shall not be required when (1) the Secretary determines that it is impracticable or will not permit timely performance to obtain bids by advertising, or (2) the aggregate amount involved in a purchase of supplies or procurement of services does not exceed \$10,000. Such contracts and subcontracts may be entered into without regard to laws and regulations otherwise applicable to solicitation, negotiation, administration, and performance of

government contracts. In awarding contracts, the Secretary may consider such factors as relative quality and availability of supplies or services and the compatibility of the supplies or services with implementation of this chapter.

##### **(e) Transfer or loan of property to or from Department of State**

The head of any Federal agency may, for purposes of this chapter—

(1) transfer or loan any property to, and perform administrative and technical support functions and services for the operations of, the Department of State (with reimbursements to agencies under this paragraph to be credited to the current applicable appropriation of the agency concerned); and

(2) acquire and accept services from the Department of State, including (whenever the Secretary determines it to be in furtherance of the purposes of this chapter) acquisitions without regard to laws normally applicable to the acquisition of services by such agency.

##### **(f) Attachment, execution, etc., of assets**

Assets of or under the control of the Department of State, wherever situated, which are used by or held for the use of a foreign mission shall not be subject to attachment, execution, injunction, or similar process, whether intermediate or final.

##### **(g) Discretion of Secretary**

Except as otherwise provided, any determination required under this chapter shall be committed to the discretion of the Secretary.

##### **(h) Transfer and credit of funds**

(1) In order to implement this chapter, the Secretary may transfer to the working capital fund established by section 2684 of this title such amounts available to the Department of State as may be necessary.

(2) All revenues, including proceeds from gifts and donations, received by the Secretary in carrying out this chapter may be credited to the working capital fund established by section 2684 of this title and shall be available for purposes of this chapter in accordance with that section.

(3) Only amounts transferred or credited to the working capital fund established by section 2684 of this title may be used in carrying out the functions of the Secretary or the Director under this chapter.

(Aug. 1, 1956, ch. 841, title II, § 208, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 288; amended Pub. L. 103-236, title I, § 162(o)(6), Apr. 30, 1994, 108 Stat. 410.)

#### **AMENDMENTS**

1994—Subsec. (c)(1). Pub. L. 103-236, § 162(o)(6)(B), substituted “Department of State” for “Office of Foreign Missions”.

Subsec. (d). Pub. L. 103-236, § 162(o)(6)(A), substituted “behalf of the Secretary” for “behalf of the Director”.

Subsecs. (e), (f). Pub. L. 103-236, § 162(o)(6)(B), substituted “Department of State” for “Office of Foreign Missions” wherever appearing.

Subsec. (h)(2). Pub. L. 103-236, § 162(o)(6)(C), struck out “Director or the” after “received by the”.

#### **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.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4304, 4314 of this title; title 28 section 1610.

### § 4309. Application to public international organizations and official missions to such organizations

#### (a) Determination by Secretary

The Secretary may make section 4306 of this title, or any other provision of this chapter, applicable with respect to an international organization to the same extent that it is applicable with respect to a foreign mission if the Secretary determines that such application is necessary to carry out the policy set forth in section 4301(b) of this title and to further the objectives set forth in section 4304(b) of this title.

#### (b) “International organization” defined

For purposes of this section, “international organization” means—

(1) a public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288—288f-2) or a public international organization created pursuant to a treaty or other international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs; and

(2) an official mission (other than a United States mission) to such a public international organization,

including any real property of such an organization or mission and including the personnel of such an organization or mission.

(Aug. 1, 1956, ch. 841, title II, § 209, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 289.)

#### REFERENCES IN TEXT

The International Organizations Immunities Act, referred to in subsec. (b)(1), is act Dec. 29, 1945, ch. 652, title I, 59 Stat. 669, as amended, which is classified principally to subchapter XVIII (§ 288 et seq.) of chapter 7 of this title. For complete classification of that Act to the Code, see Short Title note set out under section 288 of this title and Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2709, 4302, 4305, 4315, 4316 of this title.

### § 4309a. United States responsibilities for employees of the United Nations

#### (a) Findings

The Congress finds that—

(1) pursuant to the Agreement Between the United States and the United Nations Regarding the Headquarters of the United Nations (authorized by Public Law 80-357 (22 U.S.C. 287 note)), the United States has accepted—

(A) the obligation to permit and to facilitate the right of individuals, who are em-

ployed by or are authorized by the United Nations to conduct official business in connection with that organization or its agencies, to enter into and exit from the United States for purposes of conducting official activities within the United Nations Headquarters District, subject to regulation as to points of entry and departure; and

(B) the implied obligation to permit and to facilitate the acquisition of facilities in order to conduct such activities within or in proximity to the United Nations Headquarters District, subject to reasonable regulation including regulation of the location and size of such facilities; and

(2) taking into account paragraph (1) and consistent with the obligation of the United States to facilitate the functioning of the United Nations, the United States has no additional obligation to permit the conduct of any other activities, including nonofficial activities, by such individuals outside of the United Nations Headquarters District.

#### (b) Activities of United Nations employees

(1) The conduct of any activities, or the acquisition of any benefits (as defined in section 4301(a)(1) of this title), outside the United Nations Headquarters District by any individual employed by, or authorized by the United Nations to conduct official business in connection with, that organization or its agencies, or by any person or agency acting on behalf thereof, may be permitted or denied or subject to reasonable regulation, as determined to be in the best interests of the United States and pursuant to this chapter.

(2) Repealed. Pub. L. 103-236, title I, § 139(26), Apr. 30, 1994, 108 Stat. 399.

#### (c) Reports

The Secretary shall report to the Congress—

(1) not later than 30 days after August 16, 1985, on the plans of the Secretary for implementing this section; and

(2) not later than 6 months thereafter, on the actions taken pursuant to those plans.

#### (d) United States nationals

This section shall not apply with respect to any United States national.

#### (e) “United Nations Headquarters District” defined

For purposes of this section, the term “United Nations Headquarters District” means the area within the United States which is agreed to by the United Nations and the United States to constitute such a district, together with such other areas as the Secretary of State may approve from time to time in order to permit effective functioning of the United Nations or missions to the United Nations.

(Aug. 1, 1956, ch. 841, title II, § 209A, as added Pub. L. 99-93, title I, § 141, Aug. 16, 1985, 99 Stat. 423; amended Pub. L. 103-236, title I, § 139(26), Apr. 30, 1994, 108 Stat. 399.)

#### REFERENCES IN TEXT

Public Law 80-357, referred to in subsec. (a)(1), is act Aug. 4, 1947, ch. 482, 61 Stat. 756, which is set out as a note under section 287 of this title.