TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 18 - UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS
SUBCHAPTER VII - ADMINISTRATIVE PROCEDURE

§ 1471. Authority of Secretary of State

In carrying out the purposes of this chapter, the Secretary is authorized, in addition to and not in limitation of the authority otherwise vested in him—

(1) In carrying out subchapter II of this chapter, to make grants of money, services, or materials to State and local governmental institutions in the United States, to governmental institutions in other countries, and to individuals and public or private nonprofit organizations both in the United States and in other countries;

(2) to furnish, sell, or rent, by contract or otherwise, educational and information materials and equipment for dissemination to, or use by, peoples of foreign countries;

(3) whenever necessary in carrying out subchapter V of this chapter, to purchase, rent, construct, improve, maintain, and operate facilities for radio and television transmission and reception, including the leasing of associated real property (either within or outside the United States) for periods not to exceed forty years, or for longer periods if provided for by an appropriation Act, and the alteration, improvement, and repair of such property, without regard to section 322 of the Act of June 30, 1932, and any such real property or interests therein which are outside the United States may be acquired without regard to sections 3111 and 3112 of title 40 if the sufficiency of the title to such real property or interests therein is approved by the Director of the United States Information Agency;

(4) to provide for printing and binding outside the continental limits of the United States, without regard to section 501 of title 44;

(5) to employ persons on a temporary basis without regard to the civil service and classification laws, when such employment is provided for by the pertinent appropriation Act;

(6) to create such advisory committees as the Secretary may decide to be of assistance in formulating his policies for carrying out the purposes of this chapter. No committee member shall be allowed any salary or other compensation for services; but he may be paid his transportation and other expenses, as authorized by section 5703 of title 5; and

(7) notwithstanding any other provision of law, to carry out projects involving security construction and related improvements for overseas public diplomacy facilities not physically located together with other Department of State facilities abroad.

Footnotes

1 See References in Text note below.

References in Text

Section 322 of the Act of June 30, 1932, referred to in par. (3), is section 322 of act June 30, 1932, ch. 314, 47 Stat. 412, which was classified to section 278a of former Title 40, Public Buildings, Property, and Works, and was repealed by Pub. L. 100–678, § 7, Nov. 17, 1988, 102 Stat. 4052.
Codification


In par. (6), “with the approval of the Commission on Information and the Commission on Educational Exchange,” was deleted pursuant to Reorg. Plan No. 2 of 1977, § 9(a)(3), (4), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, which abolished both the United States Advisory Commission on Information, and the United States Advisory Commission on International Educational and Cultural Affairs [which replaced the Advisory Commission on Educational Exchange], effective on or before July 1, 1978, at such time as specified by the President.


Amendments


1987—Par. (3). Pub. L. 100–204 substituted “forty” for “twenty-five”.


1979—Par. (1). Pub. L. 96–60, § 204(a), struck out “within the limitation of such appropriations as the Congress may provide,” after “chapter.”.

Par. (3). Pub. L. 96–60, § 203(e), substituted “leasing of associated real property (either within or outside the United States)” for “leasing of real property both within and without the continental limits of the United States” and provided for alteration, improvement, and repair of such property, without regard to section 278a of title 40, and for acquisition of such property or interests therein which are outside the United States without regard to section 255 of title 40 if the sufficiency of the title to such property or interests therein is approved by the Director.

Par. (5). Pub. L. 96–60, § 203(b)(1), struck out provision for employment of aliens within the United States limited to services related to the translation or narration of colloquial speech in foreign languages when suitably qualified United States citizens were not available, now covered in section 1474 (1) of this title, and inserted “pertinent” before “appropriation”.

1961—Par. (6). Pub. L. 87–139 substituted provisions authorizing payment of transportation and other expenses as authorized by section 73b–2 of title 5, for provisions which allowed payment of actual transportation expenses and a maximum of $10 per diem.

Effective Date of 1998 Amendment


Effective Date of 1979 Amendment

Section 209 of Pub. L. 96–60 provided that: “The amendments made by sections 203 and 204 [enacting section 1469 and section 1477b of this title, amending this section, sections 1474, 1475a, 2454, 2458, and 2458a of this title, section 1304 of Title 5, Government Organization and Employees, and section 474 of former Title 40, Public Buildings, Property, and Works, and repealing section 1434 of this title] shall take effect on October 1, 1979, and to the extent that they provide new authorities involving the expenditure of appropriated funds, shall apply only with respect to funds appropriated after the date of enactment of this Act [Aug. 15, 1979].”

Transfer of Functions

“Director of the United States Information Agency” substituted for “Director of the International Communication Agency” in par. (3) pursuant to section 303(b) of Pub. L. 97–241, set out as a note under section 1461 of this title, which redesignated International Communication Agency, and Director thereof, as United States Information Agency, and
the Director thereof. United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.


Termination of Advisory Committees

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

Contractor Requirements

Section 403 of Pub. L. 100–204 provided that:

“(a) Findings.—The Congress finds that the overriding national security aspects of the $1,300,000,000 facilities modernization program of the Voice of America require the assurance of uninterrupted logistic support under all circumstances for the program. Therefore, it is in the best interests of the United States to provide a preference for United States contractors bidding on the projects of this program.

“(b) Responsive Bid.—A bid shall not be treated as a responsive bid for purposes of the facilities modernization program of the Voice of America unless the bidder can establish that the United States goods and services content, excluding consulting and management fees, of his proposal and the resulting contract will not be less than 55 percent of the value of his proposal and the resulting total contract.

“(c) Preference for United States Contractors.—Notwithstanding any other provision of law, in any case where there are two or more qualified bidders on projects of the facilities modernization program of the Voice of America, including design and construction projects and projects with respect to transmitters, antennas, spare parts, and other technical equipment, all the responsive bids of United States persons and qualified United States joint venture persons shall be considered to be reduced by 10 percent.

“(d) Exception.—

“(1) Subsection (c) shall not apply with respect to any project of the facilities modernization program of the Voice of America when—

“(A) precluded by the terms of an international agreement with the host foreign country;

“(B) a foreign bidder can establish that he is a national of a country whose government permits United States contractors and suppliers the opportunity to bid on a competitive and nondiscriminatory basis with its national contractors and suppliers, on procurement and projects related to the construction, modernization, upgrading, or expansion of—

“(i) its national public radio and television sector, or

“(ii) its private radio and television sector, to the extent that such procurement or project is, in whole or in part, funded or otherwise under the control of a government agency or authority; or

“(C) the Secretary of Commerce certifies (in advance of the award of the contract for that project) to the Director of the United States Information Agency that the foreign bidder is not receiving any direct subsidy from any government, the effect of which would be to disadvantage the competitive position of United States persons who also bid on the project; or

“(D) the statutes of a host foreign country prohibit the use of United States contractors on such projects within that country.

“(2) An exception under paragraph (1)(D) shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions the Secretary has taken to urge the foreign country to permit the use of United States contractors on such projects.

“(d) [sic] Definitions.—For purposes of this section—

“(1) the term ‘United States person’ means a person that—

“(A) is incorporated or otherwise legally organized under the laws of the United States, including any State (and any political subdivision thereof) and the District of Columbia;

“(B) has its principal place of business in the United States;
“(C) has been incorporated or otherwise legally organized in the United States for more than 5 years before the issuance date of the Invitation For Bids or the Request For Proposals with respect to a modernization project under subsection (b);

“(D) has proven, as indicated by prior contracting experience, to possess the technical, managerial, and financial capability to successfully complete a project similar in nature and technical complexity to that being contracted for;

“(E)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States;

“(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States; and

“(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the modernization project site; and

“(F) has the existing technical and financial resources in the United States to perform the contract; and

“(2) the term ‘qualified United States joint venture person’ means a joint venture in which a United States person or persons own at least 51 percent of the assets of the joint venture.

“(e) Effective Date.—The provisions of this section shall apply to any project with respect to which the Request For Proposals (commonly referred to as ‘RFP’) or the Invitation For Bids (commonly referred to as ‘IFB’) was issued after December 28, 1986.”

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]