

[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 per-