

(c) Contracts for construction, etc., in United States

Contracts for construction, alteration, or repair in the United States for or on behalf of any foreign mission (as defined in section 202(a)(4)¹ of title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(4)) may, pursuant to the authority of that title [22 U.S.C. 4301 et seq.], only be awarded to or performed by bidders qualifying under subsection (a) (1) or (2) or by nationals of the country for which the contract is being performed who are granted the right of entry into the United States for that purpose.

(d) Discretionary determinations by Secretary of State

Determinations under this section shall be committed to the discretion of the Secretary of State.

(e) Termination of requirements

This section shall cease to be effective when the Secretary of State determines that there are internationally-agree-upon² rules in effect on bidding for construction contracts.

(May 7, 1926, ch. 250, §11, as added Pub. L. 98–164, title I, §136, Nov. 22, 1983, 97 Stat. 1029; amended Pub. L. 107–228, div. A, title II, §206(a), Sept. 30, 2002, 116 Stat. 1364.)

Editorial Notes

REFERENCES IN TEXT

Title II of the State Department Basic Authorities Act of 1956, referred to in subsec. (c), is title II of act Aug. 1, 1956, ch. 841, as added Aug. 24, 1982, Pub. L. 97–241, title II, §202(b), 96 Stat. 283, known as the Foreign Missions Act, which is classified principally to chapter 53 (§4301 et seq.) of this title. Section 202(a)(4) of title II was redesignated section 202(a)(3), and former section 202(a)(5) was redesignated section 202(a)(4), by Pub. L. 103–236, title I, §162(o)(1), Apr. 30, 1994, 108 Stat. 409. For complete classification of title II to the Code, see Short Title note set out under section 4301 of this title and Tables.

AMENDMENTS

2002—Subsec. (b)(4)(A). Pub. L. 107–228 inserted “or at a United States diplomatic or consular establishment abroad” after “United States”.

§ 303. Repealed. Pub. L. 114–323, title VII, § 715(a)(1), Dec. 16, 2016, 130 Stat. 1946

Section, act May 7, 1926, ch. 250, §12, as added Pub. L. 105–277, div. G, subdiv. B, title XXII, §2215, Oct. 21, 1998, 112 Stat. 2681–814, required Secretary of State to submit annual report on overseas surplus properties.

§ 304. Biannual report on overseas capital construction projects

(a) In general

Not later than 180 days after December 27, 2021, and every 180 days thereafter until the date that is 4 years after such date, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representa-

tives a comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

(b) Contents

Each report required under subsection (a) shall include the following with respect to each ongoing overseas capital construction project and major embassy security upgrade project:

(1) The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.

(2) The current cost estimate.

(3) The value of each request for equitable adjustment received by the Department to date.

(4) The value of each certified claim received by the Department to date.

(5) The value of any usage of the project's contingency fund to date and the value of the remainder of the project's contingency fund.

(6) An enumerated list of each request for adjustment and certified claim that remains outstanding or unresolved.

(7) An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.

(8) The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs.

(9) The current date of estimated completion.

(c) Initial report

The first report required under subsection (a) shall include an annex regarding all embassy construction projects and major embassy security upgrade projects completed during the 10-year period ending on December 16, 2016, including, for each such project, the following:

(1) The initial cost estimate.

(2) The amount actually expended on the project.

(3) Any additional time required to complete the project beyond the initial timeline.

(4) Any cost overruns incurred by the project.

(Pub. L. 114–323, title I, §118, Dec. 16, 2016, 130 Stat. 1912; Pub. L. 115–94, §2(b), Dec. 18, 2017, 131 Stat. 2038; Pub. L. 117–81, div. E, title LII, §5203(a), Dec. 27, 2021, 135 Stat. 2353.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of State Authorities Act, Fiscal Year 2017, and not as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

AMENDMENTS

2021—Pub. L. 117–81, §5203(a)(1), substituted “Biannual report on overseas capital construction projects”

¹ See References in Text note below.

² So in original. Probably should be “internationally-agreed-upon”.