

§ 2709. Special agents**(a) General authority**

Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and the Foreign Service may—

(1) conduct investigations concerning illegal passport or visa issuance or use;

(2) for the purpose of conducting such investigations—

(A) obtain and execute search and arrest warrants,

(B) make arrests without warrant for any offense concerning passport or visa issuance or use if the special agent has reasonable grounds to believe that the person has committed or is committing such offense, and

(C) obtain and serve subpoenas and summonses issued under the authority of the United States;

(3) protect and perform protective functions directly related to maintaining the security and safety of—

(A) heads of a foreign state, official representatives of a foreign government, and other distinguished visitors to the United States, while in the United States;

(B) the Secretary of State, Deputy Secretary of State, and official representatives of the United States Government, in the United States or abroad;

(C) members of the immediate family of persons described in subparagraph (A) or (B);

(D) foreign missions (as defined in section 4302(a)(4)¹ of this title) and international organizations (as defined in section 4309(b) of this title), within the United States;

(E) a departing Secretary of State for a period of up to 180 days after the date of termination of that individual's incumbency as Secretary of State, on the basis of a threat assessment; and

(F) an individual who has been designated by the President to serve as Secretary of State, prior to that individual's appointment.²

(4) if designated by the Secretary and qualified, under regulations approved by the Attorney General, for the use of firearms, carry firearms for the purpose of performing the duties authorized by this section; and

(5) arrest without warrant any person for a violation of section 111, 112, 351, 970, or 1028 of title 18—

(A) in the case of a felony violation, if the special agent has reasonable grounds to believe that such person—

(i) has committed or is committing such violation; and

(ii) is in or is fleeing from the immediate area of such violation; and

(B) in the case of a felony or misdemeanor violation, if the violation is committed in the presence of the special agent.

(b) Agreement with Attorney General and firearms regulations**(1) Agreement with Attorney General**

The authority conferred by paragraphs (1), (2), (4), and (5) of subsection (a) of this section shall be exercised subject to an agreement with the Attorney General and shall not be construed to affect the investigative authority of any other Federal law enforcement agency.

(2) Firearms regulations

The Secretary of State shall prescribe regulations, which shall be approved by the Attorney General, with respect to the carrying and use of firearms by special agents under this section.

(c) Secret Service not affected

Nothing in subsection (a)(3) of this section shall be construed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3 or section 3056 of title 18 at a level commensurate with protective requirements as determined by the United States Secret Service. The Secretary of State, the Attorney General, and the Secretary of the Treasury shall enter into an interagency agreement with respect to their law enforcement functions.

(Aug. 1, 1956, ch. 841, title I, § 37, as added Pub. L. 99-93, title I, § 125(a), Aug. 16, 1985, 99 Stat. 415; amended Pub. L. 101-246, title I, § 113, Feb. 16, 1990, 104 Stat. 22; Pub. L. 103-236, title I, § 139(1), Apr. 30, 1994, 108 Stat. 397; Pub. L. 106-553, § 1(a)(2) [title IV, § 406, formerly § 407], Dec. 21, 2000, 114 Stat. 2762, 2762A-97, renumbered Pub. L. 106-554, § 1(a)(4) [div. A, § 213(a)(5)], Dec. 21, 2000, 114 Stat. 2763, 2763A-180.)

REFERENCES IN TEXT

Section 4302 of this title, referred to in subsec. (a)(3)(D), was subsequently amended, and section 4302(a)(4) no longer defines the term "foreign mission". However, such term is defined elsewhere in that section.

PRIOR PROVISIONS

A prior section 37 of act Aug. 1, 1956, was renumbered section 38 by section 125(a) of Pub. L. 99-93, and subsequently renumbered, and was 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

2000—Subsec. (a)(3)(E), (F). Pub. L. 106-553, as renumbered by Pub. L. 106-554, added subpars. (E) and (F).

1994—Subsec. (d). Pub. L. 103-236 struck out subsec. (d) which read as follows: "The Secretary of State shall transmit the regulations prescribed under this section to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations of the Senate not less than 20 days before the date on which such regulations take effect."

1990—Subsec. (a)(2). Pub. L. 101-246, § 113(1), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (a)(5). Pub. L. 101-246, § 113(2), amended introductory provisions generally, substituting "970, or 1028" for "911, 970, 1001, 1028, 1541, 1542, 1543, 1544, 1545, or 1546".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4044 of this title; title 5 section 5542.

¹ See References in Text note below.

² So in original. The period probably should be a semicolon.

§ 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).

(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, subdiv. B, title XXII, § 2212(b), Oct. 21, 1998, 112 Stat. 2681-812.)

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.

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

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 persons who provide assistance or information relating to terrorist incidents primarily outside the territorial jurisdiction of the United States. Before making a payment under this section in a matter over which there is Federal criminal jurisdiction, the Secretary shall advise and consult with the Attorney General.

(b) Authorization of appropriations

There are authorized to be appropriated to the Secretary of State for “Administration of Foreign Affairs” \$1,000,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 for use in reimbursing persons, agencies, or governments under this section.

(c) Designation of Fund

Amounts made available under this section may be referred to as the “Counterterrorism Protection Fund”.

(Aug. 1, 1956, ch. 841, title I, § 39, as added Pub. L. 99-399, title V, § 504(2), Aug. 27, 1986, 100 Stat. 871.)

PRIOR PROVISIONS

A prior section 39 of act Aug. 1, 1956, was renumbered section 40 by section 504(1) of Pub. L. 99-399, 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.