

(2) Provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 4304 of this title.

(3) As determined by the Secretary, dispose of property acquired in carrying out the purposes of this chapter.¹

(4) As determined by the Secretary, designate an office within the Department of State to carry out the purposes of this chapter.¹ If such an office is established, the President may appoint, by and with the advice and consent of the Senate, a Director, with the rank of ambassador. Of the Director and the next most senior person in the office, one should be an individual who has served in the Foreign Service and the other should be an individual who has served in the United States intelligence community.

(5) Perform such other functions as the Secretary may determine necessary in furtherance of the policy of this chapter.

(Aug. 1, 1956, ch. 841, title II, § 203, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 284; amended Pub. L. 98-164, title VI, § 604(a), (b), Nov. 22, 1983, 97 Stat. 1043, 1044; Pub. L. 98-618, title VI, § 601(c), Nov. 8, 1984, 98 Stat. 3303; Pub. L. 100-204, title I, § 173(a)(2), Dec. 22, 1987, 101 Stat. 1360; Pub. L. 101-246, title I, § 116(a), Feb. 16, 1990, 104 Stat. 24; Pub. L. 103-236, title I, § 162(o)(2), Apr. 30, 1994, 108 Stat. 409.)

REFERENCES IN TEXT

This chapter, referred to in pars. (3) and (4), was in the original “this Act” and was translated as reading “this title” meaning 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 this chapter. For complete classification of title II to the Code, see Short Title note set out under section 4301 of this title and Tables.

AMENDMENTS

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section required Secretary of State to establish Office of Foreign Missions in Department of State, provided for Director and Deputy Director of Office, and specified their powers and duties.

1990—Subsec. (c)(3), (4). Pub. L. 101-246 added par. (3) and redesignated former par. (3) as (4).

1987—Subsec. (a). Pub. L. 100-204 inserted sentence at end relating to compensation of Director.

1984—Subsec. (a). Pub. L. 98-618, § 601(c)(1), struck out requirements that Director be an individual with: minimum of ten years service in the Foreign Service, significant administrative experience, and service in countries wherein the United States has had significant problems in assuring secure and efficient operations of its missions as result of the actions of other countries.

Subsec. (b). Pub. L. 98-618, § 601(c)(2), substituted requirement of prior complementary service of the Director and Deputy Director in the Foreign Service and the Intelligence Community for requirement that Deputy Director must have served in the Intelligence Community.

1983—Subsec. (a). Pub. L. 98-164, § 604(a), inserted provisions respecting rank, and experience required of the Director, and substituted provision requiring appointment by the President by and with the advice and consent of the Senate, for provision requiring appointment by the Secretary.

Subsecs. (b), (c). Pub. L. 98-164, § 604(b), added subsec. (b) and redesignated former subsec. (b) as (c).

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.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-204 effective 30 days after Dec. 22, 1987, see section 173(b) of Pub. L. 100-204, set out as a note under section 2707 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 601(d) of Pub. L. 98-618 provided that: “The amendments made by subsection (c) [amending this section] shall apply only with respect to any appointment of a Director or Deputy Director of the Office of Foreign Missions, as the case may be, after the date of the enactment of this section [Nov. 8, 1984].”

EFFECTIVE DATE OF 1983 AMENDMENT

Section 604(c) of Pub. L. 98-164 provided that: “The amendments made by this section [amending this section] shall apply with respect to any Director of the Office of Foreign Missions, and to any Deputy Director of the Office of Foreign Missions, appointed after the date of enactment of this Act [Nov. 22, 1983].”

NEW SPENDING AUTHORITY

Any new spending authority provided by amendment by section 173(a)(2) of Pub. L. 100-204 effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts, see section 173(c) of Pub. L. 100-204, set out as a note under section 2707 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4307 of this title.

§ 4304. Provision of benefits

(a) Request by foreign mission; terms and conditions as approved by Secretary

Upon the request of a foreign mission, benefits may be provided to or for that foreign mission by or through the Secretary on such terms and conditions as the Secretary may approve.

(b) Benefits through Secretary as mandatory; compliance with terms and conditions

If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise—

(1) to facilitate relations between the United States and a sending State,

(2) to protect the interests of the United States,

(3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad,

(4) to assist in resolving a dispute affecting United States interests and involving a foreign mission or sending State, or

(5) subject to subsection (f) of this section, to implement an exchange of property between the Government of the United States and the government of a foreign country, such property to be used by each government in the respective receiving state for, or in connection with, diplomatic or consular establishments,

then the Secretary may require a foreign mission (A) to obtain benefits from or through the

¹ See References in Text note below.

Secretary on such terms and conditions as the Secretary may approve, or (B) to forego the acceptance, use, or relation of any benefit or to comply with such terms and conditions as the Secretary may determine as a condition to the execution or performance in the United States of any contract or other agreement, the acquisition, retention, or use of any real property, or the application for or acceptance of any benefit (including any benefit from or authorized by any Federal, State, or municipal governmental authority, or any entity providing public services).

(c) Surcharge or fee; waiver of recourse

Terms and conditions established by the Secretary under this section may include—

(1) a requirement to pay to the Secretary a surcharge or fee, and

(2) a waiver by a foreign mission (or any assignee of or person deriving rights from a foreign mission) of any recourse against any governmental authority, any entity providing public services, any employee or agent of such an authority or entity, or any other person, in connection with any action determined by the Secretary to be undertaken in furtherance of this chapter.

(d) Agent for waiver of recourse

For purposes of effectuating a waiver of recourse which is required under this section, the Secretary may designate any officer of the Department of State as the agent of a foreign mission (or of any assignee of or person deriving rights from a foreign mission). Any such waiver by an officer so designated shall for all purposes (including any court or administrative proceeding) be deemed to be a waiver by the foreign mission (or the assignee of or other person deriving rights from a foreign mission).

(e) Secret Service protection

Nothing in this chapter shall be deemed 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.

(f) In-kind exchange of properties with foreign government; transfer of funds; reciprocal agreement; regulations

(1) Upon a determination in each specific case by the Secretary of State or the Secretary's designee that the purpose of the Foreign Service Buildings Act, 1926 [22 U.S.C. 292 et seq.], can best be met on the basis of an in-kind exchange of properties with a foreign country pursuant to subsection (b)(5) of this section, the Secretary of State may transfer funds made available under the heading "Acquisition and Maintenance of Buildings Abroad" (including funds held in the Foreign Service Buildings Fund) for such purpose to the Working Capital Fund, as provided in section 4308(h)(1) of this title. Except for funds that may be provided by a foreign government for the purchase of property, only funds transferred under the preceding sentence may be used for the purposes of subsection (b)(5) of this section.

(2) The Secretary of State may acquire property in the United States for the purposes of

subsection (b)(5) of this section only in the context of a specific reciprocal agreement with a specified foreign government. Property acquired by the United States in the foreign country through such an exchange shall benefit the United States at least to the same extent as the property acquired in the United States benefits the foreign government.

(3) The Secretary of State shall prescribe regulations for the implementation of any in-kind exchange of properties pursuant to subsection (b)(5) of this section.

(4) At least 15 days before entering into any reciprocal agreement for the exchange of property with another foreign government, the Secretary of State shall notify the Committee on Foreign Affairs and the Committee on Public Works and Transportation of the House of Representatives and the Committee on Foreign Relations of the Senate.

(5)(A) Proceeds from the disposition of properties acquired pursuant to this subsection shall be credited to the Foreign Service Buildings Fund (referred to in section 9 of the Foreign Service Buildings Act, 1926 [22 U.S.C. 300]).

(B) The authority to spend proceeds received under subparagraph (A) may be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.

(Aug. 1, 1956, ch. 841, title II, § 204, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 284; amended Pub. L. 99-93, title I, §§ 126(b), 127(c), Aug. 16, 1985, 99 Stat. 418; Pub. L. 101-246, title I, § 116(b), Feb. 16, 1990, 104 Stat. 24; Pub. L. 103-236, title I, § 162(o)(3), Apr. 30, 1994, 108 Stat. 410; Pub. L. 103-415, § 1(cc), Oct. 25, 1994, 108 Stat. 4302.)

REFERENCES IN TEXT

The Foreign Service Buildings Act, 1926, referred to in subsec. (f)(1), is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§ 292 et seq.) of this title. For complete classification of this Act to the Code, see section 299 of this title and Tables.

AMENDMENTS

1994—Subsecs. (a) to (c)(1). Pub. L. 103-236, § 162(o)(3)(A), substituted "Secretary on such terms" for "Director on such terms" in subsecs. (a) and (b) and "Secretary" for "Director" in subsec. (c)(1).

Subsec. (d). Pub. L. 103-236, § 162(o)(3)(B), as amended by Pub. L. 103-415, substituted "any officer" for "the Director or any other officer".

1990—Subsec. (b)(5). Pub. L. 101-246, § 116(b)(1), added par. (5).

Subsec. (f). Pub. L. 101-246, § 116(b)(2), added subsec. (f).

1985—Subsec. (b). Pub. L. 99-93, § 127(c), inserted "to forego the acceptance, use, or relation of any benefit or" after "(B)" in provisions following par. (4).

Subsec. (e). Pub. L. 99-93, § 126(b), substituted "chapter" for "section" and was executed by making the substitution to first reference to "section" as the probable intent of Congress.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives and Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set

out as a note preceding section 21 of Title 2, The Congress.

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.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by section 126(b) of Pub. L. 99-93 effective Oct. 1, 1985, see section 126(e) of Pub. L. 99-93, set out as an Effective Date note under section 4314 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 300, 4303, 4307, 4309 of this title; title 40 section 1107.

§ 4304a. Enforcement of compliance with liability insurance requirements

(a) Notice to Secretary by head of foreign mission of lapse or termination of coverage; report to Secretary by head of foreign mission respecting motor vehicles, vessels and aircraft registered in United States

(1) The head of a foreign mission shall notify promptly the Secretary of the lapse or termination of any liability insurance coverage held by a member of the mission, by a member of the family of such member, or by an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946.

(2) Not later than February 1 of each year, the head of each foreign mission shall prepare and transmit to the Secretary a report including a list of motor vehicles, vessels, and aircraft registered in the United States by members of the mission, members of the families of such members, individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, and by the mission itself. Such list shall set forth for each such motor vehicle, vessel, or aircraft—

- (A) the jurisdiction in which it is registered;
- (B) the name of the insured;
- (C) the name of the insurance company;
- (D) the insurance policy number and the extent of insurance coverage; and
- (E) such other information as the Secretary may prescribe.

(b) Surcharge or fee covering unsatisfied part of judgment; preconditions for imposition

Whenever the Secretary finds that a member of a foreign mission, a member of the family of such member, or an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946—

- (1) is at fault for personal injury, death, or property damage arising out of the operation of a motor vehicle, vessel, or aircraft in the United States,
- (2) is not covered by liability insurance, and
- (3) has not satisfied a court-rendered judgment against him or is not legally liable,

the Secretary shall impose a surcharge or fee on the foreign mission of which such member or individual is a part, amounting to the unsatisfied portion of the judgment rendered against such member or individual or, if there is no court-rendered judgment, an estimated amount of damages incurred by the victim. The payment of any such surcharge or fee shall be available only for compensation of the victim or his estate.

(c) Definitions

For purposes of this section—

(1) the term “head of a foreign mission” has the same meaning as is ascribed to the term “head of a mission” in Article 1 of the Vienna Convention on Diplomatic Relations of April 18, 1961 (T.I.A.S. numbered 7502; 23 U.S.T. 3227); and

(2) the terms “members of a mission” and “family” have the same meanings as is ascribed to them by paragraphs (1) and (2) of section 254a of this title.

(Aug. 1, 1956, ch. 841, title II, §204A, as added Pub. L. 98-164, title VI, §603, Nov. 22, 1983, 97 Stat. 1042; amended Pub. L. 103-236, title I, §162(o)(4), Apr. 30, 1994, 108 Stat. 410.)

AMENDMENTS

1994—Subsecs. (a), (b). Pub. L. 103-236 substituted “Secretary” for “Director” wherever appearing.

§ 4304b. Crimes committed by diplomats

(a) Annual report concerning diplomatic immunity

(1) Report to Congress

The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled “Report on Cases Involving Diplomatic Immunity”.

(2) Content of report

In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.