

amended Pub. L. 103-236, title I, §139(2), Apr. 30, 1994, 108 Stat. 397.)

REFERENCES IN TEXT

Section 202(7) of title 3, referred to in subsec. (a), was redesignated section 202(8) of title 3 by Pub. L. 99-500 and Pub. L. 99-591.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-236 struck out subsec. (c) which read as follows: “Funds may be obligated under this section only after regulations to implement this section have been issued by the Secretary after consultation with appropriate committees of the Congress.”

EFFECTIVE DATE

Section 126(e) of Pub. L. 99-93 provided that: “The amendments made by this section [enacting this section and amending section 4304 of this title and section 208 of Title 3, The President] shall take effect on October 1, 1985.”

§ 4315. Use of foreign mission in manner incompatible with its status as foreign mission

(a) Establishment of limitation on certain uses

A foreign mission may not allow an unaffiliated alien the use of any premise of that foreign mission which is inviolable under United States law (including any treaty) for any purpose which is incompatible with its status as a foreign mission, including use as a residence.

(b) Temporary lodging

For the purposes of this section, the term “residence” does not include such temporary lodging as may be permitted under regulations issued by the Secretary.

(c) Waiver

The Secretary may waive subsection (a) of this section with respect to all foreign missions of a country (and may revoke such a waiver) 30 days after providing written notification of such a waiver, together with the reasons for such waiver (or revocation of such a waiver), to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(d) Report

Not later than 180 days after December 22, 1987, the Secretary of State shall submit a report to the Congress concerning the implementation of this section and shall submit such other reports to the Congress concerning changes in implementation as may be necessary.

(e) Definitions

For the purposes of this section—

(1) the term “foreign mission” includes any international organization as defined in section 4309(b) of this title; and

(2) the term “unaffiliated alien” means, with respect to a foreign country, an alien who—

(A) is admitted to the United States as a nonimmigrant, and

(B) is not a member, or a family member of a member, of a foreign mission of that foreign country.

(Aug. 1, 1956, ch. 841, title II, §215, as added Pub. L. 100-204, title I, §128(a), Dec. 22, 1987, 101 Stat. 1343.)

CODIFICATION

December 22, 1987, referred to in subsec. (d), was in the original “the date of the enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 100-204, which enacted this section, to reflect 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 by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE

Section 128(b) of Pub. L. 100-204 provided that:

“(1) Except as provided in paragraph (2), the amendment made by subsection (a) [enacting this section] shall apply to any foreign mission beginning on the date of enactment of this Act [Dec. 22, 1987].

“(2)(A) The amendment made by subsection (a) shall apply beginning 6 months after the date of enactment of this Act with respect to any nonimmigrant alien who is using a foreign mission as a residence or a place of business on the date of enactment of this Act.

“(B) The Secretary of State may delay the effective date provided for in subparagraph (A) for not more than 6 months with respect to any nonimmigrant alien if the Secretary finds that a hardship to that alien would result from the implementation of subsection (a).”

§ 4316. Application of travel restrictions to personnel of certain countries and organizations

(a) Requirement for restrictions

The Secretary shall apply the same generally applicable restrictions to the travel while in the United States of the individuals described in subsection (b) of this section as are applied under this chapter to the members of the missions of the Soviet Union in the United States.

(b) Individuals subject to restrictions

The restrictions required by subsection (a) of this section shall be applied with respect to those individuals who (as determined by the Secretary) are—

(1) the personnel of an international organization, if the individual is a national of any foreign country whose government engages in intelligence activities in the United States that are harmful to the national security of the United States;

(2) the personnel of a mission to an international organization, if that mission is the mission of a foreign government that engages in intelligence activities in the United States that are harmful to the national security of the United States; or

(3) the family members or dependents of an individual described in paragraphs (1) and (2); and who are not nationals or permanent resident aliens of the United States.

(c) Waivers

The Secretary, after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, may waive application of the restrictions required by subsection (a) of this section if the Secretary determines that the national security and foreign policy interests of the United States so require.