SUBCHAPTER I—GENERALLY

§ 4801. Findings and purposes

(a) Findings

The Congress finds and declares that—

(1) the United States has a crucial stake in the presence of United States Government personnel representing United States interests abroad;

(2) conditions confronting United States Government personnel and missions abroad are fraught with security concerns which will continue for the foreseeable future; and

(3) the resources now available to counter acts of terrorism and protect and secure United States Government personnel and missions abroad, as well as foreign officials and missions in the United States, are inadequate to meet the mounting threat to such personnel and facilities.

(b) Purposes

The purposes of this chapter are—

(1) to set forth the responsibility of the Secretary of State with respect to the security of diplomatic operations in the United States and abroad;

(2) to maximize coordination by the Department of State with Federal, State, and local agencies and agencies of foreign governments in order to enhance security programs;

(3) to promote strengthened security measures and to provide for the accountability of United States Government personnel with security-related responsibilities;

(4) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents, and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and

(5) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counterterrorism, and in particular to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities, and communications, information, and security systems.


REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “titles I through IV”, meaning titles I through IV of Pub. L. 99–399, Aug. 27, 1986, 100 Stat. 855, known as the Diplomatic Security Act, which were classified principally to this chapter. For complete classification of titles I through IV of Pub. L. 99–399 to the Code, see Short Title note set out below and Tables.

AMENDMENTS

1994—Subsec. (b)(2) to (6). Pub. L. 103–236 struck out par. (2) and redesignated pars. (3) to (6) as (2) to (5), respectively. Prior to amendment, par. (2) read as follows: “to provide for an Assistant Secretary of State to head the Bureau of Diplomatic Security of the Department of State, and to set forth certain provisions relating to the Diplomatic Security Service of the Department of State.”


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.

SHORT TITLE

Section 1 of Pub. L. 99–399 provided that: “This Act [enacting this chapter and sections 2656g, 2711, 2712, 2780, 3244, and 4901 to 4904 of this title, sections 5569 and 5570 of Title 5, Government Organization and Employees, sections 1061, 1065, and 2411 to 2415 of Title 10, Armed Forces, section 2331 of Title 18, Crimes and Criminal Procedure, section 1226 of Title 33, Navigation and Navigable Waters, sections 559 and 1013 of Title 37, Pay and Allowances of the Uniformed Services, sections 12160b, 12160c, and 12169 of Title 42, The Public Health and Welfare, and sections 1801 to 1809 of Title 46, Appendix, Shipping; amending sections 300, 2151a, 2349aa–2, 2349aa–4, 2349aa–7, 2352, 2353, 2354, 3929, and 3929a of this title, section 208 of Title 3, The President, sections 3315 and 6325 of Title 5, sections 2 and 11 of the Inspector General Act of 1978, Pub. L. 95–452, set out in the Appendix to Title 5, sections 793, 794, and 3671 of Title 18, and section 2465 of Title 50, Appendix, War and National Defense, enacting provisions set out as notes under sections 2708 and 4901 of this title, section 5569 of Title 5, sections 133, 1051, 1995, and 2181 of Title 10, sections 559 of Title 37, section 2169 of Title 42, and sections 1801 of Title 46, Appendix, and amending a provision set out as a note under section 2651 of this title] may be cited as the ‘Secure Embassy Construction and Counterterrorism Act of 1994.’”

SHORT TITLE

Section 1 of Pub. L. 99–399 provided that: “This Act [enacting this chapter and sections 2656e, 2711, 2712, 2780, 3244, and 4901 to 4904 of this title, sections 5569 and 5570 of Title 5, Government Organization and Employees, sections 1061, 1065, and 2411 to 2415 of Title 10, Armed Forces, section 2331 of Title 18, Crimes and Criminal Procedure, section 1226 of Title 33, Navigation and Navigable Waters, sections 559 and 1013 of Title 37, Pay and Allowances of the Uniformed Services, sections 12160b, 12160c, and 12169 of Title 42, The Public Health and Welfare, and sections 1801 to 1809 of Title 46, Appendix, Shipping; amending sections 300, 2151a, 2349aa–2, 2349aa–4, 2349aa–7, 2352, 2353, 2354, 3929, and 3929a of this title, section 208 of Title 3, The President, sections 3315 and 6325 of Title 5, sections 2 and 11 of the Inspector General Act of 1978, Pub. L. 95–452, set out in the Appendix to Title 5, sections 793, 794, and 3671 of Title 18, and section 2465 of Title 50, Appendix, War and National Defense, enacting provisions set out as notes under sections 2708 and 4901 of this title, section 5569 of Title 5, sections 133, 1051, 1995, and 2181 of Title 10, sections 559 of Title 37, section 2169 of Title 42, and sections 1801 of Title 46, Appendix, and amending a provision set out as a note under section 2651 of this title] may be cited as the ‘Omnibus Diplomatic Security and Anti-terrorism Act of 1986.’”

Section 1 of Pub. L. 99–399 provided that: “Titles I through IV of this Act [enacting this chapter and amending sections 300, 2349aa–2, 2352, 3929, and 3929a of this title, section 208 of Title 3, The President, sections 3315 of Title 5, Government Organization and Employees, sections 2 and 11 of the Inspector General Act of 1978, Pub. L. 95–452, set out in the Appendix to Title 5] may be cited as the ‘Diplomatic Security Act.’”

§ 4802. Responsibility of Secretary of State

(a) Security functions

(1) The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

(A) protection of all United States Government personnel on official duty abroad (other than Voice of America correspondents on official duty abroad)
§ 4802

See References in Text note below.

as authorized by law.

security, illegal passport and visa issuance or

sonnel and foreign missions in the United

military commander; and

commander) and their accompanying depend -

o operate the Department of State, as authorized by law.

and diplomatic personnel in the United States;

of the 1961 (22 U.S.C. 2349aa et seq.).

(2) develop a model contingency plan for evacuation of personnel, dependents, and United States citizens from foreign countries;

of State shall—

(1) have full responsibility for the coordination of all United States Government personnel assigned to diplomatic or consular posts or other United States missions abroad pursuant to United States Government authorization (except for facilities, installations, or personnel under the command of a United States area military commander); and

2 So in original. Probably should be followed by "· ·· and".

(2) establish appropriate overseas staffing levels for all such posts or missions for all

1 See References in Text note below.
Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander or regional inspector general offices under the jurisdiction of the inspector general for International Development).

(d) Federal agency

As used in this subchapter and subchapter III of this chapter, the term ‘Federal agency’ includes any department or agency of the United States Government.


References in Text

Section 2708 of this title, referred to in subsec. (a)(2)(G), was amended generally by Pub. L. 105–323, title II, §202(a), Oct. 30, 1998, 112 Stat. 3029, and, as so amended, provisions authorizing awards, formerly contained in section 2708(a), are now contained in section 2708(b).


Amendments

2002—Subsec. (a)(1)(A). Pub. L. 107–226 inserted ‘‘Voice of America correspondents on official assignment and their families abroad (other than the United States) who are determined to be classified as high intelligence threat country employees’’ after ‘‘abroad (other than)’’.


1990—Subsecs. (b) to (d). Pub. L. 101–246 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1988—Subsec. (b)(2). Pub. L. 100–461 inserted ‘‘or regional inspector general offices under the jurisdiction of the Inspector General, Agency for International Development’’ after ‘‘commander’’, and substituted a period for ‘‘, and’’ at end.

Subsec. (b)(3). Pub. L. 100–461 struck out par. (3) which read as follows: ‘‘establish, notwithstanding any other provision of law, appropriate overseas staffing levels of the Regional Offices of the Inspector General of the Agency for International Development in effective consultation with the Inspector General of the Agency: Provided, That the authority of the Secretary of State shall be exercised only by the Secretary and shall not be delegated to a subordinate officer of the Department of State: Provided further, That the Inspector General must report to the appropriate committees of both Houses of the Congress within thirty days the denial by the Secretary of State of a request by the Inspector General to increase or reduce an existing position level of a regional office: Provided further, That the total number of positions authorized for the Office of the Inspector General in Washington and overseas shall be determined by the Inspector General within the limitation of the appropriations level provided.’’


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.

Personnel Security Program for Embassies in High Intelligence Threat Countries


(a) Special Security Program.—The Secretary of State shall develop and implement, within three months after the date of enactment of this Act [Dec. 22, 1987], a special personnel security program for personnel of the Department of State assigned to United States diplomatic and consular posts in high intelligence threat countries who are responsible for security at those posts and for any individuals performing guard functions at those posts. Such program shall include—

(1) selection criteria and screening to ensure suitability for assignment to high intelligence threat countries;

(2) counterintelligence awareness and related training;

(3) security reporting and command arrangements designed to counter intelligence threats; and

(4) length of duty criteria and policies regarding rest and recuperative absences.

(b) Report to Congress.—Not later than 6 months after the date of enactment of this subchapter [Dec. 22, 1987], the Secretary of State shall report to the Congress on the special personnel security program required by subsection (a).

(c) Definition.—As used in subsection (a), the term ‘‘high intelligence threat country’’ means—

(1) a country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961 [22 U.S.C. 2770(f)]; and

(2) any other country designated as a high intelligence threat country for purposes of this section by the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, or the Director of the Federal Bureau of Investigation.

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 50 of Title 50, War and National Defense.]