

cipally to subchapter XVIII (§288 et seq.) of chapter 7 of this title. For complete classification of that Act to the Code, see Short Title note set out under section 288 of this title and Tables.

§ 4309a. United States responsibilities for employees of the United Nations

(a) Findings

The Congress finds that—

(1) pursuant to the Agreement Between the United States and the United Nations Regarding the Headquarters of the United Nations (authorized by Public Law 80-357 (22 U.S.C. 287 note)), the United States has accepted—

(A) the obligation to permit and to facilitate the right of individuals, who are employed by or are authorized by the United Nations to conduct official business in connection with that organization or its agencies, to enter into and exit from the United States for purposes of conducting official activities within the United Nations Headquarters District, subject to regulation as to points of entry and departure; and

(B) the implied obligation to permit and to facilitate the acquisition of facilities in order to conduct such activities within or in proximity to the United Nations Headquarters District, subject to reasonable regulation including regulation of the location and size of such facilities; and

(2) taking into account paragraph (1) and consistent with the obligation of the United States to facilitate the functioning of the United Nations, the United States has no additional obligation to permit the conduct of any other activities, including nonofficial activities, by such individuals outside of the United Nations Headquarters District.

(b) Activities of United Nations employees

(1) The conduct of any activities, or the acquisition of any benefits (as defined in section 4301(a)(1) of this title), outside the United Nations Headquarters District by any individual employed by, or authorized by the United Nations to conduct official business in connection with, that organization or its agencies, or by any person or agency acting on behalf thereof, may be permitted or denied or subject to reasonable regulation, as determined to be in the best interests of the United States and pursuant to this chapter.

(2) Repealed. Pub. L. 103-236, title I, §139(26), Apr. 30, 1994, 108 Stat. 399.

(c) Reports

The Secretary shall report to the Congress—

(1) not later than 30 days after August 16, 1985, on the plans of the Secretary for implementing this section; and

(2) not later than 6 months thereafter, on the actions taken pursuant to those plans.

(d) United States nationals

This section shall not apply with respect to any United States national.

(e) “United Nations Headquarters District” defined

For purposes of this section, the term “United Nations Headquarters District” means the area

within the United States which is agreed to by the United Nations and the United States to constitute such a district, together with such other areas as the Secretary of State may approve from time to time in order to permit effective functioning of the United Nations or missions to the United Nations.

(Aug. 1, 1956, ch. 841, title II, §209A, as added Pub. L. 99-93, title I, §141, Aug. 16, 1985, 99 Stat. 423; amended Pub. L. 103-236, title I, §139(26), Apr. 30, 1994, 108 Stat. 399.)

REFERENCES IN TEXT

Public Law 80-357, referred to in subsec. (a)(1), is act Aug. 4, 1947, ch. 482, 61 Stat. 756, which is set out as a note under section 287 of this title.

AMENDMENTS

1994—Subsec. (b)(2). Pub. L. 103-236 struck out par. (2) which read as follows: “The Secretary shall apply to those employees of the United Nations Secretariat who are nationals of a foreign country or members of a foreign mission all terms, limitations, restrictions, and conditions which are applicable pursuant to this chapter to the members of that country’s mission or of any other mission to the United Nations unless the Secretary determines and reports to the Congress that national security and foreign policy circumstances require that this paragraph be waived in specific circumstances.”

§ 4310. Privileges and immunities

Nothing in this chapter shall be construed to limit the authority of the United States to carry out its international obligations, or to supersede or limit immunities otherwise available by law. No act or omission by any foreign mission, public international organization, or official mission to such an organization, in compliance with this chapter shall be deemed to be an implied waiver of any immunity otherwise provided for by law.

(Aug. 1, 1956, ch. 841, title II, §210, as added Pub. L. 97-241, title II, §202(b), Aug. 24, 1982, 96 Stat. 290.)

§ 4311. Enforcement

(a) Benefits to foreign missions contrary to this chapter; standing of United States to bring action for compliance

It shall be unlawful for any person to make available any benefits to a foreign mission contrary to this chapter. The United States, acting on its own behalf or on behalf of a foreign mission, has standing to bring or intervene in an action to obtain compliance with this chapter, including any action for injunctive or other equitable relief.

(b) Advice of Secretary concerning transactions with foreign missions

Upon the request of any Federal agency, any State or local government agency, or any business or other person that proposes to enter into a contract or other transaction with a foreign mission, the Secretary shall advise whether the proposed transaction is prohibited by any regulation or determination of the Secretary under this chapter.

(Aug. 1, 1956, ch. 841, title II, §211, as added Pub. L. 97-241, title II, §202(b), Aug. 24, 1982, 96 Stat. 290.)

§ 4312. Presidential guidelines

The authorities granted to the Secretary pursuant to the provisions of this chapter shall be exercised in accordance with procedures and guidelines approved by the President.

(Aug. 1, 1956, ch. 841, title II, § 212, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 290.)

§ 4313. Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to any other person or circumstance shall not be affected thereby.

(Aug. 1, 1956, ch. 841, title II, § 213, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 290.)

§ 4314. Extraordinary protective services

(a) General authority

The Secretary may provide extraordinary protective services for foreign missions directly, by contract, or through State or local authority to the extent deemed necessary by the Secretary in carrying out this chapter, except that the Secretary may not provide under this section any protective services for which authority exists to provide such services under subsections (a)(7) and (d) of section 3056A of title 18.

(b) Requirement of extraordinary circumstances

The Secretary may provide funds to a State or local authority for protective services under this section only if the Secretary has determined that a threat of violence, or other circumstances, exists which requires extraordinary security measures which exceed those which local law enforcement¹ agencies can reasonably be expected to take.

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

(d) Restrictions on use of funds

Of the funds made available for obligation under this section in any fiscal year—

(1) not more than 20 percent may be obligated for protective services within any single State during that year; and

(2) not less than 15 percent shall be retained as a reserve for protective services provided directly by the Secretary or for expenditures in local jurisdictions not otherwise covered by an agreement for protective services under this section.

The limitations on funds available for obligation in this subsection shall not apply to unobligated funds during the final quarter of any fiscal year.

(e) Period of agreement with State or local authority

Any agreement with a State or local authority for the provision of protective services under this section shall be for a period of not to exceed 90 days in any calendar year, but such agree-

ments may be renewed after review by the Secretary.

(f) Requirement for appropriations

Contracts may be entered into in carrying out this section only to such extent or in such amounts as are provided in advance in appropriation Acts.

(g) Working capital fund

Amounts used to carry out this section shall not be subject to section 4308(h) of this title.

(Aug. 1, 1956, ch. 841, title II, § 214, as added Pub. L. 99-93, title I, § 126(a), Aug. 16, 1985, 99 Stat. 417; amended Pub. L. 103-236, title I, § 139(2), Apr. 30, 1994, 108 Stat. 397; Pub. L. 109-177, title VI, § 605(d)(3), (e)(2)(C), Mar. 9, 2006, 120 Stat. 255.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-177, § 605(e)(2)(C), substituted “subsections (a)(7) and (d) of section 3056A of title 18” for “sections 202(7) and 208 of title 3”.

Pub. L. 109-177, § 605(d)(3), which directed amendment of section 214(a) of the State Department Basic Authorities Act by substituting “section 3056A(a)(7) and (d) of title 18” for “sections 202(8) and 208 of title 3”, was not executed because this section, which is section 214 of the State Department Basic Authorities Act of 1956, did not contain the words “sections 202(8) and 208 of title 3” and because of the amendment by Pub. L. 109-177, § 605(e)(2)(C). See note above.

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 re-

¹ So in original. Probably should be “enforcement”.