

### § 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 enforcement<sup>1</sup> 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**(c) Repealed.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-

<sup>1</sup> So in original. Probably should be “enforcement”.

port 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.

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.

**(d) Repealed. Pub. L. 103-236, title I, §139(3), Apr. 30, 1994, 108 Stat. 397**

**(e) Definitions**

For purposes of this section—

(1) the term “generally applicable restrictions” means any limitations on the radius within which unrestricted travel is permitted and obtaining travel services through the auspices of the Office of Foreign Missions for travel elsewhere, and does not include any restrictions which unconditionally prohibit the members of missions of the Soviet Union in the United States from traveling to designated areas of the United States and which are applied as a result of particular factors in relations between the United States and the Soviet Union.<sup>1</sup>

(2) the term “international organization” means an organization described in section 4309(b)(1) of this title; and

(3) the term “personnel” includes—

(A) officers, employees, and any other staff member, and

(B) any individual who is retained under contract or other arrangement to serve functions similar to those of an officer, employee, or other staff member.

(Aug. 1, 1956, ch. 841, title II, §216, as added Pub. L. 100-204, title I, §162(a), Dec. 22, 1987, 101 Stat. 1357; amended Pub. L. 103-236, title I, §139(3), Apr. 30, 1994, 108 Stat. 397.)

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-236 struck out heading and text of subsec. (d). Text read as follows: “The Secretary shall transmit to the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate, and to the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives, not later than six months after December 22, 1987, and not later than every six months thereafter, a report on the actions taken by the Secretary in carrying out this section during the previous six months.”

CHANGE OF NAME

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 401 of Title 50, War and National Defense.

<sup>1</sup> So in original. The period probably should be a semicolon.