

false passports and visas, documents to obtain such passports and visas, and other types of travel documents.

(c) Program

(1) Individual in charge

(A) Designation

The Assistant Secretary for Diplomatic Security shall designate an individual to be in charge of the Program.

(B) Qualification

The individual designated under subparagraph (A) shall have expertise and experience in the investigation and prosecution of visa and passport fraud.

(2) Program components

The Program shall include the following:

(A) Analysis of methods

Analyze, in coordination with other appropriate government agencies, methods used by terrorists to travel internationally, particularly the use of false or altered travel documents to illegally enter foreign countries and the United States, and consult with the Bureau of Consular Affairs and the Secretary of Homeland Security on recommended changes to the visa issuance process that could combat such methods, including the introduction of new technologies into such process.

(B) Identification of individuals and documents

Identify, in cooperation with the Human Trafficking and Smuggling Center, individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents, and ensure that the appropriate agency is notified for further investigation and prosecution or, in the case of such individuals abroad for which no further investigation or prosecution is initiated, ensure that all appropriate information is shared with foreign governments in order to facilitate investigation, arrest, and prosecution of such individuals.

(C) Identification of foreign countries needing assistance

Identify foreign countries that need technical assistance, such as law reform, administrative reform, prosecutorial training, or assistance to police and other investigative services, to ensure passport, visa, and related document security and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents.

(D) Inspection of applications

Randomly inspect visa and passport applications for accuracy, efficiency, and fraud, especially at high terrorist threat posts, in order to prevent a recurrence of the issuance of visas to those who submit incomplete, fraudulent, or otherwise irregular or incomplete applications.

(d) Report

Not later than 90 days after the date on which the strategy required under section 7201¹ is submitted to Congress, the Assistant Secretary for Diplomatic Security shall submit to Congress a report containing—

(1) a description of the strategic plan prepared under subsection (b) of this section; and

(2) an evaluation of the feasibility of establishing civil service positions in field offices of the Bureau of Diplomatic Security to investigate visa and passport fraud, including an evaluation of whether to allow diplomatic security agents to convert to civil service officers to fill such positions.

(Pub. L. 108–458, title VII, § 7218, Dec. 17, 2004, 118 Stat. 3833.)

REFERENCES IN TEXT

Section 7201, referred to in subssecs. (b)(1) and (d), is section 7201 of Pub. L. 108–458, which enacted section 1776 of Title 8, Aliens and Nationality, and provisions set out as notes under section 1776 of Title 8 and sections 403–1 and 404o of Title 50, War and National Defense. Provisions relating to the strategy mandated by section 7201 are set out as a note under section 404o of Title 50.

The Foreign Assistance Act of 1961, referred to in subsec. (b)(2)(B), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 8 of part II of the Act is classified generally to part VIII (§2349aa et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, and also as part of the 9/11 Commission Implementation Act of 2004, and not as part of the Diplomatic Security Act which comprises this chapter.

SUBCHAPTER II—PERSONNEL

§ 4821. Diplomatic Security Service

The Secretary of State may establish a Diplomatic Security Service, which shall perform such functions as the Secretary may determine.

(Pub. L. 99–399, title II, § 201, Aug. 27, 1986, 100 Stat. 858; Pub. L. 103–236, title I, § 162(g)(7), Apr. 30, 1994, 108 Stat. 407.)

AMENDMENTS

1994—Pub. L. 103–236 amended section generally. Prior to amendment, section read as follows: “There shall be, within the Bureau of Diplomatic Security, the Diplomatic Security Service. The Diplomatic Security Service shall perform such functions as may be assigned to it by the Secretary 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, see section 161(b) of Pub. L. 103–236, as amended, set out as a note under section 2651a of this title.

§ 4822. Director of Diplomatic Security Service

Any such Diplomatic Security Service should be headed by a Director designated by the Sec-