

“bid on a diplomatic construction or design project which involves physical or technical security.”

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.

CONSTRUCTION OF UNITED STATES EMBASSY IN OTTAWA

Section 125 of Pub. L. 101-246 provided that: “Section 402(a) of the Diplomatic Security Act (22 U.S.C. 4852(a)) shall not apply to the construction or renovation of the United States Embassy in Ottawa, Canada.”

§ 4853. Security requirements for contractors

Not later than 90 days after August 27, 1986, the Secretary of State shall issue regulations to—

(1) strengthen the security procedures applicable to contractors and subcontractors involved in any way with any diplomatic construction or design project; and

(2) permit a contractor or subcontractor to have access to any design or blueprint relating to such a project only in accordance with those procedures.

(Pub. L. 99-399, title IV, § 403, Aug. 27, 1986, 100 Stat. 865.)

§ 4854. Qualifications of persons hired for diplomatic construction program

In carrying out the diplomatic construction program referred to in section 4851(a) of this title, the Secretary of State shall employ as professional staff (by appointment, contract, or otherwise) only those persons with a demonstrated specialized background in the fields of construction, construction law, or contract management. In filling such positions, the Secretary shall actively recruit women and members of minority groups.

(Pub. L. 99-399, title IV, § 404, Aug. 27, 1986, 100 Stat. 865.)

§ 4855. Cost overruns

Any amount required to complete any capital project described in the Department of State's Supplemental Diplomatic Security Program, as justified to the Congress for the respective fiscal year, which is in excess of the amount made available for that project pursuant to section 4851(a)(1) or (3)¹ shall be treated as a reprogramming of funds under section 2706 of this title and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings.

(Pub. L. 99-399, title IV, § 405, Aug. 27, 1986, 100 Stat. 865.)

REFERENCES IN TEXT

Section 4851(a)(3) of this title, referred to in text, was repealed by Pub. L. 103-236, title I, § 101(c), Apr. 30, 1994, 108 Stat. 388.

¹ See References in Text note below.

§ 4856. Efficiency in contracting

(a) Bonuses and penalties

The Director of the Office of Foreign Buildings shall provide for a contract system of bonuses and penalties for the diplomatic construction program funded pursuant to the authorizations of appropriations provided in this subchapter. Not later than 3 months after August 27, 1986, the Director shall submit a report to the Congress on the implementation of this section.

(b) Surety bonds and guarantees

The Director of the Office of Foreign Buildings shall require each person awarded a contract for work under the diplomatic construction program to post a surety bond or guarantee, in such amount as the Director may determine, to assure performance under such contract.

(Pub. L. 99-399, title IV, § 406, Aug. 27, 1986, 100 Stat. 866; Pub. L. 109-472, § 8, Jan. 11, 2007, 120 Stat. 3556.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this title”, meaning title IV of Pub. L. 99-399, which enacted this subchapter and amended sections 300, 2349aa-4, 3929, and 3929a of this title, former section 208 of Title 3, The President, section 5315 of Title 5, Government Organization and Employees, and sections 2 and 11 of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5. For complete classification of title IV of Pub. L. 99-399 to the Code, see Tables.

AMENDMENTS

2007—Subsec. (c). Pub. L. 109-472 struck out subsec. (c). Text read as follows: “No person doing business with Libya may be eligible for any contract awarded pursuant to this Act.”

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103-236, set out as a note under section 2651a of this title.

§ 4857. Advisory Panel on Overseas Security

Not later than 90 days after August 27, 1986, the Secretary of State shall submit a report to the Congress on the implementation of the 91 recommendations contained in the final report of the Advisory Panel on Overseas Security. If any such recommendation has been rejected, the Secretary shall provide the reasons why that recommendation was rejected.

(Pub. L. 99-399, title IV, § 407, Aug. 27, 1986, 100 Stat. 866.)

§ 4858. Training to improve perimeter security at United States diplomatic missions abroad

(a) Training

It is the sense of Congress that the President should use the authority under chapter 8 of title II of the Foreign Assistance Act of 1961 [22 U.S.C. 2349aa et seq.] (relating to antiterrorism assistance) to improve perimeter security of United States diplomatic missions abroad.

(b) Repealed. Pub. L. 103–236, title I, § 139(20), Apr. 30, 1994, 108 Stat. 398; Pub. L. 103–415, § 1(c), Oct. 25, 1994, 108 Stat. 4299

(Pub. L. 99–399, title IV, § 408, Aug. 27, 1986, 100 Stat. 866; Pub. L. 103–236, title I, § 139(20), Apr. 30, 1994, 108 Stat. 398; Pub. L. 103–415, § 1(c), Oct. 25, 1994, 108 Stat. 4299.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 8 of title II of that Act probably means chapter 8 of part II of that Act, which 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.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–236, as amended by Pub. L. 103–415, struck out heading and text of subsec. (b). Text read as follows: “Not later than October 1 of each year, the President shall submit a report to the Congress on the progress and problems of improving perimeter security of United States diplomatic missions abroad.”

§ 4859. Protection of public entrances of United States diplomatic missions abroad

The Secretary of State shall install and maintain a walk-through metal detector or other advanced screening system at public entrances of each United States diplomatic mission abroad.

(Pub. L. 99–399, title IV, § 409, Aug. 27, 1986, 100 Stat. 866.)

§ 4860. Reimbursement of Department of the Treasury

The Secretary of State shall reimburse the appropriate appropriations account of the Department of the Treasury out of funds appropriated pursuant to section 4851(a)(1) of this title for the actual costs incurred by the United States Secret Service, as agreed to by the Secretary of the Treasury, for providing protection for the spouses of foreign heads of state during fiscal years 1986 and 1987.

(Pub. L. 99–399, title IV, § 411, Aug. 27, 1986, 100 Stat. 867.)

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 4861. Inspector General for Department of State

(a) Direction to establish

The Congress directs the Secretary of State to proceed immediately to establish an Office of Inspector General of the Department of State not later than October 1, 1986. Not later than January 31, 1987, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the

progress in establishing that office. Such report shall include an accounting of the obligation of funds for fiscal year 1987 for that office.

(b) Duties and responsibilities

The Inspector General of the Department of State (as established by the amendment made by section 150(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is authorized to perform all duties and responsibilities, and to exercise the authorities, stated in section 3929 of this title and in the Inspector General Act of 1978.

(c) Earmark

Of the amounts made available for fiscal year 1987 for salaries and expenses under the heading “Administration of Foreign Affairs”, not less than \$6,500,000 shall be used for the sole purpose of establishing and maintaining the Office of Inspector General of the Department of State.

(d) Limitation on appointment

No career member of the Foreign Service, as defined by section 3903 of this title, may be appointed Inspector General of the Department of State.

(Pub. L. 99–399, title IV, § 413, Aug. 27, 1986, 100 Stat. 867; Pub. L. 100–204, title I, § 134, Dec. 22, 1987, 101 Stat. 1344.)

REFERENCES IN TEXT

The amendment made by section 150(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, referred to in subsec. (b), is the amendment made by section 150(a) of Pub. L. 99–93, title I, Aug. 16, 1985, 99 Stat. 427, to sections 2 and 11 of the Inspector General Act of 1978. See note below.

The Inspector General Act of 1978, referred to in subsec. (b), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section is comprised of section 413 of Pub. L. 99–399, as amended. Subsec. (e), formerly subsec. (a)(5), of section 413 amended section 5315 of Title 5, Government Organization and Employees. A former subsec. (a)(6) of section 413, which amended section 3929 of this title, was repealed by Pub. L. 99–529, title IV, § 405, Oct. 24, 1986, 100 Stat. 3020. Another subsec. (c) of section 413 amended section 3929a of this title.

AMENDMENTS

1987—Pub. L. 100–204 struck out former subsec. (a) designation and heading “Inspector General of Department of State”, redesignated former pars. (1) to (5) as subsecs. (a) to (e), respectively, and struck out former subsec. (b) which related to establishment of the Office of Policy and Program Review. See Codification note above.

EVALUATION OF POLICIES AND PROCEDURES OF DEPARTMENT OF STATE ON PROTECTION OF CLASSIFIED INFORMATION AT DEPARTMENT HEADQUARTERS

Pub. L. 107–306, title VIII, § 832, Nov. 27, 2002, 116 Stat. 2431, provided that:

“(a) EVALUATION REQUIRED.—Not later than December 31 of 2002, 2003, and 2004, the Inspector General of the Department of State shall conduct an evaluation of the policies and procedures of the Department on the protection of classified information at the Headquarters of the Department, including compliance with the directives of the Director of Central Intelligence (DCIDs) regarding the storage and handling of Sensitive Compartmented Information (SCI) material.