

§ 4301. Congressional declaration of findings and policy

(a) Findings

The Congress finds that the operation in the United States of foreign missions and public international organizations and the official missions to such organizations, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.

(b) Policy

The Congress declares that it is the policy of the United States to support the secure and efficient operation of United States missions abroad, to facilitate the secure and efficient operation in the United States of foreign missions and public international organizations and the official missions to such organizations, and to assist in obtaining appropriate benefits, privileges, and immunities for those missions and organizations and to require their observance of corresponding obligations in accordance with international law.

(c) Treatment of foreign missions in United States

The treatment to be accorded to a foreign mission in the United States shall be determined by the Secretary after due consideration of the benefits, privileges, and immunities provided to missions of the United States in the country or territory represented by that foreign mission, as well as matters relating to the protection of the interests of the United States.

(Aug. 1, 1956, ch. 841, title II, § 201, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 283; amended Pub. L. 99-93, title I, § 127(a), Aug. 16, 1985, 99 Stat. 418.)

AMENDMENTS

1985—Subsec. (c). Pub. L. 99-93 inserted “, as well as matters relating to the protection of the interests of the United States”.

EFFECTIVE DATE

Pub. L. 97-241, title II, § 204, Aug. 24, 1982, 96 Stat. 291, provided that: “The amendments made by this title [see Short Title note below] shall take effect on October 1, 1982.”

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 98-164, title VI, § 601, Nov. 22, 1983, 97 Stat. 1042, provided that: “This title [enacting section 4304a of this title, amending sections 254a, 254b, 254c, 2662, and 2684 of this title, and enacting provisions set out as a note under section 4303 of this title] may be cited as the ‘Foreign Missions Amendments Act of 1983’.”

SHORT TITLE

Pub. L. 97-241, title II, § 201, Aug. 24, 1982, 96 Stat. 282, provided that: “This title [enacting this chapter, amending sections 254a, 254b, 254c, 2662, and 2684 of this title and section 1364 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as a note under this section] may be cited as the ‘Foreign Missions Act’.”

UNITED STATES DEPARTMENT OF STATE FREEDOM OF EXPRESSION

Pub. L. 100-204, title I, § 133, Dec. 22, 1987, 101 Stat. 1344, provided that:

“(a) FINDING.—Congress finds that the United States Department of State, on September 15, 1987, declared it-

self to be a temporary foreign diplomatic mission for the purpose of denying free speech to American citizens who planned to protest the tyranny of the Soviet regime.

“(b) PROHIBITION.—It is not in the national security interest of the United States for the Department of State to declare, and it shall not declare, itself to be a foreign diplomatic mission.”

UNITED STATES-SOVIET RECIPROCITY IN MATTERS RELATING TO EMBASSIES

Pub. L. 101-246, title I, § 134, Feb. 16, 1990, 104 Stat. 33, authorized Secretary of State to allow Soviet mission to United States to occupy, on a reciprocal basis, a consulate facility in United States, provided that United States mission in Kiev would be able to occupy an interim facility intended for conduct of unclassified activities, and required Secretary of State to submit to Congress a long-term plan for acquiring secure permanent facilities for United States mission in Kiev, prior to repeal by Pub. L. 103-199, title V, § 502(c)(1), Dec. 17, 1993, 107 Stat. 2326.

Pub. L. 100-204, title I, § 153(a)-(d), Dec. 22, 1987, 101 Stat. 1353, authorized Secretary of State to obtain full cooperation of Soviet government, on a reciprocal basis, in areas of diplomatic and consular finance, access to goods, and use of real property and prohibited Secretary of State from allowing Soviet mission to United States to occupy any new consulate in United States until United States mission in Kiev was able to occupy secure permanent facilities, prior to repeal by Pub. L. 103-199, title V, § 502(e)(1), Dec. 17, 1993, 107 Stat. 2326. Section 153(d) of Pub. L. 100-204 was also repealed by Pub. L. 103-236, title I, § 139(15), Apr. 30, 1994, 108 Stat. 398.

§ 4302. Definitions

(a) For purposes of this chapter—

(1) “benefit” (with respect to a foreign mission) means any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of—

(A) real property by purchase, lease, exchange, construction, or otherwise,

(B) public services, including services relating to customs, importation, and utilities, and the processing of applications or requests relating to public services,

(C) supplies, maintenance, and transportation,

(D) locally engaged staff on a temporary or regular basis,

(E) travel and related services,

(F) protective services, and

(G) financial and currency exchange services,

and includes such other benefits as the Secretary may designate;

(2) “chancery” means the principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), and includes the site and any building on such site which is used for such purposes;

(3) “foreign mission” means any mission to or agency or entity in the United States which is involved in the diplomatic, consular, or other activities of, or which is substantially owned or effectively controlled by—

(A) a foreign government, or

(B) an organization (other than an international organization, as defined in section 4309(b) of this title) representing a territory