

Foreign Service Buildings Fund) for such purpose to the Working Capital Fund, as provided in section 4308(h)(1) of this title. Except for funds that may be provided by a foreign government for the purchase of property, only funds transferred under the preceding sentence may be used for the purposes of subsection (b)(5) of this section.

(2) The Secretary of State may acquire property in the United States for the purposes of subsection (b)(5) of this section only in the context of a specific reciprocal agreement with a specified foreign government. Property acquired by the United States in the foreign country through such an exchange shall benefit the United States at least to the same extent as the property acquired in the United States benefits the foreign government.

(3) The Secretary of State shall prescribe regulations for the implementation of any in-kind exchange of properties pursuant to subsection (b)(5) of this section.

(4) At least 15 days before entering into any reciprocal agreement for the exchange of property with another foreign government, the Secretary of State shall notify the Committee on Foreign Affairs and the Committee on Public Works and Transportation of the House of Representatives and the Committee on Foreign Relations of the Senate.

(5)(A) Proceeds from the disposition of properties acquired pursuant to this subsection shall be credited to the Foreign Service Buildings Fund (referred to in section 9 of the Foreign Service Buildings Act, 1926 [22 U.S.C. 300]).

(B) The authority to spend proceeds received under subparagraph (A) may be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.

(Aug. 1, 1956, ch. 841, title II, § 204, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 284; amended Pub. L. 99-93, title I, §§ 126(b), 127(c), Aug. 16, 1985, 99 Stat. 418; Pub. L. 101-246, title I, § 116(b), Feb. 16, 1990, 104 Stat. 24; Pub. L. 103-236, title I, § 162(o)(3), Apr. 30, 1994, 108 Stat. 410; Pub. L. 103-415, § 1(cc), Oct. 25, 1994, 108 Stat. 4302; Pub. L. 109-177, title VI, § 605(d)(2), (e)(2)(B), Mar. 9, 2006, 120 Stat. 255.)

#### REFERENCES IN TEXT

The Foreign Service Buildings Act, 1926, referred to in subsec. (f)(1), is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§ 292 et seq.) of this title. For complete classification of this Act to the Code, see section 299 of this title and Tables.

#### AMENDMENTS

2006—Subsec. (e). Pub. L. 109-177, § 605(e)(2)(B), substituted “section 3056 or 3056A of title 18” for “section 202 of title 3 or section 3056 of title 18”.

Pub. L. 109-177, § 605(d)(2), which directed amendment of section 204(e) of the State Department Basic Authorities Act by substituting “sections 3056 or 3056A” for “section 202 of title 3 or section 3056”, was not executed, because this section is section 204 of the State Department Basic Authorities Act of 1956 and because of the amendment by Pub. L. 105-277, § 605(e)(2)(B). See note above.

1994—Subsecs. (a) to (c)(1). Pub. L. 103-236, § 162(o)(3)(A), substituted “Secretary on such terms” for “Director on such terms” in subsecs. (a) and (b) and “Secretary” for “Director” in subsec. (c)(1).

Subsec. (d). Pub. L. 103-236, § 162(o)(3)(B), as amended by Pub. L. 103-415, substituted “any officer” for “the Director or any other officer”.

1990—Subsec. (b)(5). Pub. L. 101-246, § 116(b)(1), added par. (5).

Subsec. (f). Pub. L. 101-246, § 116(b)(2), added subsec. (f).

1985—Subsec. (b). Pub. L. 99-93, § 127(c), inserted “to forego the acceptance, use, or relation of any benefit or” after “(B)” in provisions following par. (4).

Subsec. (e). Pub. L. 99-93, § 126(b), substituted “chapter” for “section” and was executed by making the substitution to first reference to “section” as the probable intent of Congress.

#### CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

#### 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.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by section 126(b) of Pub. L. 99-93 effective Oct. 1, 1985, see section 126(e) of Pub. L. 99-93, set out as an Effective Date note under section 4314 of this title.

#### 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.

#### § 4304a. Enforcement of compliance with liability insurance requirements

##### (a) Notice to Secretary by head of foreign mission of lapse or termination of coverage; report to Secretary by head of foreign mission respecting motor vehicles, vessels and aircraft registered in United States

(1) The head of a foreign mission shall notify promptly the Secretary of the lapse or termination of any liability insurance coverage held by a member of the mission, by a member of the family of such member, or by an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946.

(2) Not later than February 1 of each year, the head of each foreign mission shall prepare and transmit to the Secretary a report including a list of motor vehicles, vessels, and aircraft registered in the United States by members of the mission, members of the families of such members, individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, and by the mission itself. Such list shall set forth for each such motor vehicle, vessel, or aircraft—

- (A) the jurisdiction in which it is registered;
- (B) the name of the insured;
- (C) the name of the insurance company;
- (D) the insurance policy number and the extent of insurance coverage; and
- (E) such other information as the Secretary may prescribe.

**(b) Surcharge or fee covering unsatisfied part of judgment; preconditions for imposition**

Whenever the Secretary finds that a member of a foreign mission, a member of the family of such member, or an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946—

- (1) is at fault for personal injury, death, or property damage arising out of the operation of a motor vehicle, vessel, or aircraft in the United States,
- (2) is not covered by liability insurance, and
- (3) has not satisfied a court-rendered judgment against him or is not legally liable,

the Secretary shall impose a surcharge or fee on the foreign mission of which such member or individual is a part, amounting to the unsatisfied portion of the judgment rendered against such member or individual or, if there is no court-rendered judgment, an estimated amount of damages incurred by the victim. The payment of any such surcharge or fee shall be available only for compensation of the victim or his estate.

**(c) Definitions**

For purposes of this section—

- (1) the term “head of a foreign mission” has the same meaning as is ascribed to the term “head of a mission” in Article 1 of the Vienna Convention on Diplomatic Relations of April 18, 1961 (T.I.A.S. numbered 7502; 23 U.S.T. 3227); and
- (2) the terms “members of a mission” and “family” have the same meanings as is ascribed to them by paragraphs (1) and (2) of section 254a of this title.

(Aug. 1, 1956, ch. 841, title II, §204A, as added Pub. L. 98-164, title VI, §603, Nov. 22, 1983, 97 Stat. 1042; amended Pub. L. 103-236, title I, §162(o)(4), Apr. 30, 1994, 108 Stat. 410.)

AMENDMENTS

1994—Subsecs. (a), (b). Pub. L. 103-236 substituted “Secretary” for “Director” wherever appearing.

**§ 4304b. Crimes committed by diplomats**

**(a) Annual report concerning diplomatic immunity**

**(1) Report to Congress**

The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled “Report on Cases Involving Diplomatic Immunity”.

**(2) Content of report**

In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

- (A) The number of persons residing in the United States who enjoy full immunity from

the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

(F) Whether the Secretary has made the notifications referred to in subsection (c) of this section during the period covered by the report.

**(3) “Serious criminal offense” defined**

For the purposes of this section, the term “serious criminal offense” means—

- (A) any felony under Federal, State, or local law;
- (B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;
- (C) any crime of violence as defined for purposes of section 16 of title 18; or
- (D)(i) driving under the influence of alcohol or drugs;
- (ii) reckless driving; or
- (iii) driving while intoxicated.

**(b) United States policy concerning reform of diplomatic immunity**

It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

- (1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and
- (2) to provide that where there is probable cause to believe that an individual who is enti-