

“continuing liaison”, inserted “and with the Federal Communications Commission, as appropriate” before semicolon, and struck out former par. (2) which read as follows: “in accordance with such authority as may be delegated by the President pursuant to Executive order, chair such agency and interagency meetings as may be necessary to coordinate actions on pending issues to ensure proper policy coordination;”.

Subsec. (b)(3). Pub. L. 103-236, §162(k)(1)(B)(vi), substituted “any senior interagency policymaking group on international telecommunications and information policy and chair such interagency meetings as may be necessary to coordinate actions on pending issues;” for “the Senior Interagency Group on International Communications and Information Policy”.

1987—Subsec. (b). Pub. L. 100-204 inserted after second sentence “The Coordinator shall be compensated at the annual rate of pay for positions authorized by section 5315 of title 5.”

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 1987 AMENDMENT

Pub. L. 100-204, title I, §173(b), Dec. 22, 1987, 101 Stat. 1360, provided that: “The amendments made by subsection (a) [amending this section and section 4303 of this title] shall take effect 30 days after the date of enactment of this Act [Dec. 22, 1987].”

EFFECT OF 1994 AMENDMENTS ON SCOPE OF AUTHORITY VESTED AS OF APRIL 30, 1994

Pub. L. 103-236, title I, §162(k)(2), Apr. 30, 1994, 108 Stat. 409, provided that: “Nothing in the amendments made by paragraph (1) [amending this section] affects the nature or scope of the authority that is on the date of enactment of this Act [Apr. 30, 1994] vested by law or Executive order in the Department of Commerce, the Office of the United States Trade Representative, the Federal Communications Commission, or any officer thereof.”

NEW SPENDING AUTHORITY

Pub. L. 100-204, title I, §173(c), Dec. 22, 1987, 101 Stat. 1360, provided that: “Any new spending authority (as defined in section 401(c) of the Congressional Budget Act of 1974 [2 U.S.C. 651(c)]) provided by this section [amending sections 2707 and 4303 of this title] shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.”

§ 2708. Department of State rewards program

(a) Establishment

(1) In general

There is established a program for the payment of rewards to carry out the purposes of this section.

(2) Purpose

The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, serious violations of international humanitarian law, transnational organized crime, and other related criminal acts.

(3) Implementation

The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

(b) Rewards authorized

In the sole discretion of the Secretary (except as provided in subsection (c)(2) of this section) and in consultation, as appropriate, with the heads of other relevant departments or agencies, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

(B) the killing or kidnapping of—

(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), (3), (8), or (9);

(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), (3), (8), or (9), including by dismantling an organization in whole or significant part;

(6) the identification or location of an individual who holds a key leadership position in a terrorist organization or transnational organized crime group;

(7) the disruption of financial mechanisms of a foreign terrorist organization or transnational organized crime group, including the use by such organization or group of illicit narcotics production or international narcotics trafficking—

(A) to finance acts of international terrorism or transnational organized crime; or

(B) to sustain or support any terrorist organization or transnational organized crime group;

(8) the arrest or conviction in any country of any individual for participating in, primarily outside the United States, transnational organized crime;

(9) the arrest or conviction in any country of any individual conspiring to participate in or attempting to participate in transnational organized crime; or

(10) the arrest or conviction in any country, or the transfer to or conviction by an international criminal tribunal (including a hybrid or mixed tribunal), of any foreign national accused of war crimes, crimes against humanity, or genocide, as defined under the statute of such tribunal.

(c) Coordination

(1) Procedures

To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(B) the publication of rewards;

(C) the offering of joint rewards with foreign governments;

(D) the receipt and analysis of data; and

(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

(2) Prior approval of Attorney General required

Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

(d) Funding

(1) Authorization of appropriations

Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

(2) Period of availability

Amounts appropriated under paragraph (1) shall remain available until expended.

(e) Limitations and certification

(1) Maximum amount

No reward paid under this section may exceed \$25,000,000, except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts. Without first making such determination, the Secretary may authorize a reward of up to twice the amount specified in this paragraph for the capture or information leading to the capture of a leader of a foreign terrorist organization.

(2) Approval

A reward under this section of more than \$100,000 may not be made without the approval of the Secretary.

(3) Certification for payment

Any reward granted under this section shall be approved and certified for payment by the Secretary.

(4) Nondelegation of authority

The authority to approve rewards of more than \$100,000 set forth in paragraph (2) may not be delegated.

(5) Protection measures

If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

(6) Forms of reward payment

The Secretary may make a reward under this section in the form of money, a nonmonetary item (including such items as automotive vehicles), or a combination thereof.

(f) Ineligibility

An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) of this section shall not be eligible for a reward under this section.

(g) Reports

(1) Reports on payment of rewards

Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

(2) Annual reports

Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

(3) Advance notification for international criminal tribunal rewards

Not less than 15 days before publicly announcing that a reward may be offered for a particular foreign national accused of war crimes, crimes against humanity, or genocide, the Secretary of State shall submit to the appropriate congressional committees a report, which may be submitted in classified form if necessary, setting forth the reasons why the arrest or conviction of such foreign national is in the national interests of the United States.

(h) Publication regarding rewards offered by foreign governments

Notwithstanding any other provision of this section, in the sole discretion of the Secretary,

the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

(i) Media surveys and advertisements

(1) Surveys conducted

For the purpose of more effectively disseminating information about the rewards program, the Secretary may use the resources of the rewards program to conduct media surveys, including analyses of media markets, means of communication, and levels of literacy, in countries determined by the Secretary to be associated with acts of international terrorism.

(2) Creation and purchase of advertisements

The Secretary may use the resources of the rewards program to create advertisements to disseminate information about the rewards program. The Secretary may base the content of such advertisements on the findings of the surveys conducted under paragraph (1). The Secretary may purchase radio or television time, newspaper space, or make use of any other means of advertisement, as appropriate.

(j) Determinations of Secretary

A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

(k) Definitions

As used in this section:

(1) Act of international terrorism

The term “act of international terrorism” includes—

(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 6305 of this title) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 2405(j)(1)(A) of title 50, Appendix.

(2) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(3) Member of the immediate family

The term “member of the immediate family”, with respect to an individual, includes—

(A) a spouse, parent, brother, sister, or child of the individual;

(B) a person with respect to whom the individual stands in loco parentis; and

(C) any person not covered by subparagraph (A) or (B) who is living in the individual’s household and is related to the individual by blood or marriage.

(4) Rewards program

The term “rewards program” means the program established in subsection (a)(1) of this section.

(5) Transnational organized crime

The term “transnational organized crime” means—

(A) racketeering activity (as such term is defined in section 1961 of title 18) that involves at least one jurisdiction outside the United States; or

(B) any other criminal offense punishable by a term of imprisonment of at least four years under Federal, State, or local law that involves at least one jurisdiction outside the United States and that is intended to obtain, directly or indirectly, a financial or other material benefit.

(6) Transnational organized crime group

The term “transnational organized crime group” means a group of persons that includes one or more citizens of a foreign country, exists for a period of time, and acts in concert with the aim of engaging in transnational organized crime.

(7) United States narcotics laws

The term “United States narcotics laws” means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 802(6) of title 21).

(8) United States person

The term “United States person” means—

(A) a citizen or national of the United States; and

(B) an alien lawfully present in the United States.

(Aug. 1, 1956, ch. 841, title I, §36, as added Pub. L. 98-533, title I, §102, Oct. 19, 1984, 98 Stat. 2708; amended Pub. L. 99-399, title V, §502, Aug. 27, 1986, 100 Stat. 869; Pub. L. 100-690, title IV, §4602, Nov. 18, 1988, 102 Stat. 4287; Pub. L. 101-231, §13(a), Dec. 13, 1989, 103 Stat. 1963; Pub. L. 101-246, title X, §1001, Feb. 16, 1990, 104 Stat. 86; Pub. L. 103-236, title I, §133(a)(1), title VIII, §827, Apr. 30, 1994, 108 Stat. 395, 519; Pub. L. 104-134, title I, §101[(a)] [title IV, §406], Apr. 26, 1996, 110 Stat. 1321, 1321-45; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 105-277, div. G, subdiv. B, title XXII, §2202, Oct. 21, 1998, 112 Stat. 2681-805; Pub. L. 105-323, title I, §101, Oct. 30, 1998, 112 Stat. 3029; Pub. L. 107-56, title V, §502, Oct. 26, 2001, 115 Stat. 364; Pub. L. 108-447, div. B, title IV, §405(a)-(d), Dec. 8, 2004, 118 Stat. 2902, 2903; Pub. L. 110-181, div. A, title XII, §1255(a), Jan. 28, 2008, 122 Stat. 402; Pub. L. 112-283, §§3, 4, Jan. 15, 2013, 126 Stat. 2493, 2494.)

REFERENCES IN TEXT

Section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, referred to in subsec. (d)(1), is section 102 of Pub. L. 99-93, title I, Aug. 16, 1985, 99 Stat. 408, which is not classified to the Code.

PRIOR PROVISIONS

A prior section 36 of act Aug. 1, 1956, was renumbered section 37 by section 102 of Pub. L. 98-533, and subsequently renumbered, and set out as a Short Title of 1956 Amendment note under section 2651 of this title, prior to repeal by Pub. L. 102-138, title I, §111(1), Oct. 28, 1991, 105 Stat. 654.

AMENDMENTS

2013—Subsec. (a)(2). Pub. L. 112-283, §3(1), inserted “serious violations of international humanitarian law, transnational organized crime,” after “international narcotics trafficking;”.

Subsec. (b). Pub. L. 112-283, §3(2)(A), substituted “heads of other relevant departments or agencies” for “Attorney General” in introductory provisions.

Subsec. (b)(4), (5). Pub. L. 112-283, §3(2)(B), substituted “paragraph (1), (2), (3), (8), or (9)” for “paragraph (1), (2), or (3)”.

Subsec. (b)(6). Pub. L. 112-283, §3(2)(C)(i), inserted “or transnational organized crime group” after “terrorist organization”.

Subsec. (b)(7). Pub. L. 112-283, §3(2)(D)(i), substituted “or transnational organized crime group, including the use by such organization or group of illicit narcotics production or international narcotics trafficking” for “, including the use by the organization of illicit narcotics production or international narcotics trafficking” in introductory provisions.

Subsec. (b)(7)(A). Pub. L. 112-283, §3(2)(D)(ii), inserted “or transnational organized crime” after “international terrorism”.

Subsec. (b)(7)(B). Pub. L. 112-283, §3(2)(D)(iii)(I), inserted “or transnational organized crime group” after “terrorist organization”.

Subsec. (b)(8) to (10). Pub. L. 112-283, §3(2)(C)(ii), (D)(iii)(II), (E), added pars. (8) to (10).

Subsec. (e)(1). Pub. L. 112-283, §4, struck out at end “The Secretary shall authorize a reward of \$50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.”

Subsec. (g)(3). Pub. L. 112-283, §3(3), added par. (3).

Subsec. (k)(5) to (8). Pub. L. 112-283, §3(4), added pars. (5) and (6) and redesignated former pars. (5) and (6) as (7) and (8), respectively.

2008—Subsec. (e)(1). Pub. L. 110-181 inserted at end “The Secretary shall authorize a reward of \$50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.”

2004—Subsec. (b)(7). Pub. L. 108-447, §405(a), added par. (7).

Subsec. (e)(1). Pub. L. 108-447, §405(b), substituted “\$25,000,000” for “\$5,000,000”, struck out period after “terrorist acts.”, and inserted at end “Without first making such determination, the Secretary may authorize a reward of up to twice the amount specified in this paragraph for the capture or information leading to the capture of a leader of a foreign terrorist organization.”

Subsec. (e)(6). Pub. L. 108-447, §405(c), added par. (6).

Subsecs. (i) to (k). Pub. L. 108-447, §405(d), added subsec. (i) and redesignated former subsecs. (i) and (j) as (j) and (k), respectively.

2001—Subsec. (b)(4). Pub. L. 107-56, §502(1)(A), struck out “or” at end.

Subsec. (b)(5). Pub. L. 107-56, §502(1)(B), substituted “, including by dismantling an organization in whole or significant part; or” for period at end.

Subsec. (b)(6). Pub. L. 107-56, §502(1)(C), added par. (6).

Subsec. (d)(2) to (4). Pub. L. 107-56, §502(2), redesignated par. (4) as (2) and struck out former pars. (2) and (3) which read as follows:

“(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed \$15,000,000.

“(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of

preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.”

Subsec. (e)(1). Pub. L. 107-56, §502(3), inserted “, except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts.” after “\$5,000,000”.

1998—Pub. L. 105-323 generally amended section substantially similar to general amendment by Pub. L. 105-277, except that the maximum reward in subsec. (e)(1) was increased from \$2,000,000 to \$5,000,000.

Pub. L. 105-277 generally amended section revising and restating provisions relating to Department of State program authorizing rewards for information relating to arrests or convictions with respect to international terrorism or drug trafficking.

1996—Subsec. (a)(1). Pub. L. 104-134 which directed substitution of “shall establish and publicize a program under which rewards may be paid” for “may pay a reward” in section 36(a)(1) of the State Department Authorities Act of 1956 was executed to subsec. (a)(1) of this section, section 36(a)(1) of the State Department Basic Authorities Act of 1956, to reflect the probable intent of Congress.

1994—Subsec. (a). Pub. L. 103-236, §827, designated existing provisions as par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, and added par. (2).

Pub. L. 103-236, §133(a)(1), struck out “and is primarily outside the territorial jurisdiction of the United States” after “United States property” in concluding provisions.

1990—Subsec. (c). Pub. L. 101-246, which directed amendment of subsec. (c) by substituting “\$2,000,000” for “\$500,000”, could not be executed because “\$500,000” did not appear after execution of the amendment by Pub. L. 101-231. See 1989 Amendment note below.

1989—Subsec. (c). Pub. L. 101-231 substituted “\$2,000,000” for “\$500,000”.

1988—Subsec. (g). Pub. L. 100-690 amended second sentence generally. Prior to amendment, second sentence read as follows: “In addition to the amount authorized by the preceding sentence, there are authorized to be appropriated \$10,000,000 for fiscal year 1987 for ‘Administration of Foreign Affairs’ for use in paying rewards under this section, up to \$5,000,000 of which may be used for rewards for information described in subsection (b)(1) of this section.”

1986—Subsecs. (b), (c). Pub. L. 99-399, §502(a), added subsec. (b) and redesignated former subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 99-399, §502(a)(1), (c)(1), redesignated former subsec. (c) as (d), and substituted “subsection (a) of this section” for “this section”. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 99-399, §502(a)(1), redesignated former subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 99-399, §502(a)(1), (c)(2), redesignated former subsec. (e) as (f), and inserted “or (b)”. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 99-399, §502(a)(1), (b), redesignated former subsec. (f) as (g), and inserted provision authorizing up to \$2,000,000 for rewards for information described in subsec. (b)(1) of this section and appropriating \$10,000,000 for fiscal year 1987, of which up to \$5,000,000 may be used for rewards for information described in subsec. (b)(1) of this section.

Subsecs. (h), (i). Pub. L. 99-399, §502(d), added subsecs. (h) and (i).

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 827 of Pub. L. 103-236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L.

103-236, set out as an Effective Date note under section 6301 of this title.

RULE OF CONSTRUCTION

Pub. L. 112-283, § 5, Jan. 15, 2013, 126 Stat. 2494, provided that: “Nothing in this Act [amending this section and enacting provisions set out as notes under this section and section 2651 of this title] or the amendments made by this Act shall be construed as authorizing the use of activity precluded under the American Service-members’ Protection Act of 2002 (title II of Public Law 107-206; 22 U.S.C. 7421 et seq.)”

FINDINGS; SENSE OF CONGRESS

Pub. L. 112-283, § 2, Jan. 15, 2013, 126 Stat. 2492, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) The Department of State’s existing rewards programs permit the payment of reward for information leading to the arrest or conviction of—

“(A) individuals who have committed, or attempted or conspired to commit, certain acts of international terrorism;

“(B) individuals who have committed, or attempted or conspired to commit, certain narcotics-related offenses; and

“(C) individuals who have been indicted by certain international criminal tribunals.

“(2) The Department of State considers the rewards program to be ‘one of the most valuable assets the U.S. Government has in the fight against international terrorism’. Since the program’s inception in 1984, the United States Government has rewarded over 60 people who provided actionable information that, according to the Department of State, prevented international terrorist attacks or helped convict individuals involved in terrorist attacks.

“(3) The program has been credited with providing information in several high-profile cases, including the arrest of Ramzi Yousef, who was convicted in the 1993 bombing of the World Trade Center, the deaths of Uday and Qusay Hussein, who United States military forces located and killed in Iraq after receiving information about their locations, and the arrests or deaths of several members of the Abu Sayyaf group, believed to be responsible for the kidnappings and deaths of United States citizens and Filipinos in the Philippines.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that the rewards program of the Department of State should be expanded in order to—

“(1) address the growing threat to important United States interests from transnational criminal activity, such as intellectual property rights piracy, money laundering, trafficking in persons, arms trafficking, and cybercrime; and

“(2) target other individuals indicted by international, hybrid, or mixed tribunals for genocide, war crimes, or crimes against humanity.”

FUNDING

Pub. L. 112-283, § 6, Jan. 15, 2013, 126 Stat. 2494, provided that: “The Secretary of State shall use amounts appropriated or otherwise made available to the Emergencies in the Diplomatic and Consular Services account of the Department of State to pay rewards authorized pursuant to this Act [amending this section and enacting provisions set out as notes under this section and section 2651 of this title] and to carry out other activities related to such rewards authorized under section 36 of the State Department Basic Authorities Act [of 1956] (22 U.S.C. 2708).”

REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO FORMER YUGOSLAVIA OR RWANDA

Pub. L. 105-323, title I, § 102, Oct. 30, 1998, 112 Stat. 3032, as amended by Pub. L. 106-277, § 1, Oct. 2, 2000, 114

Stat. 813; Pub. L. 107-228, div. A, title VI, § 697(d), Sept. 30, 2002, 116 Stat. 1418, provided that:

“(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

“(1) the arrest or conviction in any country; or

“(2) the transfer to, or conviction by, the Special Court of Sierra Leone[,] the International Criminal Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

“(b) PROCEDURES.—

“(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, subject to paragraph (3), the offering, administration, and payment of rewards under this section, including procedures for—

“(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

“(B) the publication of rewards;

“(C) the offering of joint rewards with foreign governments;

“(D) the receipt and analysis of data; and

“(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

“(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

“(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

“(c) REFERENCE.—(1) For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

“(2) For the purposes of subsection (a), the statute of the International Criminal Tribunal for Rwanda means the statute contained in the annex to Security Council Resolution 955 of November 8, 1994.

“(3) For the purposes of subsection (a), the Statute of the Special Court for Sierra Leone means the Statute contained in the Annex to the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone.

“(d) DETERMINATION OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

“(e) PRIORITY.—Rewards under this section may be paid from funds authorized to carry out section 36 of the State Department Basic Authorities Act of 1956 [22 U.S.C. 2708]. In the Administration and payment of rewards under the rewards program of section 36 of the State Department Basic Authorities Act of 1956, the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 of that Act and that funds paid under this section are paid only after any and all due and payable demands are met under section 36 of that Act.

“(f) REPORTS.—The Secretary shall inform the appropriate committees of rewards paid under this section in the same manner as required by section 36(g) of the State Department Basic Authorities Act of 1956.”

AVOIDING DUPLICATIVE AMENDMENTS

Pub. L. 101-231, §13(b), Dec. 13, 1989, 103 Stat. 1963, provided that: "If the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 [Pub. L. 101-246, Feb. 16, 1990, 104 Stat. 87], is enacted before this Act [Dec. 13, 1989], and that Act makes the same amendment as is described in subsection (a) [amending this section], then subsection (a) shall not take effect. If, however, this Act is enacted before the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and that Act would make the same amendment as is made by subsection (a), then that amendment as proposed to be made by that Act shall not take effect."

REWARDS FOR INTERNATIONAL TERRORISTS

Pub. L. 99-399, title V, §501, Aug. 27, 1986, 100 Stat. 869, provided that: "It is the sense of the Congress that the Secretary of State should more vigorously utilize the moneys available under section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)); relating to rewards for information on international terrorism) to more effectively apprehend and prosecute international terrorists. It is further the sense of the Congress that the Secretary of State should consider widely publicizing the sizable rewards available under present law so that major international terrorist figures may be brought to justice."

§ 2708a. Award of Thomas Jefferson Star for Foreign Service**(a) Authority to award**

The President, upon the recommendation of the Secretary, may award a Thomas Jefferson Star for Foreign Service to any member of the Foreign Service or any other civilian employee of the Government of the United States who, while employed at, or assigned permanently or temporarily to, an official mission overseas or while traveling abroad on official business, incurred a wound or other injury or an illness (whether or not the wound, other injury, or illness resulted in death)—

- (1) as the person was performing official duties;
- (2) as the person was on the premises of a United States mission abroad; or
- (3) by reason of the person's status as a United States Government employee.

(b) Selection criteria

The Secretary shall prescribe the procedures for identifying and considering persons eligible for award of a Thomas Jefferson Star for Foreign Service and for selecting the persons to be recommended for the award.

(c) Award in the event of death

If a person selected for award of a Thomas Jefferson Star for Foreign Service dies before being presented the award, the award may be made and the star presented to the person's family or to the person's representative, as designated by the President.

(d) Form of award

The Secretary shall prescribe the design of the Thomas Jefferson Star for Foreign Service. The award may not include a stipend or any other cash payment.

(e) Funding

Any expenses incurred in awarding a person a Thomas Jefferson Star for Foreign Service may be paid out of appropriations available at the

time of the award for personnel of the department or agency of the United States Government in which the person was employed when the person incurred the wound, injury, or illness upon which the award is based.

(Aug. 1, 1956, ch. 841, title I, §36A, as added Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §321], Nov. 29, 1999, 113 Stat. 1536, 1501A-436; amended Pub. L. 107-228, div. A, title III, §311, Sept. 30, 2002, 116 Stat. 1377.)

AMENDMENTS

2002—Pub. L. 107-228 substituted "Thomas Jefferson Star for Foreign Service" for "Foreign Service star" in section catchline and wherever appearing in text.

§ 2709. Special agents**(a) General authority**

Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and the Foreign Service may—

- (1) conduct investigations concerning illegal passport or visa issuance or use;
- (2) obtain and execute search and arrest warrants, as well as obtain and serve subpoenas and summonses issued under the authority of the United States;
- (3) protect and perform protective functions directly related to maintaining the security and safety of—

(A) heads of a foreign state, official representatives of a foreign government, and other distinguished visitors to the United States, while in the United States;

(B) the Secretary of State, Deputy Secretary of State, and official representatives of the United States Government, in the United States or abroad;

(C) members of the immediate family of persons described in subparagraph (A) or (B);

(D) foreign missions (as defined in section 4302(a)(4)¹ of this title) and international organizations (as defined in section 4309(b) of this title), within the United States;

(E) a departing Secretary of State for a period of up to 180 days after the date of termination of that individual's incumbency as Secretary of State, on the basis of a threat assessment; and

(F) an individual who has been designated by the President or President-elect to serve as Secretary of State, prior to that individual's appointment.²

(4) if designated by the Secretary and qualified, under regulations approved by the Attorney General, for the use of firearms, carry firearms for the purpose of performing the duties authorized by this section; and

(5) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

¹ See References in Text note below.

² So in original. The period probably should be a semicolon.