

§ 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

or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States or which engages in some aspect of the conduct of the international affairs of such territory or political entity,

including any real property of such a mission and including the personnel of such a mission;

(4) “real property” includes any right, title, or interest in or to, or the beneficial use of, any real property in the United States, including any office or other building;

(5) “Secretary” means the Secretary of State;

(6) “sending State” means the foreign government, territory, or political entity represented by a foreign mission; and

(7) “United States” means, when used in a geographic sense, the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(b) Determinations with respect to the meaning and applicability of the terms used in subsection (a) shall be committed to the discretion of the Secretary.

(Aug. 1, 1956, ch. 841, title II, § 202, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 283; amended Pub. L. 99-93, title I, § 127(b), Aug. 16, 1985, 99 Stat. 418; Pub. L. 99-569, title VII, § 701, Oct. 27, 1986, 100 Stat. 3204; Pub. L. 100-204, title I, § 153(e), Dec. 22, 1987, 101 Stat. 1353; Pub. L. 103-236, title I, § 162(o)(1), Apr. 30, 1994, 108 Stat. 409.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title II of act Aug. 1, 1956, ch. 841, as added Aug. 24, 1982, Pub. L. 97-241, title II, § 202(b), 96 Stat. 283, known as the Foreign Missions Act, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 4301 of this title and Tables.

AMENDMENTS

1994—Subsec. (a)(3) to (8). Pub. L. 103-236 struck out par. (3) and redesignated former pars. (4) to (8) as (3) to (7), respectively. Prior to amendment, par. (3) read as follows: “‘Director’ means the Director of the Office of Foreign Missions established pursuant to section 4303(a) of this title;”.

1987—Subsec. (a)(1)(G). Pub. L. 100-204 added subpar. (G).

1986—Subsec. (a)(4). Pub. L. 99-569 amended par. (4) generally, substituting “which is involved in the diplomatic, consular, or other activities of, or which is substantially owned or effectively controlled by” for “involving diplomatic, consular, or other governmental activities of”.

1985—Subsec. (a)(4). Pub. L. 99-93 substituted “mission to or agency in” for “official mission to” in introductory provisions, and inserted “or which engages in some aspect of the conduct of the international affairs of such territory or political entity” before the comma at end of subpar. (B).

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.

§ 4303. Authorities of Secretary of State

The Secretary shall carry out the following functions:

(1) Assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled.

(2) Provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 4304 of this title.

(3) As determined by the Secretary, dispose of property acquired in carrying out the purposes of this chapter.¹

(4) As determined by the Secretary, designate an office within the Department of State to carry out the purposes of this chapter.¹ If such an office is established, the President may appoint, by and with the advice and consent of the Senate, a Director, with the rank of ambassador. Of the Director and the next most senior person in the office, one should be an individual who has served in the Foreign Service and the other should be an individual who has served in the United States intelligence community.

(5) Perform such other functions as the Secretary may determine necessary in furtherance of the policy of this chapter.

(Aug. 1, 1956, ch. 841, title II, § 203, as added Pub. L. 97-241, title II, § 202(b), Aug. 24, 1982, 96 Stat. 284; amended Pub. L. 98-164, title VI, § 604(a), (b), Nov. 22, 1983, 97 Stat. 1043, 1044; Pub. L. 98-618, title VI, § 601(c), Nov. 8, 1984, 98 Stat. 3303; Pub. L. 100-204, title I, § 173(a)(2), Dec. 22, 1987, 101 Stat. 1360; Pub. L. 101-246, title I, § 116(a), Feb. 16, 1990, 104 Stat. 24; Pub. L. 103-236, title I, § 162(o)(2), Apr. 30, 1994, 108 Stat. 409.)

REFERENCES IN TEXT

This chapter, referred to in pars. (3) and (4), was in the original “this Act” and was translated as reading “this title” meaning title II of act Aug. 1, 1956, ch. 841, as added Aug. 24, 1982, Pub. L. 97-241, title II, § 202(b), 96 Stat. 283, known as the Foreign Missions Act, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 4301 of this title and Tables.

AMENDMENTS

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section required Secretary of State to establish Office of Foreign Missions in Department of State, provided for Director and Deputy Director of Office, and specified their powers and duties.

1990—Subsec. (c)(3), (4). Pub. L. 101-246 added par. (3) and redesignated former par. (3) as (4).

1987—Subsec. (a). Pub. L. 100-204 inserted sentence at end relating to compensation of Director.

1984—Subsec. (a). Pub. L. 98-618, § 601(c)(1), struck out requirements that Director be an individual with: minimum of ten years service in the Foreign Service, significant administrative experience, and service in countries wherein the United States has had significant problems in assuring secure and efficient operations of its missions as result of the actions of other countries.

Subsec. (b). Pub. L. 98-618, § 601(c)(2), substituted requirement of prior complementary service of the Direc-

¹ See References in Text note below.