

2651 of this title, prior to repeal by Pub. L. 102-138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 654.

Provisions similar to this section were contained in Pub. L. 100-204, title I, § 122, Dec. 22, 1987, 101 Stat. 1339, and set out as a note under section 2656 of this title, prior to repeal by Pub. L. 102-138, title I, § 112(b), Oct. 28, 1991, 105 Stat. 655.

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.

§ 2721. Impermissible basis for denial of passports

A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity, belief, affiliation, or membership, within or outside the United States, which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.

(Aug. 1, 1956, ch. 841, title I, § 49, as added Pub. L. 102-138, title I, § 113, Oct. 28, 1991, 105 Stat. 655.)

§ 2722. International meetings

(a) Authority to pay expenses

If the United States Government hosts an international meeting or conference in the United States, the Secretary of State is authorized to pay all reasonable expenses of such meeting or conference. Such expenses may include rental of quarters (by contract or otherwise) and personal services.

(b) Retention of reimbursements

To the extent provided in an appropriation Act, transfers of funds or other reimbursements for payments under subsection (a) are authorized to be retained and credited to the appropriate appropriation account of the Department of State which is available.

(Aug. 1, 1956, ch. 841, title I, § 50, as added Pub. L. 102-138, title I, § 119, Oct. 28, 1991, 105 Stat. 658.)

§ 2723. Denial of visas

(a) Report to Congress

(1) Denial of visas

The Secretary shall report, on a timely basis, to the appropriate committees of the Congress each time a consular post denies a visa on the grounds of terrorist activities or foreign policy. Such report shall set forth the name and nationality of each such person and a factual statement of the basis for such denial.

(2) Visa issuance to inadmissible aliens

The Secretary shall, on a semiannual basis, submit to the appropriate committees of the Congress a report describing every instance during the period covered by the report in

which a consular post or the Visa Office of the Department of State issued an immigrant or nonimmigrant visa to an alien who is inadmissible to the United States based upon terrorist activity or failed to object to the issuance of an immigrant or nonimmigrant visa to an alien notwithstanding any such ground of inadmissibility. The report shall set forth the name and nationality of the alien, the issuing post, and a brief factual statement of the basis for issuance of the visa or the failure to object. The report may be submitted in classified or unclassified form.

(b) Limitation

Information contained in such report may be classified to the extent necessary and shall protect intelligence sources and methods.

(c) Appropriate committees

For the purposes of this section the term “appropriate committees of the Congress” means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.

(Aug. 1, 1956, ch. 841, title I, § 51, as added Pub. L. 102-138, title I, § 127(a), Oct. 28, 1991, 105 Stat. 660; amended Pub. L. 107-228, div. A, title II, § 231, Sept. 30, 2002, 116 Stat. 1372.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-228 designated existing provisions as par. (1), inserted par. (1) heading, and added par. (2).

§ 2724. Fees for commercial services

(a) Authority to charge fee

(1) Subject to paragraph (2), the Secretary of State is authorized to charge a fee to cover the actual or estimated cost of providing any person, firm or organization (other than agencies of the United States Government) with commercial services at posts abroad on matters within the authority of the Department of State.

(2) The authority of this section may be exercised only in countries where the Department of Commerce does not perform commercial services for which it collects fees.

(b) Use of fees

Funds collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing commercial services. Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.

(Aug. 1, 1956, ch. 841, title I, § 52, as added Pub. L. 103-236, title I, § 136, Apr. 30, 1994, 108 Stat. 396; amended Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2204, Oct. 21, 1998, 112 Stat. 2681-808.)

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-277 inserted at end “Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.”

§ 2725. Fees for use of the George P. Shultz National Foreign Affairs Training Center

The Secretary is authorized to charge a fee for use of the George P. Shultz National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.

(Aug. 1, 1956, ch. 841, title I, § 53, as added Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2205(b), Oct. 21, 1998, 112 Stat. 2681-809; amended Pub. L. 107-132, § 2(a), Jan. 16, 2002, 115 Stat. 2412.)

AMENDMENTS

2002—Pub. L. 107-132 inserted “George P. Shultz” before “National Foreign Affairs Training Center” in section catchline and in text.

REPORTING ON PILOT PROGRAM

Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2205(c), Oct. 21, 1998, 112 Stat. 2681-809, required the Secretary of State to submit, two years after Oct. 21, 1998, a report to Congress on the number of persons taking advantage of the pilot program established under section 4021 of this title and this section, their business or government affiliations, the amount of fees collected, and the impact of the program on the primary mission of the National Foreign Affairs Training Center, prior to repeal by Pub. L. 107-228, div. A, title III, § 318(3), Sept. 30, 2002, 116 Stat. 1380.

§ 2726. Fee for use of diplomatic reception rooms

The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.

(Aug. 1, 1956, ch. 841, title I, § 54, as added Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2206, Oct. 21, 1998, 112 Stat. 2681-810.)

§ 2727. Accounting of collections in budget presentation documents

The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.

(Aug. 1, 1956, ch. 841, title I, § 55, as added Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2207, Oct. 21, 1998, 112 Stat. 2681-810.)

§ 2728. Crimes committed by diplomats

(a) Annual report concerning diplomatic immunity

(1) Report to Congress

180 days after October 21, 1998, and annually thereafter, the Secretary of State shall prepare and submit to the Congress, a report con-

cerning 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) 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