

PERSONNEL SECURITY PROGRAM FOR EMBASSIES IN
HIGH INTELLIGENCE THREAT COUNTRIES

Pub. L. 100-204, title I, §155, Dec. 22, 1987, 101 Stat. 1353, provided that:

“(a) SPECIAL SECURITY PROGRAM.—The Secretary of State shall develop and implement, within three months after the date of enactment of this Act [Dec. 22, 1987], a special personnel security program for personnel of the Department of State assigned to United States diplomatic and consular posts in high intelligence threat countries who are responsible for security at those posts and for any individuals performing guard functions at those posts. Such program shall include—

“(1) selection criteria and screening to ensure suitability for assignment to high intelligence threat countries;

“(2) counterintelligence awareness and related training;

“(3) security reporting and command arrangements designed to counter intelligence threats; and

“(4) length of duty criteria and policies regarding rest and recuperative absences.

“(b) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this subsection [Dec. 22, 1987], the Secretary of State shall report to the Congress on the special personnel security program required by subsection (a).

“(c) DEFINITION.—As used in subsection (a), the term ‘high intelligence threat country’ means—

“(1) a country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961 [22 U.S.C. 2370(f)]; and

“(2) any other country designated as a high intelligence threat country for purposes of this section by the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, or the Director of the Federal Bureau of Investigation.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.]

§ 4803. Designation of high risk, high threat posts

(a) Initial designation

Not later than 30 days after December 16, 2016, the Department of State shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a report, in classified form, that contains a list of diplomatic and consular posts designated as high risk, high threat posts.

(b) Designations before opening or reopening posts

Before opening or reopening a diplomatic or consular post, the Secretary shall determine if such post should be designated as a high risk, high threat post.

(c) Designating existing posts

The Secretary shall regularly review existing diplomatic and consular posts to determine if any such post should be designated as a high risk, high threat post if conditions at such post or the surrounding security environment require such a designation.

(d) Definitions

In this section:

(1) Appropriate congressional committees

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

(2) High risk, high threat post

The term “high risk, high threat post” means a United States diplomatic or consular post or other United States mission abroad, as determined by the Secretary, that, among other factors—

(A) is located in a country—

(i) with high to critical levels of political violence and terrorism; and

(ii) the government of which lacks the ability or willingness to provide adequate security; and

(B) has mission physical security platforms that fall below the Department of State’s established standards.

(Pub. L. 99-399, title I, §104, as added Pub. L. 114-323, title I, §101(a), Dec. 16, 2016, 130 Stat. 1907; amended Pub. L. 115-94, §2(a), Dec. 18, 2017, 131 Stat. 2038.)

PRIOR PROVISIONS

A prior section 4803, Pub. L. 99-399, title I, §104(a), Aug. 27, 1986, 100 Stat. 856, established Bureau of Diplomatic Security in Department of State, prior to repeal by Pub. L. 103-236, title I, §162(g)(3), Apr. 30, 1994, 108 Stat. 407.

A prior section 104 of Pub. L. 99-399 enacted this section and amended former section 2652 of this title and section 5315 of Title 5, Government Organization and Employees, prior to repeal by Pub. L. 103-236, title I, §162(g)(3), Apr. 30, 1994, 108 Stat. 407.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-94 inserted “and the Committees on Appropriations of the Senate and the House of Representatives” after “appropriate congressional committees”.

§ 4804. Briefings on embassy security

(a) Briefing

The Secretary shall provide monthly briefings to the appropriate congressional committees on—

(1) any plans to open or reopen a high risk, high threat post, including—

(A) the importance and appropriateness of the objectives of the proposed post to the national security of the United States, and the type and level of security threats such post could encounter;

(B) working plans to expedite the approval and funding for establishing and operating such post, implementing physical security measures, providing necessary security and management personnel, and the provision of necessary equipment;

(C) security “tripwires” that would determine specific action, including enhanced security measures or evacuation of such post, based on the improvement or deterioration of the local security environment; and

(D) in coordination with the Secretary of Defense, an evaluation of available United States military assets and operational plans to respond to such posts in extremis;

(2) personnel staffing and rotation cycles at high risk, high threat posts;

(3) the current security posture at posts of particular concern as determined by such committees; and

(4) the progress towards implementation of the provisions specified in title I of the Department of State Authorities Act, Fiscal Year 2017.

(b) Congressional notification

(1) In general

Except as provided in paragraph (2), not later than 30 days before opening or reopening a high risk, high threat post, the Secretary shall notify the appropriate congressional committees of the decision to open or reopen such post.

(2) Emergency circumstances

If the Secretary determines that the national security interests of the United States require the opening or reopening of a high risk, high threat post in fewer than 30 days, then as soon as possible, but not later than 48 hours before such opening or reopening, the Secretary shall transmit to the appropriate congressional committees a notification detailing the decision to open or reopen such post, the nature of the critical national security interests at stake, and the circumstances that prevented the normal 30-day notice under paragraph (1).

(c) Appropriate congressional committees

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(Pub. L. 99-399, title I, §105, as added Pub. L. 114-323, title I, §101(a), Dec. 16, 2016, 130 Stat. 1908.)

REFERENCES IN TEXT

Title I of the Department of State Authorities Act, Fiscal Year 2017, referred to in subsec. (a)(4), is title I of Pub. L. 114-323, Dec. 16, 2016, 130 Stat. 1907, which enacted this section and sections 304, 2679d, 4803, and 4866 to 4868 of this title, amended sections 292, 295, 2701, 4834, 4864, and 4865 of this title, enacted provisions set out as notes under sections 4802 and 4834 of this title, and amended provisions set out as a note under section 4865 of this title.

PRIOR PROVISIONS

A prior section 4804, Pub. L. 99-399, title I, §105, Aug. 27, 1986, 100 Stat. 856, set out responsibilities of Assistant Secretary of State for Diplomatic Security, prior to repeal by Pub. L. 103-236, title I, §162(g)(4), Apr. 30, 1994, 108 Stat. 407.

§ 4805. Cooperation of other Federal agencies

(a) Assistance

In order to facilitate fulfillment of the responsibilities described in section 4802(a) of this title, other Federal agencies shall cooperate (through agreements) to the maximum extent possible with the Secretary of State. Such agencies may, with or without reimbursement, provide assistance to the Secretary, perform security inspections, provide logistical support relating to the differing missions and facilities of other Federal agencies, and perform other overseas security functions as may be authorized by the Secretary. Specifically, the Secretary may agree to delegate operational control of overseas security functions of other Federal agencies to the heads of such agencies, subject to the Secretary's authority as set forth in section 4802(a) of this title. The agency head receiving such delegated authority shall be responsible to the Secretary in the exercise of the delegated operational control.

(b) Other agencies

Nothing contained in this chapter shall be construed to limit or impair the authority or responsibility of any other Federal, State, or local agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

(c) Certain lease arrangements

The Administrator of General Services is authorized to lease (to such extent or in such amounts as are provided in appropriation Acts) such amount of space in the United States as may be necessary for the Department of State to accommodate the personnel required to carry out this subchapter. The Department of State shall pay for such space at the rate established by the Administrator of General Services for space and related services.

(Pub. L. 99-399, title I, §106, Aug. 27, 1986, 100 Stat. 857.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “titles I through IV”, meaning titles I through IV of Pub. L. 99-399, Aug. 27, 1986, 100 Stat. 855, known as the Diplomatic Security Act, which are classified principally to this chapter. For complete classification of titles I through IV of Pub. L. 99-399 to the Code, see Short Title note set out under section 4801 of this title and Tables.

Executive Order 12333, referred to in subsec. (b), is Ex. Ord. No. 12333, Dec. 4, 1981, 46 F.R. 59941, which is set out as a note under section 3001 of Title 50, War and National Defense.

§ 4806. Protection of foreign consulates

The Secretary of State shall take into account security considerations in making determinations with respect to accreditation of all foreign consular personnel in the United States.

(Pub. L. 99-399, title I, §107, Aug. 27, 1986, 100 Stat. 858; Pub. L. 103-236, title I, §162(g)(5), Apr. 30, 1994, 108 Stat. 407.)

AMENDMENTS

1994—Pub. L. 103-236 substituted “The Secretary of State shall take into account security considerations”