

for “The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security”.

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.

§ 4807. Establishment of Visa and Passport Security Program in the Department of State

(a) Establishment

There is established, within the Bureau of Diplomatic Security of the Department of State, the Visa and Passport Security Program (in this section referred to as the “Program”).

(b) Preparation of strategic plan

(1) In general

The Assistant Secretary for Diplomatic Security, in coordination with the appropriate officials of the Bureau of Consular Affairs, the coordinator for counterterrorism, the National Counterterrorism Center, and the Department of Homeland Security, and consistent with the strategy mandated by section 7201,¹ shall ensure the preparation of a strategic plan to target and disrupt individuals and organizations, within the United States and in foreign countries, that are involved in the fraudulent production, distribution, use, or other similar activity—

(A) of a United States visa or United States passport;

(B) of documents intended to help fraudulently procure a United States visa or United States passport, or other documents intended to gain unlawful entry into the United States; or

(C) of passports and visas issued by foreign countries intended to gain unlawful entry into the United States.

(2) Emphasis

The strategic plan shall—

(A) focus particular emphasis on individuals and organizations that may have links to domestic terrorist organizations or foreign terrorist organizations (as such term is defined in section 1189 of title 8);

(B) require the development of a strategic training course under the Antiterrorism Assistance Training (ATA) program of the Department of State (or any successor or related program) under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.) (or other relevant provisions of law) to train participants in the identification of fraudulent documents and the forensic detection of such documents which may be used to obtain unlawful entry into the United States; and

(C) determine the benefits and costs of providing technical assistance to foreign governments to ensure the security of pass-

ports, visas, and related documents and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of false passports and visas, documents to obtain such passports and visas, and other types of travel documents.

(c) Program

(1) Individual in charge

(A) Designation

The Assistant Secretary for Diplomatic Security shall designate an individual to be in charge of the Program.

(B) Qualification

The individual designated under subparagraph (A) shall have expertise and experience in the investigation and prosecution of visa and passport fraud.

(2) Program components

The Program shall include the following:

(A) Analysis of methods

Analyze, in coordination with other appropriate government agencies, methods used by terrorists to travel internationally, particularly the use of false or altered travel documents to illegally enter foreign countries and the United States, and consult with the Bureau of Consular Affairs and the Secretary of Homeland Security on recommended changes to the visa issuance process that could combat such methods, including the introduction of new technologies into such process.

(B) Identification of individuals and documents

Identify, in cooperation with the Human Trafficking and Smuggling Center, individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents, and ensure that the appropriate agency is notified for further investigation and prosecution or, in the case of such individuals abroad for which no further investigation or prosecution is initiated, ensure that all appropriate information is shared with foreign governments in order to facilitate investigation, arrest, and prosecution of such individuals.

(C) Identification of foreign countries needing assistance

Identify foreign countries that need technical assistance, such as law reform, administrative reform, prosecutorial training, or assistance to police and other investigative services, to ensure passport, visa, and related document security and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents.

(D) Inspection of applications

Randomly inspect visa and passport applications for accuracy, efficiency, and fraud, especially at high terrorist threat posts, in order to prevent a recurrence of the issuance

¹ See References in Text note below.

of visas to those who submit incomplete, fraudulent, or otherwise irregular or incomplete applications.

(d) Report

Not later than 90 days after the date on which the strategy required under section 7201¹ is submitted to Congress, the Assistant Secretary for Diplomatic Security shall submit to Congress a report containing—

(1) a description of the strategic plan prepared under subsection (b); and

(2) an evaluation of the feasibility of establishing civil service positions in field offices of the Bureau of Diplomatic Security to investigate visa and passport fraud, including an evaluation of whether to allow diplomatic security agents to convert to civil service officers to fill such positions.

(Pub. L. 108–458, title VII, §7218, Dec. 17, 2004, 118 Stat. 3833.)

REFERENCES IN TEXT

Section 7201, referred to in subsecs. (b)(1) and (d), is section 7201 of Pub. L. 108–458, which enacted section 1776 of Title 8, Aliens and Nationality, and provisions set out as notes under section 1776 of Title 8 and sections 3024 and 3056 of Title 50, War and National Defense.

The Foreign Assistance Act of 1961, referred to in subsec. (b)(2)(B), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 8 of part II of the Act is classified generally to part VIII (§2349aa et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, and also as part of the 9/11 Commission Implementation Act of 2004, and not as part of the Diplomatic Security Act which comprises this chapter.

SUBCHAPTER II—PERSONNEL

§ 4821. Diplomatic Security Service

The Secretary of State may establish a Diplomatic Security Service, which shall perform such functions as the Secretary may determine.

(Pub. L. 99–399, title II, §201, Aug. 27, 1986, 100 Stat. 858; Pub. L. 103–236, title I, §162(g)(7), Apr. 30, 1994, 108 Stat. 407.)

AMENDMENTS

1994—Pub. L. 103–236 amended section generally. Prior to amendment, section read as follows: “There shall be, within the Bureau of Diplomatic Security, the Diplomatic Security Service. The Diplomatic Security Service shall perform such functions as may be assigned to it by the Secretary of State.”

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§ 4822. Director of Diplomatic Security Service

Any such Diplomatic Security Service should be headed by a Director designated by the Sec-

retary of State. The Director should be a career member of the Senior Foreign Service or the Senior Executive Service and should be qualified for the position by virtue of demonstrated ability in the areas of security, law enforcement, management, and public administration. Experience in management or operations abroad should be considered an affirmative factor in the selection of the Director.

(Pub. L. 99–399, title II, §202, Aug. 27, 1986, 100 Stat. 858; Pub. L. 103–236, title I, §162(g)(8), Apr. 30, 1994, 108 Stat. 407.)

AMENDMENTS

1994—Pub. L. 103–236 substituted “Any such” for “The” in first sentence, struck out last sentence which read as follows: “The Director shall act under the supervision and direction of the Assistant Secretary for Diplomatic Security.”, and directed the substitution of “should” for “shall” in first, third, and fourth sentences, which was executed to first, second, and third sentences to reflect the probable intent of Congress and the striking out of last sentence which also was the fourth sentence. See H.Rept. 103–126, pp. 168, 169.

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§ 4823. Special agents

Special agent positions shall be filled in accordance with the provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) and title 5. In filling such positions, the Secretary of State shall actively recruit women and members of minority groups. The Secretary of State shall prescribe the qualifications required for assignment or appointment to such positions. The qualifications may include minimum and maximum entry age restrictions and other physical standards and shall incorporate such standards as may be required by law in order to perform security functions, to bear arms, and to exercise investigatory, warrant, arrest, and such other authorities as are available by law to special agents of the Department of State and the Foreign Service.

(Pub. L. 99–399, title II, §203, Aug. 27, 1986, 100 Stat. 858; Pub. L. 103–236, title I, §162(g)(9), Apr. 30, 1994, 108 Stat. 407.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in text, is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

AMENDMENTS

1994—Pub. L. 103–236 amended section catchline to read “Special agents” and in text substituted “Special agent positions” for “Positions in the Diplomatic Security Service” and “The qualifications” for “In the case of positions designated for special agents, the qualifications”.