

(1) a public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288—288f-2) or a public international organization created pursuant to a treaty or other international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs; and

(2) an official mission (other than a United States mission) to such a public international organization,

including any real property of such an organization or mission and including the personnel of such an organization or mission.

(Aug. 1, 1956, ch. 841, title II, §209, as added Pub. L. 97-241, title II, §202(b), Aug. 24, 1982, 96 Stat. 289.)

REFERENCES IN TEXT

The International Organizations Immunities Act, referred to in subsec. (b)(1), is act Dec. 29, 1945, ch. 652, title I, 59 Stat. 669, as amended, which is classified principally to subchapter XVIII (§288 et seq.) of chapter 7 of this title. For complete classification of that Act to the Code, see Short Title note set out under section 288 of this title and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 1982, see section 204 of Pub. L. 97-241, set out as a note under section 4301 of this title.

§ 4309a. United States responsibilities for employees of the United Nations

(a) Findings

The Congress finds that—

(1) pursuant to the Agreement Between the United States and the United Nations Regarding the Headquarters of the United Nations (authorized by Public Law 80-357 (22 U.S.C. 287 note)), the United States has accepted—

(A) the obligation to permit and to facilitate the right of individuals, who are employed by or are authorized by the United Nations to conduct official business in connection with that organization or its agencies, to enter into and exit from the United States for purposes of conducting official activities within the United Nations Headquarters District, subject to regulation as to points of entry and departure; and

(B) the implied obligation to permit and to facilitate the acquisition of facilities in order to conduct such activities within or in proximity to the United Nations Headquarters District, subject to reasonable regulation including regulation of the location and size of such facilities; and

(2) taking into account paragraph (1) and consistent with the obligation of the United States to facilitate the functioning of the United Nations, the United States has no additional obligation to permit the conduct of any other activities, including nonofficial activities, by such individuals outside of the United Nations Headquarters District.

(b) Activities of United Nations employees

(1) The conduct of any activities, or the acquisition of any benefits (as defined in section

4301(a)(1) of this title), outside the United Nations Headquarters District by any individual employed by, or authorized by the United Nations to conduct official business in connection with, that organization or its agencies, or by any person or agency acting on behalf thereof, may be permitted or denied or subject to reasonable regulation, as determined to be in the best interests of the United States and pursuant to this chapter.

(2) Repealed. Pub. L. 103-236, title I, §139(26), Apr. 30, 1994, 108 Stat. 399.

(c) Reports

The Secretary shall report to the Congress—

(1) not later than 30 days after August 16, 1985, on the plans of the Secretary for implementing this section; and

(2) not later than 6 months thereafter, on the actions taken pursuant to those plans.

(d) United States nationals

This section shall not apply with respect to any United States national.

(e) “United Nations Headquarters District” defined

For purposes of this section, the term “United Nations Headquarters District” means the area within the United States which is agreed to by the United Nations and the United States to constitute such a district, together with such other areas as the Secretary of State may approve from time to time in order to permit effective functioning of the United Nations or missions to the United Nations.

(Aug. 1, 1956, ch. 841, title II, §209A, as added Pub. L. 99-93, title I, §141, Aug. 16, 1985, 99 Stat. 423; amended Pub. L. 103-236, title I, §139(26), Apr. 30, 1994, 108 Stat. 399.)

REFERENCES IN TEXT

Public Law 80-357, referred to in subsec. (a)(1), is act Aug. 4, 1947, ch. 482, 61 Stat. 756, which is set out as a note under section 287 of this title.

AMENDMENTS

1994—Subsec. (b)(2). Pub. L. 103-236 struck out par. (2) which read as follows: “The Secretary shall apply to those employees of the United Nations Secretariat who are nationals of a foreign country or members of a foreign mission all terms, limitations, restrictions, and conditions which are applicable pursuant to this chapter to the members of that country’s mission or of any other mission to the United Nations unless the Secretary determines and reports to the Congress that national security and foreign policy circumstances require that this paragraph be waived in specific circumstances.”

§ 4310. Privileges and immunities

Nothing in this chapter shall be construed to limit the authority of the United States to carry out its international obligations, or to supersede or limit immunities otherwise available by law. No act or omission by any foreign mission, public international organization, or official mission to such an organization, in compliance with this chapter shall be deemed to be an implied waiver of any immunity otherwise provided for by law.

(Aug. 1, 1956, ch. 841, title II, §210, as added Pub. L. 97-241, title II, §202(b), Aug. 24, 1982, 96 Stat. 290.)