

section] may be cited as the ‘Diplomatic Relations Act.’”

NOTIFICATION OF TRAVEL BY ACCREDITED DIPLOMATIC AND CONSULAR PERSONNEL OF THE RUSSIAN FEDERATION IN THE UNITED STATES

Pub. L. 116-92, div. E, title LXVII, §6704, Dec. 20, 2019, 133 Stat. 2223, provided that: “In carrying out the advance notification requirements set out in section 502 of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115-31; 131 Stat. 825; 22 U.S.C. 254a note), the Secretary of State shall—

“(1) ensure that the Russian Federation provides notification to the Secretary of State at least 2 business days in advance of all travel that is subject to such requirements by accredited diplomatic and consular personnel of the Russian Federation in the United States, and take necessary action to secure full compliance by Russian personnel and address any noncompliance; and

“(2) provide notice of travel described in paragraph (1) to the Director of National Intelligence and the Director of the Federal Bureau of Investigation within 1 hour of receiving notice of such travel.”

Pub. L. 115-31, div. N, title V, §502, May 5, 2017, 131 Stat. 825, as amended by Pub. L. 116-92, div. E, title LXVII, §6717, Dec. 20, 2019, 133 Stat. 2228, provided that:

“(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the congressional intelligence committees [Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives];

“(2) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

“(3) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

“(b) ADVANCE NOTIFICATION REQUIREMENT.—The Secretary of State shall, in coordination with the Director of the Federal Bureau of Investigation and the Director of National Intelligence, establish a mandatory advance notification regime governing all travel by accredited diplomatic and consular personnel of the Russian Federation in the United States and take necessary action to secure full compliance by Russian personnel and address any noncompliance.

“(c) INTERAGENCY COOPERATION.—The Secretary of State, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall develop written mechanisms to share information—

“(1) on travel by accredited diplomatic and consular personnel of the Russian Federation who are in the United States; and

“(2) on any known or suspected noncompliance by such personnel with the regime required by subsection (b).

“(d) QUARTERLY REPORTS.—Not later than 90 days after the date of the enactment of this Act [May 5, 2017], and quarterly thereafter, and consistent with the protection of intelligence sources and methods—

“(1) the Secretary of State shall submit to the appropriate committees of Congress a written report detailing the number of notifications submitted under the regime required by subsection (b); and

“(2) the Secretary of State and the Director of the Federal Bureau of Investigation shall jointly submit to the appropriate committees of Congress a written report detailing a best estimate of known or suspected violations of such requirements by any accredited diplomatic and consular personnel of the Russian Federation.”

§ 254b. Privileges and immunities of mission of nonparty to Vienna Convention

With respect to a nonparty to the Vienna Convention, the mission, the members of the mission, their families, and diplomatic couriers

shall enjoy the privileges and immunities specified in the Vienna Convention.

(Pub. L. 95-393, §3(b), Sept. 30, 1978, 92 Stat. 808; Pub. L. 97-241, title II, §203(b)(2), Aug. 24, 1982, 96 Stat. 291.)

AMENDMENTS

1982—Pub. L. 97-241 substituted “With respect to a nonparty to the Vienna Convention, the mission, the members of the mission, their families, and diplomatic couriers” for “Members of the mission of a sending state which has not ratified the Vienna Convention, their families, and the diplomatic couriers of such state.”

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-241 effective Oct. 1, 1982, see section 204 of Pub. L. 97-241, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE

Section effective at end of ninety-day period beginning on Sept. 30, 1978, see section 9 of Pub. L. 95-393, set out as a note under section 254a of this title.

§ 254c. Extension of more favorable or less favorable treatment than provided under Vienna Convention; authority of President

(a) In general

The President may, on the basis of reciprocity and under such terms and conditions as he may determine, specify privileges and immunities for the mission, the members of the mission, their families, and the diplomatic couriers which result in more favorable treatment or less favorable treatment than is provided under the Vienna Convention.

(b) Consular immunity

(1) In general

The Secretary of State, with the concurrence of the Attorney General, may, on the basis of reciprocity and under such terms and conditions as the Secretary may determine, specify privileges and immunities for a consular post, the members of a consular post, and their families which result in more favorable or less favorable treatment than is provided in the Vienna Convention on Consular Relations, of April 24, 1963 (T.I.A.S. 6820), entered into force for the United States on December 24, 1969.

(2) Consultation

Before exercising the authority under paragraph (1), the Secretary of State shall consult with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate regarding the circumstances that may warrant the need for privileges and immunities providing more favorable or less favorable treatment than is provided in the Vienna Convention.

(Pub. L. 95-393, §4, Sept. 30, 1978, 92 Stat. 809; Pub. L. 97-241, title II, §203(b)(3), Aug. 24, 1982, 96 Stat. 291; Pub. L. 114-323, title V, §501, Dec. 16, 2016, 130 Stat. 1935; Pub. L. 115-94, §2(e), Dec. 18, 2017, 131 Stat. 2038.)

AMENDMENTS

2017—Subsec. (b)(2). Pub. L. 115-94 substituted “and the Committee on Appropriations of the House of Rep-

representatives and the Committee on Foreign Relations and the Committee on Appropriations” for “of the House of Representatives and the Committee on Foreign Relations”.

2016—Pub. L. 114-323 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1982—Pub. L. 97-241 substituted “immunities for the mission, the members” for “immunities for members” and “diplomatic couriers which” for “diplomatic couriers of any sending state which”.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-241 effective Oct. 1, 1982, see section 204 of Pub. L. 97-241, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE

Section effective at end of ninety-day period beginning on Sept. 30, 1978, see section 9 of Pub. L. 95-393, set out as a note under section 254a of this title.

EX. ORD. NO. 12101. DELEGATION OF FUNCTIONS TO SECRETARY OF STATE RESPECTING PRIVILEGES AND IMMUNITIES FOR DIPLOMATIC MISSIONS AND PERSONNEL

Ex. Ord. No. 12101, Nov. 17, 1978, 43 F.R. 54195, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By the authority vested in me as President of the United States of America by the Diplomatic Relations Act (Public Law 95-393, 92 Stat. 808; 22 U.S.C. 254a et seq.) and Section 301 of Title 3 of the United States Code, in order to implement the liability insurance and other requirements relating to diplomatic personnel, I hereby designate and empower the Secretary of State to perform, without the approval, ratification, or other action of the President, the functions vested or to be vested in the President by Section 4 of Diplomatic Relations Act (92 Stat. 809; 22 U.S.C. 254c).

§ 254c-1. Policy toward certain agents of foreign governments

(a) It is the sense of the Congress that the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States should not exceed the respective numbers, status, privileges and immunities, travel accommodations, and facilities within such country of official representatives of the United States to such country.

(b) Omitted.

(Pub. L. 98-618, title VI, § 601(a), (b), Nov. 8, 1984, 98 Stat. 3303.)

CODIFICATION

Subsec. (b) of this section, which required the President to prepare and transmit to the Committee on Foreign Relations and Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and Permanent Select Committee on Intelligence of the House of Representatives a report on the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States and the respective numbers, status, privileges and immunities, travel, accommodations, and facilities within such country of official representatives of the United States to such country, and any action which may have been taken with respect thereto, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note

under section 1113 of Title 31, Money and Finance. See, also, page 33 of House Document No. 103-7.

§ 254c-2. Repealed. Pub. L. 103-199, title V, § 501(c), Dec. 17, 1993, 107 Stat. 2325

Section, Pub. L. 100-178, title V, § 501, Dec. 2, 1987, 101 Stat. 1014, related to annual report of Attorney General to congressional committees regarding admissions to United States over objections of the Federal Bureau of Investigation of Soviet nationals employed by or assigned to foreign mission or international organization in United States.

§ 254d. Dismissal on motion of action against individual entitled to immunity

Any action or proceeding brought against an individual who is entitled to immunity with respect to such action or proceeding under the Vienna Convention on Diplomatic Relations, under section 254b or 254c of this title, or under any other laws extending diplomatic privileges and immunities, shall be dismissed. Such immunity may be established upon motion or suggestion by or on behalf of the individual, or as otherwise permitted by law or applicable rules of procedure.

(Pub. L. 95-393, § 5, Sept. 30, 1978, 92 Stat. 809.)

EFFECTIVE DATE

Section effective at end of ninety-day period beginning on Sept. 30, 1978, see section 9 of Pub. L. 95-393, set out as a note under section 254a of this title.

§ 254e. Liability insurance for members of mission

(a) Compliance with regulations

Each mission, members of the mission and their families, and individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, shall comply with any requirement imposed by the regulations promulgated by the Director of the Office of Foreign Missions in the Department of State pursuant to subsection (b).

(b) Establishment by regulation of liability insurance requirements

The Director of the Office of Foreign Missions shall, by regulation, establish liability insurance requirements which can reasonably be expected to afford adequate compensation to victims and which are to be met by each mission, members of the mission and their families, and individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, relating to risks arising from the operation in the United States of any motor vehicle, vessel, or aircraft.

(c) Enforcement of liability insurance requirements

The Director of the Office of Foreign Missions shall take such steps as he may deem necessary to insure that each mission, members of the mission and their families, and individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, who operate motor vehicles, vessels, or aircraft in the United States comply with the requirements established pursuant to subsection (b).