

§ 4311. Enforcement

(a) Benefits to foreign missions contrary to this chapter; standing of United States to bring action for compliance

It shall be unlawful for any person to make available any benefits to a foreign mission contrary to this chapter. The United States, acting on its own behalf or on behalf of a foreign mission, has standing to bring or intervene in an action to obtain compliance with this chapter, including any action for injunctive or other equitable relief.

(b) Advice of Secretary concerning transactions with foreign missions

Upon the request of any Federal agency, any State or local government agency, or any business or other person that proposes to enter into a contract or other transaction with a foreign mission, the Secretary shall advise whether the proposed transaction is prohibited by any regulation or determination of the Secretary under this chapter.

(Aug. 1, 1956, ch. 841, title II, §211, as added Pub. L. 97-241, title II, §202(b), Aug. 24, 1982, 96 Stat. 290.)

Statutory Notes and Related Subsidiaries

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.

§ 4312. Presidential guidelines

The authorities granted to the Secretary pursuant to the provisions of this chapter shall be exercised in accordance with procedures and guidelines approved by the President.

(Aug. 1, 1956, ch. 841, title II, §212, as added Pub. L. 97-241, title II, §202(b), Aug. 24, 1982, 96 Stat. 290.)

Statutory Notes and Related Subsidiaries

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.

§ 4313. Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to any other person or circumstance shall not be affected thereby.

(Aug. 1, 1956, ch. 841, title II, §213, as added Pub. L. 97-241, title II, §202(b), Aug. 24, 1982, 96 Stat. 290.)

Statutory Notes and Related Subsidiaries

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.

§ 4314. Extraordinary protective services

(a) General authority

The Secretary may provide extraordinary protective services for foreign missions directly, by

contract, or through State or local authority to the extent deemed necessary by the Secretary in carrying out this chapter, except that the Secretary may not provide under this section any protective services for which authority exists to provide such services under subsections (a)(7) and (d) of section 3056A of title 18.

(b) Requirement of extraordinary circumstances

The Secretary may provide funds to a State or local authority for protective services under this section only if the Secretary has determined that a threat of violence, or other circumstances, exists which requires extraordinary security measures which exceed those which local law enforcement¹ agencies can reasonably be expected to take.

(c) Repealed. Pub. L. 103-236, title I, § 139(2), Apr. 30, 1994, 108 Stat. 397

(d) Restrictions on use of funds

Of the funds made available for obligation under this section in any fiscal year—

(1) not more than 20 percent may be obligated for protective services within any single State during that year; and

(2) not less than 15 percent shall be retained as a reserve for protective services provided directly by the Secretary or for expenditures in local jurisdictions not otherwise covered by an agreement for protective services under this section.

The limitations on funds available for obligation in this subsection shall not apply to unobligated funds during the final quarter of any fiscal year.

(e) Period of agreement with State or local authority

Any agreement with a State or local authority for the provision of protective services under this section shall be for a period of not to exceed 90 days in any calendar year, but such agreements may be renewed after review by the Secretary.

(f) Requirement for appropriations

Contracts may be entered into in carrying out this section only to such extent or in such amounts as are provided in advance in appropriation Acts.

(g) Working capital fund

Amounts used to carry out this section shall not be subject to section 4308(h) of this title.

(Aug. 1, 1956, ch. 841, title II, §214, as added Pub. L. 99-93, title I, §126(a), Aug. 16, 1985, 99 Stat. 417; amended Pub. L. 103-236, title I, §139(2), Apr. 30, 1994, 108 Stat. 397; Pub. L. 109-177, title VI, §605(d)(3), (e)(2)(C), Mar. 9, 2006, 120 Stat. 255.)

Editorial Notes

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-177, §605(e)(2)(C), substituted “subsections (a)(7) and (d) of section 3056A of title 18” for “sections 202(7) and 208 of title 3”.

Pub. L. 109-177, §605(d)(3), which directed amendment of section 214(a) of the State Department Basic Authorities Act by substituting “section 3056A(a)(7) and (d) of title 18” for “sections 202(8) and 208 of title 3”,

¹ So in original. Probably should be “enforcement”.