

## 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.)

**Editorial Notes**

## 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.)

**Editorial Notes**

## AMENDMENTS

1994—Pub. L. 103-236 substituted "The Secretary of State shall take into account security considerations" for "The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security".

**Statutory Notes and Related Subsidiaries**

## 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,<sup>1</sup> 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 re-

<sup>1</sup> See References in Text note below.

lated 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 passports, 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 re-

lated 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 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 7201<sup>1</sup> 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.)

**Editorial Notes**

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.)

**Editorial Notes**

AMENDMENTS

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: “There shall be,