

created by the contract, has been provided in advance by an appropriation Act; or

(2) to the extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 99-93, title VI, §615, Aug. 16, 1985, 99 Stat. 444.)

Editorial Notes

REFERENCES IN TEXT

The Congressional Budget Act, referred to in section catchline, probably means the Congressional Budget Act of 1974, titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

CHAPTER 58—DIPLOMATIC SECURITY

SUBCHAPTER I—GENERALLY

- Sec.
- 4801. Findings and purposes.
- 4802. Responsibility of Secretary of State.
- 4803. Designation of high risk, high threat posts.
- 4804. Briefings on embassy security.
- 4805. Cooperation of other Federal agencies.
- 4806. Protection of foreign consulates.
- 4807. Establishment of Visa and Passport Security Program in the Department of State.

SUBCHAPTER II—PERSONNEL

- 4821. Diplomatic Security Service.
- 4822. Director of Diplomatic Security Service.
- 4823. Special agents.
- 4824. Contracting authority.

SUBCHAPTER III—PERFORMANCE AND ACCOUNTABILITY

- 4831. Security Review Committees.
- 4832. Security Review Committee.
- 4833. Serious Security Incident investigation process.
- 4834. Security Review Committee findings and report.
- 4835. Relation to other proceedings.

SUBCHAPTER IV—DIPLOMATIC SECURITY PROGRAM

- 4851. Authorization.
- 4852. Diplomatic construction program.
- 4853. Security requirements for contractors.
- 4854. Qualifications of persons hired for diplomatic construction program.
- 4855. Cost overruns.
- 4856. Efficiency in contracting.
- 4857. Advisory Panel on Overseas Security.
- 4858. Training to improve perimeter security at United States diplomatic missions abroad.
- 4859. Protection of public entrances of United States diplomatic missions abroad.
- 4860. Reimbursement of Department of the Treasury.
- 4861. Inspector General for Department of State.
- 4862. Prohibition on use of funds for facilities in Israel, Jerusalem, or West Bank.
- 4863. Use of cleared personnel to ensure secure maintenance and repair of diplomatic facilities abroad.
- 4864. Increased participation of United States contractors in local guard contracts abroad under diplomatic security program.
- 4865. Security requirements for United States diplomatic facilities.
- 4866. Security training for personnel assigned to a high risk, high threat post.
- 4867. Security management training for officials assigned to a high risk, high threat post.
- 4868. Assignment of personnel at high risk, high threat posts.

SUBCHAPTER I—GENERALLY

§ 4801. Findings and purposes

(a) Findings

The Congress finds and declares that—

(1) the United States has a crucial stake in the presence of United States Government personnel representing United States interests abroad;

(2) conditions confronting United States Government personnel and missions abroad are fraught with security concerns which will continue for the foreseeable future; and

(3) the resources now available to counter acts of terrorism and protect and secure United States Government personnel and missions abroad, as well as foreign officials and missions in the United States, are inadequate to meet the mounting threat to such personnel and facilities.

(b) Purposes

The purposes of this chapter are—

(1) to set forth the responsibility of the Secretary of State with respect to the security of diplomatic operations in the United States and abroad;

(2) to maximize coordination by the Department of State with Federal, State, and local agencies and agencies of foreign governments in order to enhance security programs;

(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend that the Secretary investigate accountability for United States Government personnel with security-related responsibilities under chief of mission authority;

(4) to support a culture of risk management, instead of risk avoidance, that enables the Department of State to pursue its vital goals with full knowledge that it is neither desirable nor possible for the Department to avoid all risks;

(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents, and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and

(6) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counterterrorism, and in particular to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities, and communications, information, and security systems.

(Pub. L. 99-399, title I, §102, Aug. 27, 1986, 100 Stat. 855; Pub. L. 101-246, title I, §115(a), Feb. 16, 1990, 104 Stat. 22; Pub. L. 103-236, title I, §162(g)(1), Apr. 30, 1994, 108 Stat. 406; Pub. L. 117-263, div. I, title XCIII, §9302(c)(1), Dec. 23, 2022, 136 Stat. 3883.)

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 below and Tables.

AMENDMENTS

2022—Subsec. (b)(3). Pub. L. 117–263, §9302(c)(1)(A), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “to promote strengthened security measures and to provide for the accountability of United States Government personnel with security-related responsibilities.”

Subsec. (b)(4) to (6). Pub. L. 117–263, §9302(c)(1)(B), (C), added par. (4) and redesignated pars. (4) and (5) as (5) and (6), respectively.

1994—Subsec. (b)(2) to (6). Pub. L. 103–236 struck out par. (2) and redesignated pars. (3) to (6) as (2) to (5), respectively. Prior to amendment, par. (2) read as follows: “to provide for an Assistant Secretary of State to head the Bureau of Diplomatic Security of the Department of State, and to set forth certain provisions relating to the Diplomatic Security Service of the Department of State.”

1990—Subsec. (b)(5), (6). Pub. L. 101–246 added par. (5) and redesignated former par. (5) as (6).

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.

SHORT TITLE OF 2022 AMENDMENT

Pub. L. 117–263, div. I, title XCIII, §9301(a), Dec. 23, 2022, 136 Stat. 3879, provided that: “This section [amending section 4865 of this title, enacting provisions set out as a note under section 4865 of this title, and amending provisions set out as notes under sections 1475g and 4865 of this title] may be cited as the ‘Secure Embassy Construction and Counterterrorism Act of 2022.’”

Pub. L. 117–263, div. I, title XCIII, §9302(a), Dec. 23, 2022, 136 Stat. 3882, provided that: “This section [amending this section and sections 4003, 4804, and 4831 to 4835 of this title and enacting provisions set out as a note under this section] may be cited as the ‘Diplomatic Support and Security Act of 2022.’”

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title VI, §601], Nov. 29, 1999, 113 Stat. 1536, 1501A–451, provided that: “This title [enacting section 4865 of this title, amending section 4831 of this title, and enacting provisions set out as notes under section 4865 of this title] may be cited as the ‘Secure Embassy Construction and Counterterrorism Act of 1999.’”

SHORT TITLE

Pub. L. 99–399, §1, Aug. 27, 1986, 100 Stat. 853, provided that: “This Act [enacting this chapter and sections 2656e, 2711, 2712, 2780, 3244, and 4901 to 4904 of this title, sections 5569 and 5570 of Title 5, Government Organization and Employees, sections 1051, 1095, and 2181 to 2185 of Title 10, Armed Forces, section 2331 of Title 18, Crimes and Criminal Procedure, section 1226 of Title 33, Navigation and Navigable Waters, sections 559 and 1013 of Title 37, Pay and Allowances of the Uniformed Services, sections 2160b, 2160c, and 2169 of Title 42, The Public Health and Welfare, and sections 1801 to 1809 of Title 46, Appendix, Shipping, amending sections 300, 2151a, 2349aa–2, 2349aa–4, 2349aa–7, 2502, 2652, 2708, 3929, and

3929a of this title, section 208 of Title 3, The President, sections 5315 and 6325 of Title 5, sections 2 and 11 of the Inspector General Act of 1978, Pub. L. 95–452, set out in the Appendix to Title 5, sections 793, 794, and 3671 of Title 18, and section 4605 of Title 50, War and National Defense, enacting provisions set out as notes under sections 2708 and 4901 of this title, section 5569 of Title 5, sections 133, 1051, 1095, and 2181 of Title 10, section 559 of Title 37, section 2169 of Title 42, and section 1801 of Title 46, Appendix, and amending a provision set out as a note under section 2651 of this title] may be cited as the ‘Omnibus Diplomatic Security and Antiterrorism Act of 1986.’”

Pub. L. 99–399, title I, §101, Aug. 27, 1986, 100 Stat. 855, provided that: “Titles I through IV of this Act [enacting this chapter and amending sections 300, 2349aa–4, 2652, 3929, and 3929a of this title, section 208 of Title 3, The President, section 5315 of Title 5, Government Organization and Employees, and sections 2 and 11 of the Inspector General Act of 1978, Pub. L. 95–452, set out in the Appendix to Title 5] may be cited as the ‘Diplomatic Security Act.’”

FINDINGS

Pub. L. 117–263, div. I, title XCIII, §9302(b), Dec. 23, 2022, 136 Stat. 3882, provided that: “Congress makes the following findings:

“(1) A robust overseas diplomatic presence is part of an effective foreign policy, particularly in volatile environments where a flexible and timely diplomatic response can be decisive in preventing and addressing conflict.

“(2) Diplomats routinely put themselves and their families at great personal risk to serve their country overseas where they face threats related to international terrorism, violent conflict, and public health.

“(3) The Department [of State] has a remarkable record of protecting personnel while enabling an enormous amount of global diplomatic activity, often in insecure and remote places and facing a variety of evolving risks and threats. With support from Congress, the Department has revised policy, improved physical security through retrofitting and replacing old facilities, deployed additional security personnel and armored vehicles, and greatly enhanced training requirements and training facilities, including the new Foreign Affairs Security Training Center in Blackstone, Virginia.

“(4) Diplomatic missions rely on robust staffing and ambitious external engagement to advance United States interests as diverse as competing with China’s malign influence around the world, fighting terrorism and transnational organized crime, preventing and addressing violent conflict and humanitarian disasters, promoting United States businesses and trade, protecting the rights of marginalized groups, addressing climate change, and preventing pandemic disease.

“(5) Efforts to protect personnel overseas have often resulted in inhibiting diplomatic activity and limiting engagement between embassy personnel and local governments and populations.

“(6) Given that Congress currently provides annual appropriations in excess of \$1,900,000,000 for embassy security, construction, and maintenance, the Department should be able to ensure a robust overseas presence without inhibiting the ability of diplomats to—

“(A) meet outside United States secured facilities with foreign leaders to explain, defend, and advance United States priorities;

“(B) understand and report on foreign political, social, and economic conditions through meeting and interacting with community officials outside of United States facilities;

“(C) provide United States citizen services; and

“(D) collaborate and, at times, compete with other diplomatic missions, particularly those, such as that of the People’s Republic of China, that do not have restrictions on meeting locations.

“(7) Given these stakes, Congress has a responsibility to empower, support, and hold the Department

accountable for implementing an aggressive strategy to ensure a robust overseas presence that mitigates potential risks and adequately considers the myriad direct and indirect consequences of a lack of diplomatic presence.”

§ 4802. Responsibility of Secretary of State

(a) Security functions

(1) The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

(A) protection of all United States Government personnel on official duty abroad (other than Voice of America correspondents on official assignment and those personnel under the command of a United States area military commander) and their accompanying dependents;

(B) establishment and operation of security functions at all United States Government missions abroad (other than facilities or installations subject to the control of a United States area military commander);

(C) establishment and operation of security functions at all Department of State facilities in the United States; and

(D) protection of foreign missions, international organizations, and foreign officials and other foreign persons in the United States, as authorized by law.

(2) Security responsibilities shall include the following:

(A) Former Office of Security functions

Functions and responsibilities exercised by the Office of Security, Department of State, before November 11, 1985.

(B) Security and protective operations

(i) Establishment and operation of post security and protective functions abroad.

(ii) Development and implementation of communications, computer, and information security.

(iii) Emergency planning.

(iv) Establishment and operation of local guard services abroad.

(v) Supervision of the United States Marine Corps security guard program.

(vi) Liaison with American overseas private sector security interests.

(vii) Protection of foreign missions and international organizations, foreign officials, and diplomatic personnel in the United States, as authorized by law.

(viii) Protection of the Secretary of State and other persons designated by the Secretary of State, as authorized by law.

(ix) Physical protection of Department of State facilities, communications, and computer and information systems in the United States.

(x) Conduct of investigations relating to protection of foreign officials and diplomatic per-

sonnel and foreign missions in the United States, suitability for employment, employee security, illegal passport and visa issuance or use, and other investigations, as authorized by law.

(xi) Carrying out the rewards program for information concerning international terrorism authorized by section 2708(a)¹ of this title.

(xii) Performance of other security, investigative, and protective matters as authorized by law.

(C) Counterterrorism planning and coordination

Development and coordination of counterterrorism planning, emergency action planning, threat analysis programs, and liaison with other Federal agencies to carry out this paragraph.

(D) Security technology

Development and implementation of technical and physical security programs, including security-related construction, radio and personnel security communications, armored vehicles, computer and communications security, and research programs necessary to develop such measures.

(E) Diplomatic courier service

Management of the diplomatic courier service.

(F) Personnel training

Development of facilities, methods, and materials to develop and upgrade necessary skills in order to carry out this section.

(G) Foreign government training

Management and development of antiterrorism assistance programs to assist foreign government security training which are administered by the Department of State under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

(b) Overseas evacuations

The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents, and private United States citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall—

(1) develop a model contingency plan for evacuation of personnel, dependents, and United States citizens from foreign countries;

(2) develop a mechanism whereby United States citizens can voluntarily request to be placed on a list in order to be contacted in the event of an evacuation, or which, in the event of an evacuation, can maintain information on the location of United States citizens in high risk areas submitted by their relatives;

(3) assess the transportation and communications resources in the area being evacu-

¹ See References in Text note below.