

tion 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 related 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 7201¹ 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. 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, within the Bureau of Diplomatic Security, the Diplomatic Security Service. The Diplomatic Security Service shall perform such functions as may be assigned to it by the Secretary of State.”

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.

SEXUAL ASSAULT PREVENTION AND RESPONSE VICTIM ADVOCATES

Pub. L. 117–263, div. I, title XCII, §9202(c), Dec. 23, 2022, 136 Stat. 3864, provided that: “The Secretary [of State] shall ensure that the Diplomatic Security Service’s Victims’ Resource Advocacy Program—

“(1) is appropriately staffed by advocates who are physically present at—

“(A) the headquarters of the Department [of State]; and

“(B) major domestic and international facilities and embassies, as determined by the Secretary;

“(2) considers the logistics that are necessary to allow for the expedient travel of victims from Department facilities that do not have advocates; and

“(3) uses funds available to the Department to provide emergency food, shelter, clothing, and transportation for victims involved in matters being investigated by the Diplomatic Security Service.”

§ 4822. Director of Diplomatic Security Service

Any such Diplomatic Security Service should be headed by a Director designated by the Secretary of State. The Director should be a career member of the Senior Foreign Service or the Senior Executive Service and should be qualified for the position by virtue of demonstrated ability in the areas of security, law enforcement, management, and public administration. Experience in management or operations abroad should be considered an affirmative factor in the selection of the Director.

(Pub. L. 99–399, title II, §202, Aug. 27, 1986, 100 Stat. 858; Pub. L. 103–236, title I, §162(g)(8), Apr. 30, 1994, 108 Stat. 407.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103–236 substituted “Any such” for “The” in first sentence, struck out last sentence which read as follows: “The Director shall act under the supervision and direction of the Assistant Secretary for Diplomatic Security.”, and directed the substitution of “should” for “shall” in first, third, and fourth sentences, which was executed to first, second, and third sentences to reflect the probable intent of Congress and the striking out of last sentence which also was the fourth sentence. See H.Rept. 103–126, pp. 168, 169.

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.

§ 4823. Special agents

Special agent positions shall be filled in accordance with the provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) and title 5. In filling such positions, the Secretary of State shall actively recruit women and members of minority groups. The Secretary of State shall prescribe the qualifications required for assignment or appointment to such positions. The qualifications may include minimum and maximum entry age restrictions and other physical standards and shall incorporate such standards as may be required by law in order to perform security functions, to bear arms, and to exercise investigatory, warrant, arrest, and such other authorities as are available by law to special agents of the Department of State and the Foreign Service.

(Pub. L. 99-399, title II, §203, Aug. 27, 1986, 100 Stat. 858; Pub. L. 103-236, title I, §162(g)(9), Apr. 30, 1994, 108 Stat. 407.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in text, is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

AMENDMENTS

1994—Pub. L. 103-236 amended section catchline to read “Special agents” and in text substituted “Special agent positions” for “Positions in the Diplomatic Security Service” and “The qualifications” for “In the case of positions designated for special agents, the qualifications”.

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.

§ 4824. Contracting authority

The Secretary of State is authorized to employ individuals or organizations by contract to carry out the purposes of this Act, and individuals employed by contract to perform such services shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management

(except that the Secretary may determine the applicability to such individuals of any law administered by the Secretary concerning the employment of such individuals); and such contracts are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making and performance of contracts and performance of work in the United States.

(Pub. L. 99-399, title II, §206, as added Pub. L. 105-277, div. C, title I, §104, Oct. 21, 1998, 112 Stat. 2681-586.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 99-399, Aug. 27, 1986, 100 Stat. 853, known as the Omnibus Diplomatic Security and Antiterrorism Act of 1986. For complete classification of this Act to the Code, see Short Title note set out under section 4801 of this title and Tables.

SUBCHAPTER III—PERFORMANCE AND ACCOUNTABILITY

§ 4831. Security Review Committees**(a) In general****(1) Convening the Security Review Committee**

In any case of a serious security incident involving loss of life, serious injury, or significant destruction of property at, or related to, a United States Government diplomatic mission abroad (referred to in this subchapter as a “Serious Security Incident”), and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, the Secretary of State shall convene a Security Review Committee, which shall issue a report providing a full account of what occurred, consistent with section 4834 of this title.

(2) Committee composition

The Secretary shall designate a Chairperson and may designate additional personnel of commensurate seniority to serve on the Security Review Committee, which shall include—

- (A) the Director of the Office of Management Strategy and Solutions;
- (B) the Assistant Secretary responsible for the region where the incident occurred;
- (C) the Assistant Secretary of State for Diplomatic Security;
- (D) the Assistant Secretary of State for Intelligence and Research;
- (E) an Assistant Secretary-level representative from any involved United States Government department or agency; and
- (F) other personnel determined to be necessary or appropriate.

(3) Exceptions to convening a Security Review Committee**(A) In general**

The Secretary of State is not required to convene a Security Review Committee—

- (i) if the Secretary determines that the incident involves only causes unrelated to