

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 9087
OFFERED BY MR. ISSA OF CALIFORNIA**

At the appropriate place, insert the following:

1 **SEC. ____ . MODERNIZATION OF DIPLOMATIC SECURITY LAW**
2 **ENFORCEMENT DESIGNATION AND SPECIAL**
3 **AGENT CONTINUITY AUTHORITIES.**

4 (a) AUTHORITY OF SPECIAL AGENTS AND DES-
5 IGNATED PERSONNEL.—Section 37(a) of the State De-
6 partment Basic Authorities Act of 1956 (22 U.S.C.
7 2709(a)) is amended, in the matter preceding paragraph
8 (1), by striking “special agents of the Department of State
9 and the Foreign Service may” and inserting “special
10 agents of the Department of State and the Foreign Serv-
11 ice, and other qualified Federal officers or employees des-
12 ignated by the Secretary of State under subsection (d),
13 may, to the extent authorized by the Secretary and subject
14 to this section”.

15 (b) DESIGNATION OF QUALIFIED FEDERAL PER-
16 SONNEL.—Section 37 of the State Department Basic Au-
17 thorities Act of 1956 (22 U.S.C. 2709) is amended by
18 adding at the end the following:

1 “(d) DESIGNATION OF QUALIFIED FEDERAL PER-
2 SONNEL.—

3 “(1) IN GENERAL.—Under regulations pre-
4 scribed by the Secretary, in coordination with the
5 Attorney General as appropriate, the Secretary may
6 designate qualified officers and employees of the De-
7 partment of State or the Foreign Service, or other
8 Federal officers or employees assigned, detailed, or
9 otherwise made available to the Department, to exer-
10 cise such authorities under this section as the Sec-
11 retary determines necessary to perform protective,
12 police, security, emergency-response, and law-en-
13 forcement functions authorized under this section,
14 section 103 of the Omnibus Diplomatic Security and
15 Antiterrorism Act of 1986 (22 U.S.C. 4802), the
16 Foreign Missions Act (22 U.S.C. 4301 et seq.), or
17 any other provision of law.

18 “(2) COVERED PERSONNEL.—Personnel des-
19 igned under paragraph (1) may include qualified
20 Federal police officers, security specialists, protective
21 security specialists, personnel in the GS-1801 series
22 or any successor series, and other Federal personnel
23 assigned to protective, police, security, emergency-re-
24 sponse, or law-enforcement functions, as determined
25 by the Secretary.

1 “(3) STANDARDS.—An officer or employee may
2 be designated under paragraph (1) only if the Sec-
3 retary determines that the officer or employee has
4 satisfied applicable training, certification, suitability,
5 firearms qualification, use-of-force, credentialing,
6 medical or fitness, accountability, and operational
7 standards prescribed by the Secretary.

8 “(4) SCOPE OF AUTHORITY.—A designation
9 under this subsection may authorize an officer or
10 employee, to the extent authorized by the Secretary
11 and subject to this section—

12 “(A) to carry firearms;

13 “(B) to make arrests without warrant for
14 any offense against the United States com-
15 mitted in the presence of such officer or em-
16 ployee, or for any felony cognizable under the
17 laws of the United States if such officer or em-
18 ployee has reasonable grounds to believe that
19 the person to be arrested has committed or is
20 committing such felony;

21 “(C) to perform protective, police, security,
22 emergency-response, access-control, screening,
23 perimeter-security, event-security, and law-en-
24 forcement functions directly related to respon-
25 sibilities of the Secretary under this section,

1 section 103 of the Omnibus Diplomatic Security
2 and Antiterrorism Act of 1986, the Foreign
3 Missions Act, or any other provision of law; and

4 “(D) to perform such other protective, po-
5 lice, security, emergency-response, or law-en-
6 forcement functions as are authorized by law.

7 “(5) MISSION LIMITATION.—An officer or em-
8 ployee designated under this subsection may exercise
9 authority only while performing, supporting, super-
10 vising, directing, coordinating, responding to, avail-
11 able for recall to, or directed to perform duties au-
12 thorized under this section, section 103 of the Omni-
13 bus Diplomatic Security and Antiterrorism Act of
14 1986, the Foreign Missions Act, or any other provi-
15 sion of law.

16 “(6) INVESTIGATIVE LIMITATION.—A designa-
17 tion under this subsection does not authorize an offi-
18 cer or employee to conduct criminal investigations,
19 execute warrants, serve subpoenas or summonses, or
20 exercise investigative authorities under subsection
21 (a)(1) or warrant authorities under subsection
22 (a)(2), unless expressly authorized by the Secretary
23 and consistent with any agreement required under
24 subsection (b).

1 “(7) SUSPENSION OR REVOCATION.—The Sec-
2 retary, the Assistant Secretary for Diplomatic Secu-
3 rity, or the Director of the Diplomatic Security Serv-
4 ice may suspend, revoke, restrict, or condition any
5 designation, credential, firearms authority, or exer-
6 cise of authority under this subsection for failure to
7 satisfy applicable standards, misconduct, security
8 concerns, medical or fitness limitations, operational
9 need, or other good cause.

10 “(e) CONTINUITY OF DESIGNATION FOR DIPLOMATIC
11 SECURITY SPECIAL AGENTS.—

12 “(1) IN GENERAL.—A Diplomatic Security spe-
13 cial agent, including a Foreign Service special agent
14 in skill code 2501 or any successor skill code, shall
15 not lose special-agent designation, credentials, fire-
16 arms authority, recall status, or authorities under
17 this section solely because the agent is assigned, de-
18 tailed, seconded, or otherwise serving outside the
19 Bureau of Diplomatic Security, outside a special-
20 agent-designated position, or in an out-of-cone, rota-
21 tional, policy, interagency, training, supervisory,
22 chief-of-mission, deputy-chief-of-mission, principal-
23 officer, headquarters, or other Department-approved
24 assignment.

1 “(2) CONDITIONS.—Retention under paragraph
2 (1) shall require that the agent maintain law-en-
3 forcement training, qualification, certification, suit-
4 ability, firearms qualification, use-of-force,
5 credentialing, medical or fitness, and accountability
6 standards prescribed by the Secretary.

7 “(3) EMERGENCY RECALL AND CONTINUITY OF
8 OPERATIONS.—Retention under paragraph (1) may
9 be approved when the agent is available for emer-
10 gency recall, continuity-of-operations support, tem-
11 porary duty, crisis response, protective support, in-
12 vestigative support, national-security support, or
13 other Department law-enforcement, protective, secu-
14 rity, or emergency-response requirements.

15 “(4) EXERCISE OF AUTHORITY.—A special
16 agent retaining designation under this subsection
17 may exercise authority under this section only when
18 performing, supporting, supervising, responding to,
19 available for recall to, or directed to perform duties
20 authorized under this section, section 103 of the
21 Omnibus Diplomatic Security and Antiterrorism Act
22 of 1986, the Foreign Missions Act, or any other pro-
23 vision of law.

24 “(f) RULES OF CONSTRUCTION.—Nothing in sub-
25 sections (d) or (e) may be construed to—

1 “(1) confer entitlement to law-enforcement
2 availability pay, administratively uncontrollable over-
3 time pay, law-enforcement retirement coverage, en-
4 hanced retirement coverage, or any other pay or re-
5 tirement benefit unless otherwise provided by law;

6 “(2) confer independent Federal law-enforce-
7 ment authority on a contractor or personal services
8 contractor;

9 “(3) authorize the exercise of law-enforcement
10 authority unrelated to duties authorized by law;

11 “(4) limit the authority of the United States
12 Secret Service, the Department of Justice, the Fed-
13 eral Bureau of Investigation, the United States Mar-
14 shals Service, or any other Federal department or
15 agency;

16 “(5) alter any agreement with the Attorney
17 General required under this section; or

18 “(6) alter the appointment, assignment, pro-
19 motion, separation, tenure, or retirement provisions
20 of the Foreign Service Act of 1980, except as ex-
21 pressly provided in this section.”.

