

Omnibus Diplomatic Security and Antiterrorism Act of 1986

[Public Law 99–399]

[As Amended Through P.L. 119–60, Enacted December 18, 2025]

【Currency: This publication is a compilation of the text of Public Law 99–399. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To provide enhanced diplomatic security and combat international terrorism, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. [22 U.S.C. 4801 note] SHORT TITLE.

This Act may be cited as the “Omnibus Diplomatic Security and Antiterrorism Act of 1986”.

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TITLE I—DIPLOMATIC SECURITY

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SEC. 104. [22 U.S.C. 4803] DESIGNATION OF HIGH RISK, HIGH THREAT POSTS.

(a) INITIAL DESIGNATION.—Not later than 30 days after the date of the enactment of this section, the Department of State shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a report, in classified form, that contains a list of diplomatic and consular posts designated as high risk, high threat posts.

(b) DESIGNATIONS BEFORE OPENING OR REOPENING POSTS.—Before opening or reopening a diplomatic or consular post, the Secretary shall determine if such post should be designated as a high risk, high threat post.

(c) DESIGNATING EXISTING POSTS.—The Secretary shall regularly review existing diplomatic and consular posts to determine if any such post should be designated as a high risk, high threat post if conditions at such post or the surrounding security environment require such a designation.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) HIGH RISK, HIGH THREAT POST.—The term “high risk, high threat post” means a United States diplomatic or consular post or other United States mission abroad, as determined by the Secretary, that, among other factors—

(A) is located in a country—

(i) with high to critical levels of political violence and terrorism; and

(ii) the government of which lacks the ability or willingness to provide adequate security; and

(B) has mission physical security platforms that fall below the Department of State’s established standards.

SEC. 105. [22 U.S.C. 4804] BRIEFINGS ON EMBASSY SECURITY.

(a) BRIEFING.—The Secretary shall provide monthly briefings to the appropriate congressional committees on—

(1) progress towards opening or reopening a high risk, high threat post, and the risk to national security of the continued closure or any suspension of operations and remaining barriers to doing so, including—

(A) the importance and appropriateness of the objectives of the proposed post to the national security of the United States, the risk to United States national security of the post’s continued closure or suspension of operations, and the type and level of security threats such post could encounter;

(B) working plans to expedite the approval and funding for establishing and operating such post, implementing physical security measures, providing necessary security and management personnel, and the provision of necessary equipment;

(C) the type and level of security threats such post could encounter, and security “tripwires” that would determine specific action, including enhanced security measures or evacuation of such post, based on the improvement or deterioration of the local security environment; and

(D) in coordination with the Secretary of Defense, an evaluation of available United States military assets and operational plans to respond to such posts in extremis;

(2) personnel staffing and rotation cycles at high risk, high threat posts;

(3) the current security posture at posts of particular concern as determined by such committees; and

(4) the progress towards implementation of the provisions specified in title I of the Department of State Authorities Act, Fiscal Year 2017.

(b) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 30 days before opening or reopening a high risk, high threat post, the Secretary shall notify the appropriate

congressional committees of the decision to open or reopen such post.

(2) EMERGENCY CIRCUMSTANCES.—If the Secretary determines that the national security interests of the United States require the opening or reopening of a high risk, high threat post in fewer than 30 days, then as soon as possible, but not later than 48 hours before such opening or reopening, the Secretary shall transmit to the appropriate congressional committees a notification detailing the decision to open or reopen such post, detailing the national security value of reopening such post, the nature of the critical national security interests at stake, and the circumstances that prevented the normal 30-day notice under paragraph (1).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

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TITLE III—PERFORMANCE AND ACCOUNTABILITY

SEC. 301. [22 U.S.C. 4831] SECURITY REVIEW COMMITTEES.

(a)¹ 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 title 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 304.

(2) INITIAL CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority and minority leaders of the Senate, and the Speaker and minority leader of the House of Representatives

¹ Section 7502 of division G of Public Law 118–159 provides for amendments to “[S]ection 301(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4833(a)),”; however, the amendments probably should have been made to section 303(a) of the referenced law. The amendments made by paragraphs (1) and (2) of such section 7502 to redesignate paragraphs (2) and (3) as paragraphs (3) and (4), respectively, were carried out, however, the amendment by paragraph (3) to paragraph (4) (as redesignated) could not be executed because the stricken phrase does not appear in law. Also, there are two paragraph (4)s’ followed by a paragraph (5) so in law.

not later than 8 days after a possible Serious Security Incident has been identified by the Department. Such notification shall include a preliminary description of the incident, of an incident described in paragraph (1), including any known individuals involved, when and where the incident took place, and the next steps in the investigation.

(3) 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.

(4) 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 security, such as when the security at issue is outside of the scope of the Secretary of State's security responsibilities under section 103;

(ii) if operational control of overseas security functions has been delegated to another agency in accordance with section 106;

(iii) if the incident is a cybersecurity incident and is covered by other review mechanisms; or

(iv) in the case of an incident described in paragraph (1) that involves any facility, installation, or personnel of the Department of Defense with respect to which the Secretary has delegated operational control of overseas security functions to the Secretary of Defense pursuant to section 106 of this Act.

(B) DEPARTMENT OF DEFENSE INVESTIGATIONS.—In the case of an incident described in subparagraph (A)(iv), the Secretary of Defense shall conduct an appropriate inquiry. The Secretary of Defense shall report the findings and recommendations of such inquiry, and the action taken with respect to such recommendations, to the Secretary of State and Congress.

(4)¹ FACILITIES IN AFGHANISTAN, YEMEN, SYRIA, AND IRAQ.—

(A) LIMITED EXEMPTIONS FROM REQUIREMENT TO CON-
VENE BOARD.—The Secretary of State is not required to
convene a Board in the case of an incident that—

(i) involves serious injury, loss of life, or signifi-
cant destruction of property at, or related to, a United
States Government mission in Afghanistan, Yemen,
Syria, or Iraq; and

(ii) occurs during the period beginning on October
1, 2020, and ending on September 30, 2022.

(B) REPORTING REQUIREMENTS.—In the case of an inci-
dent described in subparagraph (A), the Secretary shall—

(i) promptly notify the Committee on International
Relations of the House of Representatives and the
Committee on Foreign Relations of the Senate of the
incident;

(ii) conduct an inquiry of the incident; and

(iii) upon completion of the inquiry required by
clause (ii), submit to each such Committee a report on
the findings and recommendations related to such in-
quiry and the actions taken with respect to such rec-
ommendations.

(5) RULEMAKING.—The Secretary of State shall promulgate
regulations defining the membership and operating procedures
for the Security Review Committee and provide such guidance
to the Chair and ranking members of the Committee on For-
eign Relations of the Senate and the Committee on Foreign Af-
fairs of the House of Representatives.

(b) DEADLINES FOR CONVENING SECURITY REVIEW COMMIT-
TEES.—

(1) IN GENERAL.—The Secretary of State shall convene a
Security Review Committee not later than 60 days after the oc-
currence of an incident described in subsection (a)(1), or 60
days after the Department first becomes aware of such an inci-
dent, whichever is earlier, except that the 60-day period for
convening a Security Review Committee may be extended for
one additional 60-day period if the Secretary determines that
the additional period is necessary.

(2) DELAY IN CASES INVOLVING INTELLIGENCE ACTIVITIES.—
With respect to breaches of security involving intelligence ac-
tivities, the Secretary of State may delay the establishment of
a Board if, after consultation with the chairman of the Select
Committee on Intelligence of the Senate and the chairman of
the Permanent Select Committee on Intelligence of the House
of Representatives, the Secretary determines that the estab-
lishment of a Board would compromise intelligence sources or
methods. The Secretary shall promptly advise the chairmen of
such committees of each determination pursuant to this para-
graph to delay the establishment of a Board.

(c) CONGRESSIONAL NOTIFICATION.—Whenever the Secretary of
State convenes a Security Review Committee, the Secretary shall
promptly inform the chair and ranking member of—

- (1) the Committee on Foreign Relations of the Senate;
- (2) the Select Committee on Intelligence of the Senate;
- (3) the Committee on Appropriations of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Permanent Select Committee on Intelligence of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

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TITLE IV—DIPLOMATIC SECURITY PROGRAM

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SEC. 402. [22 U.S.C. 4852] DIPLOMATIC CONSTRUCTION PROGRAM.

(a) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding section 11 of the Foreign Service Buildings Act, 1926, and where adequate competition exists, only United States persons and qualified United States joint venture persons may be awarded—

(1) a diplomatic construction or design project which has an estimated total project value exceeding \$25,000,000; and

(2) a diplomatic construction or design project which involves technical security, unless the project involves low-level technology, as determined by the Secretary of State.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to any diplomatic construction or design project in a foreign country whose statutes prohibit the use of United States contractors on such projects. The exception contained in this subsection shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions he has taken to urge such foreign country to permit the use of United States contractors on such projects, and what actions he shall take with respect to that country as authorized by title I1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the “Foreign Missions Act”).

(c) DEFINITIONS.—For the purposes of this section—

(1) the term “adequate competition” means with respect to a construction or design project, the presence of three or more qualified bidders submitting responsive bids for that project;

(2) the term “United States person” means a person which—

(A) is incorporated or legally organized under the laws of the United States, including State, the District of Columbia, and local laws;

(B) has its principal place of business in the United States;

(C) has been incorporated or legally organized in the United States—

(i) for more than 5 years before the issuance date of the invitation for bids or request for proposals with

respect to a construction project under subsection (a)(1); and

(ii) for more than 2 years before the issuance date of the invitation for bids or request for proposals with respect to a construction or design project which involves physical or technical security under subsection (a)(2);

(D) has performed within the United States or on a Federal contract abroad administrative and technical, professional, or construction services similar in complexity, type of construction, and value to the project being bid;

(E)(i) employs United States citizens in at least 65 percent of its principal management positions in the United States,

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States, and

(iii) will employ United States citizens in at least 65 percent of the supervisory positions on the foreign buildings office project site; and

(3) the term “qualified United States joint venture person” means a joint venture in which a United States person or persons owns at least 51 percent of the assets of the joint venture.

(d) AMERICAN MINORITY CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American minority contractors.

(e) AMERICAN SMALL BUSINESS CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American small business contractors.

(f) LIMITATION ON SUBCONTRACTING.—With respect to a diplomatic construction project, a prime contractor may not subcontract more than 50 percent of the total value of its contract for that project.

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SEC. 418. [22 U.S.C. 4869] COUNTER-INTELLIGENCE TRAINING FOR CERTAIN DIPLOMATIC SECURITY SPECIAL AGENTS.

(a) IN GENERAL.—Diplomatic Security special agents who are assigned to positions with a primary counterintelligence role or a diplomatic post rated as High or Critical for Human Intelligence on the Department of State’s Security Environment Threat List shall receive specific and substantive mandatory counter-intelligence training that is developed and conducted in consultation with the heads of relevant elements of the intelligence community.

(b) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

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