

## Calendar No. 257

113TH CONGRESS  
1ST SESSION**S. 1386**

To provide for enhanced embassy security, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 30, 2013

Mr. MENENDEZ (for himself, Mr. CORKER, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

DECEMBER 9, 2013

Reported by Mr. MENENDEZ, with amendments

[Omit the part struck through and insert the part printed in italic]

**A BILL**

To provide for enhanced embassy security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Chris Stevens, Sean Smith, Tyrone Woods, and Glen  
6 Doherty Embassy Security, Threat Mitigation, and Per-  
7 sonnel Protection Act of 2013”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.

TITLE I—FUNDING AUTHORIZATION AND TRANSFER AUTHORITY

Sec. 101. Capital Security Cost Sharing Program.  
 Sec. 102. Immediate threat mitigation.  
 Sec. 103. Language training.  
 Sec. 104. Foreign affairs security training.  
 Sec. 105. Transfer authority.

TITLE II—CONTRACTING AND OTHER MATTERS

Sec. 201. Local guard contracts abroad under diplomatic security program.  
 Sec. 202. Disciplinary action resulting from unsatisfactory leadership in relation to a security incident.  
 Sec. 203. Management and staff accountability.  
 Sec. 204. Security enhancements for soft targets.  
 Sec. 205. Reemployment of annuitants.

TITLE III—EXPANSION OF THE MARINE CORPS SECURITY GUARD  
 DETACHMENT PROGRAM

Sec. 301. Marine Corps Security Guard Program.

TITLE IV—REPORTING ON THE IMPLEMENTATION OF THE  
 ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS

Sec. 401. Department of State implementation of the recommendations provided by the Accountability Review Board convened after the September 11–12, 2012, attacks on United States Government personnel in Benghazi, Libya.  
 Sec. 402. Designation and reporting for high threat, high risk facilities.  
 Sec. 403. *Designation and reporting for high-risk counterintelligence threat posts.*  
 Sec. 404. *Comptroller General report on implementation of Benghazi Accountability Review Board recommendations.*  
 Sec. 405. *Security Environment Threat List briefings.*

TITLE V—ACCOUNTABILITY REVIEW BOARDS

Sec. 501. Sense of Congress.  
 Sec. 502. Provision of copies of Accountability Review Board reports to Congress.  
 Sec. 503. Changes to existing law.

TITLE VI—OTHER MATTERS

Sec. 601. *Enhanced qualifications for Deputy Assistant Secretary of State for High Threat, High Risk Posts.*

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means the Committee on Foreign Relations  
4           of the Senate and the Committee on Foreign Affairs  
5           of the House of Representatives.

6           (2) FACILITIES.—The term “facilities” encom-  
7           passes embassies, consulates, expeditionary diplo-  
8           matic facilities, and any other diplomatic facilities,  
9           not in the United States, including those that are in-  
10          tended for temporary use.

11 **TITLE I—FUNDING AUTHORIZA-**  
12 **TION AND TRANSFER AU-**  
13 **THORITY**

14 **SEC. 101. CAPITAL SECURITY COST SHARING PROGRAM.**

15          (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated for fiscal year 2014 for the  
17 Department of State \$1,383,000,000, to be available until  
18 expended, for the Capital Security Cost Sharing Program,  
19 authorized by section 604(e) of the Secure Embassy Con-  
20 struction and Counterterrorism Act of 1999 (title VI of  
21 division A of H.R. 3427, as enacted into law by section  
22 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–  
23 453; 22 U.S.C. 4865 note).

1 (b) SENSE OF CONGRESS ON THE CAPITAL SECURITY  
2 COST SHARING PROGRAM.—It is the sense of Congress  
3 that—

4 (1) the Capital Security Cost Sharing Program  
5 should prioritize the construction of new facilities  
6 and the maintenance of existing facilities in high  
7 threat, high risk areas in addition to addressing im-  
8 mediate threat mitigation as set forth in section  
9 102, *and should take into consideration the priorities*  
10 *of other government agencies that are contributing to*  
11 *the Capital Security Cost Sharing Program when re-*  
12 *placing or upgrading diplomatic facilities; and*

13 (2) all United States Government agencies are  
14 required to pay into the Capital Security Cost Shar-  
15 ing Program a percentage of total costs determined  
16 by interagency agreements, in order to address im-  
17 mediate threat mitigation needs and increase funds  
18 for the Capital Security Cost Sharing Program for  
19 fiscal year 2014, including to address inflation and  
20 increased construction costs.

21 (c) RESTRICTION ON CONSTRUCTION OF OFFICE  
22 SPACE.—Section 604(e)(2) of the Secure Embassy Con-  
23 struction and Counterterrorism Act of 1999 (title VI of  
24 division A of H.R. 3427, as enacted into law by section  
25 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–

1 453; 22 U.S.C. 4865 note) is amended by adding at the  
2 end the following: “A project to construct a diplomatic fa-  
3 cility of the United States may not include office space  
4 or other accommodations for an employee of a Federal  
5 agency or department if the Secretary of State determines  
6 that such department or agency has not provided to the  
7 Department of State the full amount of funding required  
8 by paragraph (1), except that such project may include  
9 office space or other accommodations for members of the  
10 United States Marine Corps. ~~Funding appropriated for~~  
11 ~~Overseas Contingency Operations for Worldwide Security~~  
12 ~~Upgrades shall be considered to be part of the Department~~  
13 ~~of State’s Capital Security Cost Sharing Program pay-~~  
14 ~~ment, and, subject to annual appropriations, shall be sub-~~  
15 ~~ject to the funding requirements in paragraph (1).”.~~

16 **SEC. 102. IMMEDIATE THREAT MITIGATION.**

17 (a) ALLOCATION OF AUTHORIZED APPROPRIA-  
18 TIONS.—In addition to any funds otherwise made available  
19 for such purposes, the Department of State shall, notwith-  
20 standing any other provision of law except as provided in  
21 subsection (d), use \$300,000,000 of the funding provided  
22 in section 101 for immediate threat mitigation projects,  
23 with priority given to facilities determined to be “high  
24 threat, high risk” pursuant to section 402.

1 (b) ALLOCATION OF FUNDING.—In allocating fund-  
2 ing for threat mitigation projects, the Secretary of State  
3 shall prioritize funding for—

4 (1) the construction of safeguards that provide  
5 immediate security benefits;

6 (2) the purchasing of additional security equip-  
7 ment, including additional defensive weaponry;

8 (3) the paying of expenses of additional security  
9 forces, with an emphasis on funding United States  
10 security forces where practicable; and

11 (4) any other purposes necessary to mitigate  
12 immediate threats to United States personnel serv-  
13 ing overseas.

14 (c) TRANSFER.—The Secretary may transfer and  
15 merge funds authorized under subsection (a) to any appro-  
16 priation account of the Department of State for the pur-  
17 pose of carrying out the threat mitigation projects de-  
18 scribed in subsection (b).

19 (d) USE OF FUNDS FOR OTHER PURPOSES.—Not-  
20 withstanding the allocation requirement under subsection  
21 (a), funds subject to such requirement may be used for  
22 other authorized purposes of the Capital Security Cost  
23 Sharing Program if, not later than 15 days prior to such  
24 use, the Secretary certifies in writing to the appropriate  
25 congressional committees that—

1           (1) high threat, high risk facilities are being se-  
2           cured to the best of the United States Government’s  
3           ability; and

4           (2) the Secretary of State will make funds  
5           available from the Capital Security Cost Sharing  
6           Program or other sources to address any changed  
7           security threats or risks, or new or emergent secu-  
8           rity needs, including immediate threat mitigation.

9   **SEC. 103. LANGUAGE TRAINING.**

10       (a) IN GENERAL.—Title IV of the Omnibus Diplo-  
11       matic Security and Antiterrorism Act of 1986 (22 U.S.C.  
12       4851 et seq.) is amended by adding at the end the fol-  
13       lowing new section:

14   **“SEC. 416. LANGUAGE REQUIREMENTS FOR DIPLOMATIC**  
15                   **SECURITY PERSONNEL ASSIGNED TO HIGH**  
16                   **THREAT, HIGH RISK POSTS.**

17       “(a) IN GENERAL.—Diplomatic security personnel  
18       assigned permanently to, or who are serving in, long-term  
19       temporary duty status as designated by the Secretary of  
20       State at a high threat, high risk post should receive lan-  
21       guage training described in subsection (b) in order to pre-  
22       pare such personnel for duty requirements at such post.

23       “(b) LANGUAGE TRAINING DESCRIBED.—Language  
24       training referred to in subsection (a) should prepare per-  
25       sonnel described in such subsection—

1           “(1) to speak the language at issue with suffi-  
 2           cient structural accuracy and vocabulary to partici-  
 3           pate effectively in most formal and informal con-  
 4           versations on subjects germane to security; and

5           “(2) to read within an adequate range of speed  
 6           and with almost complete comprehension on subjects  
 7           germane to security.”.

8           (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
 9           authorized to be appropriated \$5,000,000 annually for fis-  
 10          cal years 2014 and 2015 to carry out this section.

11          (c) INSPECTOR GENERAL REVIEW.—The Inspector  
 12          General of the Department of State and Broadcasting  
 13          Board of Governors shall, at the end of fiscal years 2014  
 14          and 2015, review the language training conducted pursu-  
 15          ant to this section and make the results of such reviews  
 16          available to the Secretary of State and the appropriate  
 17          congressional committees.

18          **SEC. 104. FOREIGN AFFAIRS SECURITY TRAINING.**

19          (a) SENSE OF CONGRESS.—It is the sense of Con-  
 20          gress that—

21                 (1) Department of State employees and their  
 22                 families deserve improved and efficient programs  
 23                 and facilities for high threat training and training  
 24                 on risk management decision processes;

1           (2) improved and efficient high threat, high risk  
2 training is consistent with the Benghazi Account-  
3 ability Review Board (ARB) recommendation num-  
4 ber 17;

5           (3) improved and efficient security training  
6 should take advantage of training synergies that al-  
7 ready exist, like training with, or in close proximity  
8 to, Fleet Antiterrorism Security Teams (FAST),  
9 special operations forces, or other appropriate mili-  
10 tary and security assets; and

11           (4) the Secretary of State should undertake  
12 temporary measures, including leveraging the avail-  
13 ability of existing government and private sector  
14 training facilities, to the extent appropriate to meet  
15 the critical security training requirements of the De-  
16 partment of State.

17       (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated for the Department of State  
19 \$100,000,000 for improved high threat, high risk security  
20 training, including—

21           (1) expanding existing government training fa-  
22 cilities; and

23           (2) utilizing other government or private sector  
24 facilities to meet critical security training require-  
25 ments.

1       (c) ~~ADDITIONAL AUTHORIZATION OF APPROPRIA-~~  
2 ~~TIONS.—~~

3           (1) ~~IN GENERAL.—~~There is authorized to be  
4 appropriated \$350,000,000 for the acquisition, con-  
5 struction, and operation of a new Foreign Affairs  
6 Security Training Center, subject to the certification  
7 requirement in paragraph (2).

8           (2) ~~REQUIRED CERTIFICATION.—~~Not later than  
9 15 days prior to the obligation or expenditure of any  
10 funds authorized to be appropriated pursuant to  
11 paragraph (1), the President shall certify to the ap-  
12 propriate congressional committees that the acquisi-  
13 tion, construction, and operation of a new Foreign  
14 Affairs Security Training Center is necessary to  
15 meet high threat security training requirements.

16           (3) ~~EFFECT OF CERTIFICATION.—~~If the certifi-  
17 cation in paragraph (2) is made—

18           (A) up to \$100,000,000 of the funds au-  
19 thorized to be appropriated under subsection  
20 (b) shall also be authorized for the purposes set  
21 forth in paragraph (1); or

22           (B) up to \$100,000,000 of funds available  
23 for the acquisition, construction, or operation of  
24 Department of State facilities may be trans-

1           ferred and used for the purposes set forth in  
2           paragraph (1).

3           (d) ~~USE OF FUNDS APPROPRIATED UNDER THE~~  
4 ~~AMERICAN REINVESTMENT AND RECOVERY ACT OF~~  
5 ~~2009.~~—Of the funds appropriated to the Department of  
6 State under title XI of the American Reinvestment and  
7 Recovery Act of 2009 (Public Law 111–5), \$54,545,177  
8 is to remain available until September 30, 2016, for activi-  
9 ties consistent with subsections (b) and (c).

10 **SEC. 104. FOREIGN AFFAIRS SECURITY TRAINING.**

11           (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
12 *that—*

13                   (1) *Department of State employees and their*  
14 *families deserve improved and efficient programs and*  
15 *facilities for high threat training and training on*  
16 *risk management decision processes;*

17                   (2) *improved and efficient high threat, high risk*  
18 *training is consistent with the Benghazi Account-*  
19 *ability Review Board (ARB) recommendation number*  
20 *17;*

21                   (3) *improved and efficient security training*  
22 *should take advantage of training synergies that al-*  
23 *ready exist, like training with, or in close proximity*  
24 *to, Fleet Antiterrorism Security Teams (FAST), spe-*

1        *cial operations forces, or other appropriate military*  
2        *and security assets; and*

3            *(4) the Secretary of State should undertake tem-*  
4        *porary measures, including leveraging the avail-*  
5        *ability of existing government and private sector*  
6        *training facilities, to the extent appropriate to meet*  
7        *the critical security training requirements of the De-*  
8        *partment of State.*

9        *(b) AUTHORIZATION OF APPROPRIATIONS FOR IMME-*  
10       *DIATE SECURITY TRAINING FOR HIGH THREAT, HIGH*  
11       *RISK ENVIRONMENTS.—There is authorized to be appro-*  
12       *priated for the Department of State \$100,000,000 for im-*  
13       *proved immediate security training for high threat, high*  
14       *risk security environments, including through the utiliza-*  
15       *tion of government or private sector facilities to meet crit-*  
16       *ical security training requirements.*

17       *(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS*  
18       *FOR LONG-TERM SECURITY TRAINING FOR HIGH THREAT,*  
19       *HIGH RISK ENVIRONMENTS.—*

20            *(1) IN GENERAL.—There is authorized to be ap-*  
21        *propriated \$350,000,000 for the acquisition, construc-*  
22        *tion, and operation of a new Foreign Affairs Security*  
23        *Training Center or expanding existing government*  
24        *training facilities, subject to the certification require-*  
25        *ment in paragraph (2).*

1           (2) *REQUIRED CERTIFICATION.*—Not later than  
2           15 days prior to the obligation or expenditure of any  
3           funds authorized to be appropriated pursuant to  
4           paragraph (1), the President shall certify to the ap-  
5           propriate congressional committees that the acquisi-  
6           tion, construction, and operation of a new Foreign  
7           Affairs Security Training Center, or the expansion of  
8           existing government training facilities, is necessary to  
9           meet long-term security training requirements for  
10          high threat, high risk environments.

11          (3) *EFFECT OF CERTIFICATION.*—If the certifi-  
12          cation in paragraph (2) is made—

13                 (A) up to \$100,000,000 of the funds author-  
14                 ized to be appropriated under subsection (b)  
15                 shall also be authorized for the purposes set forth  
16                 in paragraph (1); or

17                 (B) up to \$100,000,000 of funds available  
18                 for the acquisition, construction, or operation of  
19                 Department of State facilities may be transferred  
20                 and used for the purposes set forth in paragraph  
21                 (1).

22          (d) *USE OF FUNDS APPROPRIATED UNDER THE*  
23          *AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009.*—  
24          Of the funds appropriated to the Department of State under  
25          title XI of the American Reinvestment and Recovery Act

1 of 2009 (*Public Law 111–5*), \$54,545,177 is to remain  
2 available until September 30, 2016, for activities consistent  
3 with subsections (b) and (c).

4 **SEC. 105. TRANSFER AUTHORITY.**

5 Section 4 of the Foreign Service Buildings Act of  
6 1926 (22 U.S.C. 295) is amended by adding at the end  
7 the following new subsections:

8 “(j)(1) In addition to exercising any other transfer  
9 authority available to the Secretary of State, and subject  
10 to subsection (k), the Secretary may transfer to, and  
11 merge with, any appropriation for embassy security, con-  
12 struction, and maintenance such amounts appropriated for  
13 any other purpose related to diplomatic and consular pro-  
14 grams on or after October 1, 2013, as the Secretary deter-  
15 mines are necessary to provide for the security of sites  
16 and buildings in foreign countries under the jurisdiction  
17 and control of the Secretary.

18 “(2) Any funds transferred under the authority pro-  
19 vided in paragraph (1) shall be merged with funds in the  
20 heading to which transferred, and shall be available sub-  
21 ject to the same terms and conditions as the funds with  
22 which merged.

23 “(k) Not later than 15 days before any transfer of  
24 funds under subsection (j), the Secretary shall notify the  
25 Committees on Foreign Relations and Appropriations of

1 the Senate and the Committees on Foreign Affairs and  
 2 Appropriations of the House of Representatives.”.

3       **TITLE II—CONTRACTING AND**  
 4                               **OTHER MATTERS**

5       **SEC. 201. LOCAL GUARD CONTRACTS ABROAD UNDER DIP-**  
 6                               **LOMATIC SECURITY PROGRAM.**

7           (a) IN GENERAL.—Section 136(c)(3) of the Foreign  
 8 Relations Authorization Act, Fiscal Years 1990 and 1991  
 9 (22 U.S.C. 4864(c)(3)) is amended to read as follows:

10                       “(3) in evaluating proposals for such contracts,  
 11           award contracts to technically acceptable firms offer-  
 12           ing the lowest evaluated price, except that—

13                               “(A) the Secretary may award contracts on  
 14           the basis of best value (as determined by a cost-  
 15           technical tradeoff analysis); and

16                               “(B) proposals received from United  
 17           States persons and qualified United States joint  
 18           venture persons shall be evaluated by reducing  
 19           the bid price by 10 percent;”.

20           (b) REPORT.—Not later than 1 year after the date  
 21 of the enactment of this Act, the Secretary shall submit  
 22 to the Committee on Foreign Relations of the Senate and  
 23 the Committee on Foreign Affairs of the House of Rep-  
 24 resentatives a report that includes—

1           (1) an explanation of the implementation of  
2 paragraph (3) of section 136(c) of the Foreign Rela-  
3 tions Authorization Act, Fiscal Years 1990 and  
4 1991, as amended by subsection (a); and

5           (2) for each instance in which an award is  
6 made pursuant to subparagraph (A) of such para-  
7 graph, as so amended, a written justification and ap-  
8 proval, providing the basis for such award and an  
9 explanation of the inability to satisfy the needs of  
10 the Department of State by technically acceptable,  
11 lowest price evaluation award.

12 **SEC. 202. DISCIPLINARY ACTION RESULTING FROM UNSAT-**  
13 **ISFACTORY LEADERSHIP IN RELATION TO A**  
14 **SECURITY INCIDENT.**

15       Section 304(c) of the Diplomatic Security Act (22  
16 U.S.C. 4834 (c)) is amended—

17           (1) by redesignating paragraphs (1), (2), and  
18 (3) as subparagraphs (A), (B), and (C), respectively,  
19 and moving such subparagraphs, as so redesignated,  
20 2 ems to the right;

21           (2) by striking “RECOMMENDATIONS” and in-  
22 serting the following: “RECOMMENDATIONS.—

23           “(1) IN GENERAL.—Whenever”; and

24           (3) by inserting at the end the following new  
25 paragraph:

1           “(2) CERTAIN SECURITY INCIDENTS.—Unsatis-  
2           factory leadership by a senior official with respect to  
3           a security incident involving loss of life, serious in-  
4           jury, or significant destruction of property at or re-  
5           lated to a United States Government mission abroad  
6           may be grounds for disciplinary action. If a Board  
7           finds reasonable cause to believe that a senior offi-  
8           cial provided such unsatisfactory leadership, the  
9           Board may recommend disciplinary action subject to  
10          the procedures in paragraph (1).”.

11 **SEC. 203. MANAGEMENT AND STAFF ACCOUNTABILITY.**

12          (a) AUTHORITY OF SECRETARY OF STATE.—Nothing  
13          in this Act or any other provision of law shall be construed  
14          to prevent the Secretary of State from using all authorities  
15          invested in the office of Secretary to take personnel action  
16          against any employee or official of the Department of  
17          State that the Secretary determines has breached the duty  
18          of that individual or has engaged in misconduct or unsatis-  
19          factorily performed the duties of employment of that indi-  
20          vidual, and such misconduct or unsatisfactory perform-  
21          ance has significantly contributed to the serious injury,  
22          loss of life, or significant destruction of property, or a seri-  
23          ous breach of security, even if such action is the subject  
24          of an Accountability Review Board’s examination under

1 section 304(a) of the Diplomatic Security Act (22 U.S.C.  
2 4834(a)).

3 (b) ACCOUNTABILITY.—Section 304 of the Diplo-  
4 matic Security Act (22 U.S.C. 4834) is amended—

5 (1) in subsection (c), by inserting after  
6 “breached the duty of that individual” the following:  
7 “or has engaged in misconduct or unsatisfactorily  
8 performed the duties of employment of that indi-  
9 vidual, and such misconduct or unsatisfactory per-  
10 formance has significantly contributed to the serious  
11 injury, loss of life, or significant destruction of prop-  
12 erty, or the serious breach of security that is the  
13 subject of the Board’s examination as described in  
14 subsection (a),”;

15 (2) by redesignating subsection (d) as sub-  
16 section (e); and

17 (3) by inserting after subsection (c) the fol-  
18 lowing new subsection:

19 “(d) MANAGEMENT ACCOUNTABILITY.—Whenever a  
20 Board determines that an individual has engaged in any  
21 conduct addressed in subsection (c), the Board shall evalu-  
22 ate the level and effectiveness of management and over-  
23 sight conducted by employees or officials in the manage-  
24 ment chain of such individual.”.

1 **SEC. 204. SECURITY ENHANCEMENTS FOR SOFT TARGETS.**

2 Section 29 of the State Department Basic Authorities  
3 Act of 1956 (22 U.S.C. 2701) is amended in the third  
4 sentence by inserting “physical security enhancements  
5 and” after “Such assistance may include”.

6 **SEC. 205. REEMPLOYMENT OF ANNUITANTS.**

7 Section 824(g) of the Foreign Service Act of 1980  
8 (22 U.S.C. 4064(g)) is amended—

9 (1) in paragraph (1)(B), by striking “to facili-  
10 tate the” and all that follows through “Afghanistan,  
11 if” and inserting “to facilitate the assignment of  
12 persons to high threat, high risk posts or to posts  
13 vacated by members of the Service assigned to high  
14 threat, high risk posts, if”;

15 (2) by amending paragraph (2) to read as fol-  
16 lows:

17 “(2) The Secretary shall submit to the Committee on  
18 Foreign Relations of the Senate and the Committee on  
19 Foreign Affairs of the House of Representatives a report  
20 on the incurred costs over the prior fiscal year of the total  
21 compensation and benefit payments to annuitants reem-  
22 ployed by the Department pursuant to this section.”; and

23 (3) by adding after paragraph (3) the following  
24 paragraphs:

25 “(4) In the event that an annuitant qualified for com-  
26 pensation or payments pursuant to this subsection subse-

1 quently transfers to a position for which the annuitant  
 2 would not qualify for a waiver under this subsection, the  
 3 Secretary may no longer waive the application of sub-  
 4 sections (a) through (d) with respect to such annuitant.

5 “(5) The authority of the Secretary to waive the ap-  
 6 plication of subsections (a) through (d) for an annuitant  
 7 pursuant to this subsection shall terminate on October 1,  
 8 2019.”.

9 **TITLE III—EXPANSION OF THE**  
 10 **MARINE CORPS SECURITY**  
 11 **GUARD DETACHMENT PRO-**  
 12 **GRAM**

13 **SEC. 301. MARINE CORPS SECURITY GUARD PROGRAM.**

14 (a) IN GENERAL.—Pursuant to the responsibility of  
 15 the Secretary of State for diplomatic security under sec-  
 16 tion 103 of the Diplomatic Security Act (22 U.S.C. 4802),  
 17 the Secretary of State, in consultation with the Secretary  
 18 of Defense, shall—

19 (1) develop and implement a plan to incor-  
 20 porate the additional Marine Corps Security Guard  
 21 personnel authorized pursuant to section 404 of the  
 22 National Defense Authorization Act for Fiscal Year  
 23 2013 (Public Law 112–239; 10 U.S.C. 5983 note)  
 24 at United States embassies, consulates, and other  
 25 facilities; and

1           (2) conduct an annual review of the Marine  
2 Corps Security Guard Program, including—

3           (A) an evaluation of whether the size and  
4 composition of the Marine Corps Security  
5 Guard Program is adequate to meet global dip-  
6 lomatic security requirements;

7           (B) an assessment of whether Marine  
8 Corps security guards are appropriately de-  
9 ployed among facilities to respond to evolving  
10 security developments and potential threats to  
11 United States interests abroad; and

12           (C) an assessment of the mission objectives  
13 of the Marine Corps Security Guard Program  
14 and the procedural rules of engagement to pro-  
15 tect diplomatic personnel under the Program.

16       (b) REPORTING REQUIREMENT.—Not later than 180  
17 days after the date of the enactment of this Act, and annu-  
18 ally thereafter for three years, the Secretary of State, in  
19 consultation with the Secretary of Defense, shall submit  
20 to the appropriate congressional committees an unclassi-  
21 fied report, with a classified annex as necessary, that ad-  
22 dresses the requirements set forth in subsection (a)(2).

1 **TITLE IV—REPORTING ON THE**  
2 **IMPLEMENTATION OF THE**  
3 **ACCOUNTABILITY REVIEW**  
4 **BOARD RECOMMENDATIONS**

5 **SEC. 401. DEPARTMENT OF STATE IMPLEMENTATION OF**  
6 **THE RECOMMENDATIONS PROVIDED BY THE**  
7 **ACCOUNTABILITY REVIEW BOARD CON-**  
8 **VENED AFTER THE SEPTEMBER 11–12, 2012,**  
9 **ATTACKS ON UNITED STATES GOVERNMENT**  
10 **PERSONNEL IN BENGHAZI, LIBYA.**

11 (a) REPORT REQUIRED.—Not later than 90 days  
12 after the date of the enactment of this Act, the Secretary  
13 of State shall submit to the appropriate congressional  
14 committees an unclassified report, with a classified annex,  
15 on the implementation by the Department of State of the  
16 recommendations of the Accountability Review Board con-  
17 vened pursuant to title III of the Omnibus Diplomatic and  
18 Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.) to  
19 examine the facts and circumstances surrounding the Sep-  
20 tember 11–12, 2012, killings of four United States Gov-  
21 ernment personnel in Benghazi, Libya.

22 (b) CONTENT.—The report required under subsection  
23 (a) shall include the following elements:

24 (1) An assessment of the overall state of the  
25 Department of State’s diplomatic security to respond

1 to the evolving global threat environment, and the  
2 broader steps the Department of State is taking to  
3 improve the security of United States diplomatic  
4 personnel in the aftermath of the Accountability Re-  
5 view Board Report.

6 (2) A description of the specific steps taken by  
7 the Department of State to address each of the 29  
8 recommendations contained in the Accountability  
9 Review Board Report, including—

10 (A) an assessment of whether implementa-  
11 tion of each recommendation is “complete” or  
12 is still “in progress”; and

13 (B) if the Secretary of State determines  
14 not to fully implement any of the 29 rec-  
15 ommendations in the Accountability Review  
16 Board Report, a thorough explanation as to  
17 why such a decision was made.

18 (3) An enumeration and assessment of any sig-  
19 nificant challenges that have slowed or interfered  
20 with the Department of State’s implementation of  
21 the Accountability Review Board recommendations,  
22 including—

23 (A) a lack of funding or resources made  
24 available to the Department of State;

1 (B) restrictions imposed by current law  
2 that in the Secretary of State's judgment  
3 should be amended; and

4 (C) difficulties caused by a lack of coordi-  
5 nation between the Department of State and  
6 other United States Government agencies.

7 **SEC. 402. DESIGNATION AND REPORTING FOR HIGH**  
8 **THREAT, HIGH RISK FACILITIES.**

9 (a) REPORT REQUIRED.—Not later than 90 days  
10 after the date of the enactment of this Act, and annually  
11 thereafter, the Secretary of State shall submit to the ap-  
12 ~~propriate congressional committees~~ *Secretary of State, in*  
13 *consultation with the Director of National Intelligence and*  
14 *the Secretary of Defense, shall submit to the Committee on*  
15 *Foreign Relations, the Select Committee on Intelligence,*  
16 *and the Committee on Armed Services of the Senate and*  
17 *the Committee on Foreign Affairs, the Permanent Select*  
18 *Committee on Intelligence, and the Committee on Armed*  
19 *Services of the House of Representatives* a classified report,  
20 with an unclassified summary, evaluating Department of  
21 State facilities that the Secretary of State determines to  
22 be “high threat, high risk” in accordance with subsection  
23 (c).

24 (b) CONTENT.—For each facility determined to be  
25 “high threat, high risk” pursuant to subsection (a), the

1 report submitted under such subsection shall also in-  
2 clude—

3           (1) a narrative assessment describing the secu-  
4 rity threats and risks facing posts overseas and the  
5 overall threat level to United States personnel under  
6 chief of mission authority;

7           (2) the number of diplomatic security per-  
8 sonnel, Marine Corps security guards, and other De-  
9 partment of State personnel dedicated to providing  
10 security for United States personnel, information,  
11 and facilities;

12           (3) an assessment of host nation willingness  
13 and capability to provide protection in the event of  
14 a security threat or incident, pursuant to the obliga-  
15 tions of the United States under the Vienna Conven-  
16 tion on Consular Relations, done at Vienna April 24,  
17 1963, and the 1961 Vienna Convention on Diplo-  
18 matic Relations, done at Vienna April 18, 1961;

19           (4) an assessment of the quality and experience  
20 level of the team of United States senior security  
21 personnel assigned to the facility, considering collec-  
22 tively the assignment durations and lengths of gov-  
23 ernment experience;

1           (5) the number of Foreign Service Officers who  
2           have received Foreign Affairs Counter Threat train-  
3           ing;

4           (6) a summary of the requests made during the  
5           previous calendar year for additional resources,  
6           equipment, or personnel related to the security of  
7           the facility and the status of such requests;

8           (7) an assessment of the ability of United  
9           States personnel to respond to and survive a fire at-  
10          tack, including—

11           (A) whether the facility has adequate fire  
12           safety and security equipment for safehavens  
13           and safe areas; and

14           (B) whether the employees working at the  
15           facility have been adequately trained on the  
16           equipment available;

17          (8) for each new facility that is opened, a de-  
18          tailed description of the steps taken to provide secu-  
19          rity for the new facility, including whether a dedi-  
20          cated support cell was established in the Department  
21          of State to ensure proper and timely resourcing of  
22          security; and

23          (9) a listing of any “high-threat, high-risk” fa-  
24          cilities where the Department of State and other

1 government agencies' facilities are not collocated in-  
2 cluding—

3 (A) a rationale for the lack of collocation;

4 and

5 (B) a description of what steps, if any, are  
6 being taken to mitigate potential security  
7 vulnerabilities associated with the lack of col-  
8 location.

9 (c) DETERMINATION OF HIGH THREAT, HIGH RISK  
10 FACILITY.—In determining what facilities constitute  
11 “high threat, high risk facilities” under this section, the  
12 Secretary shall take into account with respect to each fa-  
13 cility whether there are—

14 (1) high to critical levels of political violence or  
15 terrorism;

16 (2) national or local governments with inad-  
17 equate capacity or political will to provide appro-  
18 priate protection; and

19 (3) in locations where there are high to critical  
20 levels of political violence or terrorism or national or  
21 local governments lack the capacity or political will  
22 to provide appropriate protection—

23 (A) mission physical security platforms  
24 that fall well below the Department of State's  
25 established standards; or

1                   (B) security personnel levels that are in-  
2                   sufficient for the circumstances.

3           (d) INSPECTOR GENERAL REVIEW AND REPORT.—

4 The Inspector General for the Department of State and  
5 the Broadcasting Board of Governors shall, on an annual  
6 basis—

7           (1) review the determinations of the Depart-  
8           ment of State with respect to high threat, high risk  
9           facilities, including the basis for making such deter-  
10          minations;

11          (2) review contingency planning for high threat,  
12          high risk facilities and evaluate the measures in  
13          place to respond to attacks on such facilities;

14          (3) review the risk mitigation measures in place  
15          at high threat, high risk facilities to determine how  
16          the Department of State evaluates risk and whether  
17          the measures put in place sufficiently address the  
18          relevant risks;

19          (4) review early warning systems in place at  
20          high threat, high risk facilities and evaluate the  
21          measures being taken to preempt and disrupt  
22          threats to such facilities; and

23          (5) provide to the appropriate congressional  
24          committees an assessment of the determinations of  
25          the Department of State with respect to high threat,

1 high risk facilities, including recommendations for  
2 additions or changes to the list of such facilities, and  
3 a report regarding the reviews and evaluations un-  
4 dertaken pursuant to paragraphs (1) through (4)  
5 and this paragraph.

6 **SEC. 403. DESIGNATION AND REPORTING FOR HIGH-RISK**  
7 **COUNTERINTELLIGENCE THREAT POSTS.**

8 *(a) REPORT REQUIRED.—Not later than 180 days*  
9 *after the date of the enactment of this Act, the Secretary*  
10 *of State, in conjunction with appropriate officials in the*  
11 *intelligence community and the Secretary of Defense, shall*  
12 *submit to the appropriate committees of Congress a report*  
13 *assessing the counterintelligence threat to United States*  
14 *diplomatic facilities in Priority 1 Counterintelligence*  
15 *Threat Nations, including—*

16 *(1) an assessment of the use of locally employed*  
17 *staff and guard forces and a listing of diplomatic fa-*  
18 *cilities in Priority 1 Counterintelligence Threat Na-*  
19 *tions without controlled access areas; and*

20 *(2) recommendations for mitigating any counter-*  
21 *intelligence threats and for any necessary facility up-*  
22 *grades, including costs assessment of any rec-*  
23 *ommended mitigation or upgrades so recommended.*

24 *(b) DEFINITIONS.—In this section:*

1           (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—  
 2           The term “appropriate committees of Congress”  
 3           means—

4                   (A) *the Committee on Foreign Relations, the*  
 5                   *Select Committee on Intelligence, the Committee*  
 6                   *on Armed Services, and the Committee on Ap-*  
 7                   *propriations of the Senate; and*

8                   (B) *the Committee on Foreign Affairs, the*  
 9                   *Permanent Select Committee on Intelligence, the*  
 10                   *Committee on Armed Services, and the Com-*  
 11                   *mittee on Appropriations of the House of Rep-*  
 12                   *resentatives.*

13           (2) *PRIORITY 1 COUNTERINTELLIGENCE THREAT*  
 14           *NATION.*—The term “Priority 1 Counterintelligence  
 15           *Threat Nation*” means a country designated as such  
 16           by the October 2012 National Intelligence Priorities  
 17           *Framework (NIPF).*

18   **SEC. 404. COMPTROLLER GENERAL REPORT ON IMPLEMEN-**  
 19                   **TATION OF BENGHAZI ACCOUNTABILITY RE-**  
 20                   **VIEW BOARD RECOMMENDATIONS.**

21           (a) *IN GENERAL.*—Not later than 120 days after the  
 22           date of the enactment of this Act, the Comptroller General  
 23           of the United States shall submit to the Committee on For-  
 24           eign Relations of the Senate and the Committee on Foreign  
 25           Affairs of the House of Representatives a report on the

1 *progress of the Department of State in implementing the*  
2 *recommendations of the Benghazi Accountability Review*  
3 *Board.*

4 (b) *CONTENT.*—*The report required under subsection*  
5 *(a) shall include—*

6 (1) *an assessment of the progress the Department*  
7 *of State has made in implementing each specific rec-*  
8 *ommendation of the Accountability Review Board;*  
9 *and*

10 (2) *a description of any impediments to rec-*  
11 *ommended reforms, such as budget constraints, bu-*  
12 *reaucratic obstacles within the Department or in the*  
13 *broader interagency community, or limitations under*  
14 *current law.*

15 (c) *FORM.*—*The report required under subsection (a)*  
16 *shall be submitted in unclassified form but may contain*  
17 *a classified annex.*

18 **SEC. 405. SECURITY ENVIRONMENT THREAT LIST BRIEF-**  
19 **INGS.**

20 (a) *IN GENERAL.*—*Not later than 90 days after the*  
21 *date of the enactment of this Act, and upon each subsequent*  
22 *update of the Security Environment Threat List (SETL),*  
23 *the Bureau of Diplomatic Security shall provide classified*  
24 *briefings to the appropriate congressional committees on the*  
25 *SETL.*

1       (b) *CONTENT.*—*The briefings required under sub-*  
2 *section (a) shall include—*

3             (1) *an overview of the SETL; and*

4             (2) *a summary assessment of the security posture*  
5 *of those facilities where the SETL assesses the threat*  
6 *environment to be most acute, including factors that*  
7 *informed such assessment.*

8             **TITLE V—ACCOUNTABILITY**  
9                       **REVIEW BOARDS**

10 **SEC. 501. SENSE OF CONGRESS.**

11       It is the sense of Congress that—

12             (1) the Accountability Review Board mechanism  
13 as outlined in section 302 of the Omnibus Diplo-  
14 matic Security and Antiterrorism Act (22 U.S.C.  
15 4832) is an effective tool to collect information  
16 about and evaluate adverse incidents that occur in a  
17 world that is increasingly complex and dangerous for  
18 United States diplomatic personnel; and

19             (2) the Accountability Review Board should  
20 provide information and analysis that will assist the  
21 Secretary, the President, and Congress in deter-  
22 mining what contributed to an adverse incident as  
23 well as what new measures are necessary in order to  
24 prevent the recurrence of such incidents.

1 **SEC. 502. PROVISION OF COPIES OF ACCOUNTABILITY RE-**  
2 **VIEW BOARD REPORTS TO CONGRESS.**

3 Not later than 2 days after an Accountability Review  
4 Board provides its report to the Secretary of State in ac-  
5 cordance with title III of the Omnibus Diplomatic and  
6 Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.), the  
7 Secretary shall provide copies of the report to the appro-  
8 priate congressional committees for retention and review  
9 by those committees.

10 **SEC. 503. CHANGES TO EXISTING LAW.**

11 (a) MEMBERSHIP.—Section 302(a) of the Omnibus  
12 Diplomatic Security and Antiterrorism Act (22 U.S.C.  
13 4832(a)) is amended by inserting “one of which shall be  
14 the Inspector General of the Department of State and the  
15 Broadcasting Board of Governors,” after “4 appointed by  
16 the Secretary of State,”.

17 (b) STAFF.—Section 302(b)(2) of the Omnibus Dip-  
18 lomatic Security and Antiterrorism Act (22 U.S.C.  
19 4832(b)(2)) is amended by adding at the end the fol-  
20 lowing: “Such persons shall be drawn from bureaus or  
21 other agency sub-units that are not impacted by the inci-  
22 dent that is the subject of the Board’s review.”.

1           **TITLE VI—OTHER MATTERS**

2   **SEC. 601. ENHANCED QUALIFICATIONS FOR DEPUTY AS-**  
 3                   **SISTANT SECRETARY OF STATE FOR HIGH**  
 4                   **THREAT, HIGH RISK POSTS.**

5           *The Omnibus Diplomatic Security and Antiterrorism*  
 6 *Act of 1986 is amended by inserting after section 206 (22*  
 7 *U.S.C. 4824) the following new section:*

8   **“SEC. 207. DEPUTY ASSISTANT SECRETARY OF STATE FOR**  
 9                   **HIGH THREAT, HIGH RISK POSTS.**

10           *“The individual serving as Deputy Assistant Secretary*  
 11 *of State for High Threat, High Risk Posts shall have one*  
 12 *or more of the following qualifications:*

13                   *“(1) Service during the last six years at one or*  
 14                   *more posts designated as High Threat, High Risk by*  
 15                   *the Department of State at the time of service.*

16                   *“(2) Previous service as the office director or*  
 17                   *deputy director of one or more of the following De-*  
 18                   *partment of State offices or successor entities carrying*  
 19                   *out substantively equivalent functions:*

20                           *“(A) The Office of Mobile Security Deploy-*  
 21                           *ments.*

22                           *“(B) The Office of Special Programs and*  
 23                           *Coordination.*

24                           *“(C) The Office of Overseas Protective Oper-*  
 25                           *ations.*

1                   “(D) *The Office of Physical Security Pro-*  
2                   *grams.*

3                   “(E) *The Office of Intelligence and Threat*  
4                   *Analysis.*

5                   “(3) *Previous service as the Regional Security*  
6                   *Officer at two or more overseas posts.*

7                   “(4) *Other government or private sector experi-*  
8                   *ence substantially equivalent to service in the posi-*  
9                   *tions listed in paragraphs (1) through (3).”.*

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113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1386**

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**A BILL**

To provide for enhanced embassy security, and for  
other purposes.

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DECEMBER 9, 2013

Reported with amendments