

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

security, such as when the security at issue is outside of the scope of the Secretary of State's security responsibilities under section 4802 of this title;

(ii) if operational control of overseas security functions has been delegated to another agency in accordance with section 4805 of this title;

(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 4805 of this title.

(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) Facilities in Afghanistan, Yemen, Syria, and Iraq

(A) Limited exemptions from requirement to convene 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 significant 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 incident 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 inquiry and the actions taken with respect to such recommendations.

(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 Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) Deadlines for convening Security Review Committees

(1) In general

The Secretary of State shall convene a Security Review Committee not later than 60 days after the occurrence of an incident described in subsection (a)(1), or 60 days after the Department first becomes aware of such an incident, 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 activities, 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 establishment 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 paragraph 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.

(Pub. L. 99-399, title III, §301, Aug. 27, 1986, 100 Stat. 859; Pub. L. 100-204, title I, §156(a), Dec. 22, 1987, 101 Stat. 1354; Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title VI, §608], Nov. 29, 1999, 113 Stat. 1536, 1501A-458; Pub. L. 109-140, §3, Dec. 22, 2005, 119 Stat. 2650; Pub. L. 117-81, div. E, title LIII, §5316, Dec. 27, 2021, 135 Stat. 2366; Pub. L. 117-263, div. I, title XCIII, §9302(d), Dec. 23, 2022, 136 Stat. 3884.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), 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 is 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 under section 4801 of this title and Tables.

AMENDMENTS

2022—Pub. L. 117-263, §9302(d)(1), substituted "Security Review Committees" for "Accountability Review Boards" in section catchline.

Subsec. (a)(1). Pub. L. 117-263, §9302(d)(2)(A), amended par. (1) generally. Prior to amendment, text read as follows: “Except as provided in paragraphs (2) and (3), in any case of serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission abroad, 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, which is covered by the provisions of this chapter (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (in this subchapter referred to as the ‘Board’). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.”

Subsec. (a)(2). Pub. L. 117-263, §9302(d)(2)(C), added par. (2). Former par. (2) redesignated (3).

Subsec. (a)(3). Pub. L. 117-263, §9302(d)(2)(D)(ii), (iii), substituted subpar. (A) designation, heading, introductory provisions, cls. (i) to (iii), and “(iv) in the case” for “The Secretary of State is not required to convene a Board in the case” and subpar. (B) designation, heading, and “In the case of an incident described in subparagraph (A)(iv)” for “In any such case”.

Pub. L. 117-263, §9302(d)(2)(D)(i), substituted “Exceptions to convening a Security Review Committee” for “Department of Defense facilities and personnel” in heading.

Pub. L. 117-263, §9302(d)(2)(B), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 117-263, §9302(d)(2)(B), redesignated par. (3) as (4).

Subsec. (a)(5). Pub. L. 117-263, §9302(d)(2)(E), added par. (5).

Subsec. (b). Pub. L. 117-263, §9302(d)(3)(A), substituted “Security Review Committees” for “Boards” in heading.

Subsec. (b)(1). Pub. L. 117-263, §9302(d)(3)(B), amended par. (1) generally. Prior to amendment, text read as follows: “Except as provided in paragraph (2), the Secretary of State shall convene a Board not later than 60 days after the occurrence of an incident described in subsection (a)(1), except that such 60-day period may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary for the convening of the Board.”

Subsec. (c). Pub. L. 117-263, §9302(d)(4), amended subsec. (c) generally. Prior to amendment, text read as follows: “Whenever the Secretary of State convenes a Board, the Secretary shall promptly inform the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives—

- “(1) that a Board has been convened;
- “(2) of the membership of the Board; and
- “(3) of other appropriate information about the Board.”

2021—Subsec. (a)(3). Pub. L. 117-81, §5316(1), substituted “Afghanistan, Yemen, Syria, and” for “Afghanistan and” in heading.

Subsec. (a)(3)(A)(i). Pub. L. 117-81, §5316(2)(A), substituted “Afghanistan, Yemen, Syria, or” for “Afghanistan or”.

Subsec. (a)(3)(A)(ii). Pub. L. 117-81, §5316(2)(B), substituted “beginning on October 1, 2020, and ending on September 30, 2022” for “beginning on October 1, 2005, and ending on September 30, 2009”.

2005—Subsec. (a)(1). Pub. L. 109-140, §3(1), substituted “paragraphs (2) and (3)” for “paragraph (2)”.

Subsec. (a)(3). Pub. L. 109-140, §3(2), added par. (3).

1999—Pub. L. 106-113 substituted “Review Boards” for “review” in section catchline and amended text generally. Prior to amendment, text read as follows: “In any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad, 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, which is covered by the

provisions of this chapter (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (hereafter in this subchapter referred to as the ‘Board’). With respect to breaches of security involving intelligence activities, the Secretary of State may delay establishing an Accountability Review 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 doing so would compromise intelligence sources and methods. The Secretary shall promptly advise the Chairmen of such committees of each determination pursuant to this section to delay the establishment of an Accountability Review Board. The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.”

1987—Pub. L. 100-204 inserted “, 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,” after “mission abroad” in first sentence, and inserted after first sentence “With respect to breaches of security involving intelligence activities, the Secretary of State may delay establishing an Accountability Review 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 doing so would compromise intelligence sources and methods. The Secretary shall promptly advise the Chairmen of such committees of each determination pursuant to this section to delay the establishment of an Accountability Review Board.”

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

SECURITY REVIEW COMMITTEES FOR CERTAIN FACILITIES

Pub. L. 118-159, div. G, title LXXVIII, §7812(d), Dec. 23, 2024, 138 Stat. 2565, provided that: “The authority provided under section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3) [now 22 U.S.C. 4831(a)(4)]) shall remain in effect for facilities in Afghanistan and shall apply to facilities in Ukraine through September 30, 2026, except that the notification and reporting requirements contained in such section shall include the appropriate congressional committees [Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives], the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives.”

Similar provisions were contained in the following prior acts:

Pub. L. 117-263, div. I, title XCVIII, §9802(e), Dec. 23, 2022, 136 Stat. 3924.

Pub. L. 117-103, div. K, title VII, §7034(l)(8), Mar. 15, 2022, 136 Stat. 624.

Pub. L. 116-260, div. K, title VII, §7034(l)(7), Dec. 27, 2020, 134 Stat. 1750.

Pub. L. 116-94, div. G, title VII, §7034(l)(7), Dec. 20, 2019, 133 Stat. 2873.

Pub. L. 116-6, div. F, title VII, §7034(m)(7), Feb. 15, 2019, 133 Stat. 327.

Pub. L. 115-141, div. K, title VII, §7034(l)(8), Mar. 23, 2018, 132 Stat. 896.

Pub. L. 114-113, div. K, title VII, §7034(k)(2), Dec. 18, 2015, 129 Stat. 2764.

Pub. L. 113-235, div. J, title VII, §7034(l)(2), Dec. 16, 2014, 128 Stat. 2625.

Pub. L. 113-76, div. K, title VII, §7034(m)(2), Jan. 17, 2014, 128 Stat. 515.

Pub. L. 112-74, div. I, title VII, §7034(m)(2), Dec. 23, 2011, 125 Stat. 1216.

Pub. L. 111-117, div. F, title VII, §7034(r), Dec. 16, 2009, 123 Stat. 3363.

§ 4832. Security Review Committee

(a) Membership

A Security Review Committee shall consist of five members, 4 appointed by the Secretary of State, and 1 appointed by the Director of Central Intelligence. The Secretary of State shall designate the Chairperson of the Security Review Committee. Members of the Security Review Committee who are not Federal officers or employees shall each be paid at a rate not to exceed the maximum rate of basic pay payable for level GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Security Review Committee. Members of the Security Review Committee who are Federal officers or employees shall receive no additional pay by reason of such membership.

(b) Facilities, services, supplies, and staff

(1) Supplied by Department of State

A Security Review Committee shall obtain facilities, services, and supplies through the Department of State. All expenses of the Security Review Committee, including necessary costs of travel, shall be paid by the Department of State. Travel expenses authorized under this paragraph shall be paid in accordance with subchapter I of chapter 57 of title 5 or other applicable law.

(2) Detail

At the request of a Security Review Committee, employees of the Department of State or other Federal agencies, members of the Foreign Service, or members of the uniformed services may be temporarily assigned, with or without reimbursement, to assist the Security Review Committee.

(3) Experts and consultants

A Security Review Committee may employ and compensate (in accordance with section 3109 of title 5) such experts and consultants as the Security Review Committee considers necessary to carry out its functions. Experts and consultants so employed shall be responsible solely to the Security Review Committee.

(Pub. L. 99-399, title III, §302, Aug. 27, 1986, 100 Stat. 859; Pub. L. 117-263, div. I, title XCIII, §9302(e), Dec. 23, 2022, 136 Stat. 3886.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263, §9302(e)(2), which directed substitution of “a Security Review Committee” for “a Board” wherever appearing, was executed by making the substitution in subsec. (b)(2) and also substituting, wherever appearing, “A Security Review Committee” for “A Board” and “the Security Review Committee” for “the Board”, wherever appearing, to reflect the probable intent of Congress.

Pub. L. 117-263, §9302(e)(1), substituted “Security Review Committee” for “Accountability Review Board” in section catchline.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 4833. Serious Security Incident investigation process

(a) Investigation process

(1) Initiation upon reported incident

A United States mission shall submit an initial report of a Serious Security Incident not later than 3 days after such incident occurs, whenever feasible, at which time an investigation of the incident shall be initiated.

(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 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) Investigation

Not later than 10 days after the submission of a report pursuant to paragraph (1), the Secretary shall direct the Diplomatic Security Service to assemble an investigative team to investigate the incident and independently establish what occurred. Each investigation under this subsection shall cover—

(A) an assessment of what occurred, who perpetrated or is suspected of having perpetrated the Serious Security Incident, and whether applicable security procedures were followed;

(B) in the event the Serious Security Incident involved a United States diplomatic compound, motorcade, residence, or other facility, an assessment of whether adequate security countermeasures were in effect based on a known threat at the time of the incident;

(C) if the incident involved an individual or group of officers, employees, or family