

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

members under Chief of Mission security responsibility conducting approved operations or movements outside the United States mission, an assessment of whether proper security briefings and procedures were in place and whether weighing of risk of the operation or movement took place; and

(D) an assessment of whether the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident.

(4) Investigative team

The investigative team assembled pursuant to paragraph (3) shall consist of individuals from the Diplomatic Security Service who shall provide an independent examination of the facts surrounding the incident and what occurred. The Secretary, or the Secretary's designee, shall review the makeup of the investigative team for a conflict, appearance of conflict, or lack of independence that could undermine the results of the investigation and may remove or replace any members of the team to avoid such an outcome.

(b) Report of Investigation

Not later than 90 days after the occurrence of a Serious Security Incident, the investigative team investigating the incident shall prepare and submit a Report of Investigation to the Security Review Committee that includes—

(1) a detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related findings;

(2) a complete and accurate account of the casualties, injuries, and damage resulting from the incident; and

(3) a review of security procedures and directives in place at the time of the incident.

(c) Confidentiality

The investigative team investigating a Serious Security Incident shall adopt such procedures with respect to confidentiality as determined necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of National Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel included in the report required under subsection (b). The Security Review Committee shall determine the level of classification of the final report prepared pursuant to section 4834(b) of this title, and shall incorporate the same confidentiality measures in such report to the maximum extent practicable.

(Pub. L. 99-399, title III, §303, Aug. 27, 1986, 100 Stat. 859; Pub. L. 117-263, div. I, title XCIII, §9302(f), Dec. 23, 2022, 136 Stat. 3886; Pub. L. 117-286, §4(a)(170), Dec. 27, 2022, 136 Stat. 4324; Pub. L. 118-159, div. G, title LXXV, §7502, Dec. 23, 2024, 138 Stat. 2545.)

Editorial Notes

AMENDMENTS

2024—Subsec. (a)(2) to (4). Pub. L. 118-159, which directed amendment of “section 301(a)” of the Omnibus

Diplomatic Security and Antiterrorism Act of 1986 by adding par. (2), redesignating former pars. (2) and (3) as (3) and (4), respectively, and substituting “paragraph (3)” for “paragraph (2)” in par. (4), was executed to subsec. (a) of this section, which is section 303 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, to reflect the probable intent of Congress.

2022—Pub. L. 117-263 amended section generally. Prior to amendment, section related to procedures as to evidence, confidentiality, and records of Accountability Review Boards, and also to the status of the Boards.

Subsec. (d). Pub. L. 117-286, which directed substitution of “chapter 10 of title 5” for “the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.)”, could not be executed in light of the intervening general amendment of this section by Pub. L. 117-263. See Amendment note above. As so amended, section no longer included a subsec. (d) or a reference elsewhere to the Federal Advisory Committee Act.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

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§ 4834. Security Review Committee findings and report

(a) Findings

The Security Review Committee shall—

(1) review the Report of Investigation prepared pursuant to section 4833(b) of this title, and all other evidence, reporting, and relevant information relating to a Serious Security Incident at a United States mission abroad, including an examination of the facts and circumstances surrounding any serious injuries, loss of life, or significant destruction of property resulting from the incident; and

(2) determine, in writing—

(A) whether the incident was security related and constituted a Serious Security Incident;

(B) if the incident involved a diplomatic compound, motorcade, residence, or other mission facility—

(i) whether the security systems, security countermeasures, and security procedures operated as intended; and

(ii) whether such systems worked to materially mitigate the attack or were found to be inadequate to mitigate the threat and attack;

(C) if the incident involved an individual or group of officers conducting an approved operation outside the mission, whether a valid process was followed in evaluating the requested operation and weighing the risk of the operation, which determination shall not seek to assign accountability for the incident unless the Security Review Committee determines that an official breached his or her duty;