

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

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.

§ 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;

(D) the impact of intelligence and information availability, and whether the mission was aware of the general operating threat environment or any more specific threat intelligence or information and took that into account in ongoing and specific operations; and

(E) any other facts and circumstances that may be relevant to the appropriate security management of United States missions abroad.

(b) Report

(1) Submission to Secretary of State

Not later than 60 days after receiving the Report of Investigation prepared pursuant to section 4833(b) of this title, the Security Review Committee shall submit a report to the Secretary of State that includes—

- (A) the findings described in subsection (a); and
- (B) any related recommendations.

(2) Submission to Congress

Not later than 90 days after receiving the report pursuant to paragraph (1), the Secretary of State shall submit a copy of the report to—

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Select Committee on Intelligence of the Senate;
- (C) the Committee on Appropriations of the Senate;
- (D) the Committee on Foreign Affairs of the House of Representatives;
- (E) the Permanent Select Committee on Intelligence of the House of Representatives; and
- (F) the Committee on Appropriations of the House of Representatives.

(c) Personnel recommendations

If in the course of conducting an investigation under section 4833 of this title, the investigative team finds reasonable cause to believe any individual described in section 4833(a)(2)(D) of this title has breached the duty of that individual or finds lesser failures on the part of an individual in the performance of his or her duties related to the incident, it shall be reported to the Security Review Committee. If the Security Review Committee finds reasonable cause to support the determination, it shall be reported to the Secretary for appropriate action.

(Pub. L. 99-399, title III, §304, Aug. 27, 1986, 100 Stat. 861; Pub. L. 100-204, title I, §156(b), Dec. 22, 1987, 101 Stat. 1354; Pub. L. 114-323, title I, §104(a), Dec. 16, 2016, 130 Stat. 1909; Pub. L. 117-263, div. I, title XCIII, §9302(g), Dec. 23, 2022, 136 Stat. 3887.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 amended section generally. Prior to amendment, section related to findings and recommendations by an Accountability Review Board.

2016—Subsec. (c). Pub. L. 114-323, §104(a)(3), in concluding provisions, substituted “has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual as described in this subsection” for “has breached a duty of that individual”

and struck out “to the performance of the duties of that individual” after “pertinent”.

Pub. L. 114-323, §104(a)(1), in introductory provisions, substituted “If” for “Whenever” and “has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or the serious breach of security that is the subject of the Board’s examination as described in subsection (a)” for “has breached the duty of that individual”.

Subsec. (c)(2). Pub. L. 114-323, §104(a)(2), substituted “findings” for “finding” in two places.

1987—Subsec. (a). Pub. L. 100-204 inserted “or surrounding the serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad (as the case may be)” after first reference to “mission abroad”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-323, title I, §104(b), Dec. 16, 2016, 130 Stat. 1910, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to any Accountability Review Board that is convened under section 301 of the Diplomatic Security Act (22 U.S.C. 4831) on or after the date of the enactment of this Act [Dec. 16, 2016].”

§ 4835. Relation to other proceedings

(a) No effect on existing remedies or defenses

Nothing in this subchapter shall be construed to create administrative or judicial review remedies or rights of action not otherwise available by law, nor shall any provision of this subchapter be construed to deprive any person of any right or legal defense which would otherwise be available to that person under any law, rule, or regulation.

(b) Future inquiries

Nothing in this subchapter may be construed to preclude the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident if the incident was of such magnitude or significance that an internal process is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under this subchapter shall be provided to any related board of inquiry convened by the Secretary.

(Pub. L. 99-399, title III, §305, Aug. 27, 1986, 100 Stat. 862; Pub. L. 117-263, div. I, title XCIII, §9302(h), Dec. 23, 2022, 136 Stat. 3888.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

SUBCHAPTER IV—DIPLOMATIC SECURITY PROGRAM

§ 4851. Authorization

(a) Diplomatic security program

(1) In general

In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated for fiscal years 1986 and 1987, for the Department of State to