

(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