

113TH CONGRESS
1ST SESSION

S. 1386

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

IN THE SENATE OF THE UNITED STATES

JULY 30, 2013

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

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”.

8 (b) TABLE OF CONTENTS.—The table of contents for
9 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.

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.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” 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
 10

1 not in the United States, including those that are in-
2 tended for temporary use.

3 **TITLE I—FUNDING AUTHORIZA-**
4 **TION AND TRANSFER AU-**
5 **THORITY**

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

7 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated for fiscal year 2014 for the
9 Department of State \$1,383,000,000, to be available until
10 expended, for the Capital Security Cost Sharing Program,
11 authorized by section 604(e) of the Secure Embassy Con-
12 struction and Counterterrorism Act of 1999 (title VI of
13 division A of H.R. 3427, as enacted into law by section
14 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–
15 453; 22 U.S.C. 4865 note).

16 (b) SENSE OF CONGRESS ON THE CAPITAL SECURITY
17 COST SHARING PROGRAM.—It is the sense of Congress
18 that—

19 (1) the Capital Security Cost Sharing Program
20 should prioritize the construction of new facilities
21 and the maintenance of existing facilities in high
22 threat, high risk areas in addition to addressing im-
23 mediate threat mitigation as set forth in section
24 102; and

1 (2) all United States Government agencies are
2 required to pay into the Capital Security Cost Shar-
3 ing Program a percentage of total costs determined
4 by interagency agreements, in order to address im-
5 mediate threat mitigation needs and increase funds
6 for the Capital Security Cost Sharing Program for
7 fiscal year 2014, including to address inflation and
8 increased construction costs.

9 (c) RESTRICTION ON CONSTRUCTION OF OFFICE
10 SPACE.—Section 604(e)(2) of the Secure Embassy Con-
11 struction and Counterterrorism Act of 1999 (title VI of
12 division A of H.R. 3427, as enacted into law by section
13 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–
14 453; 22 U.S.C. 4865 note) is amended by adding at the
15 end the following: “A project to construct a diplomatic fa-
16 cility of the United States may not include office space
17 or other accommodations for an employee of a Federal
18 agency or department if the Secretary of State determines
19 that such department or agency has not provided to the
20 Department of State the full amount of funding required
21 by paragraph (1), except that such project may include
22 office space or other accommodations for members of the
23 United States Marine Corps. Funding appropriated for
24 Overseas Contingency Operations for Worldwide Security
25 Upgrades shall be considered to be part of the Department

1 of State’s Capital Security Cost Sharing Program pay-
2 ment, and, subject to annual appropriations, shall be sub-
3 ject to the funding requirements in paragraph (1).’”.

4 **SEC. 102. IMMEDIATE THREAT MITIGATION.**

5 (a) ALLOCATION OF AUTHORIZED APPROPRIA-
6 TIONS.—In addition to any funds otherwise made available
7 for such purposes, the Department of State shall, notwith-
8 standing any other provision of law except as provided in
9 subsection (d), use \$300,000,000 of the funding provided
10 in section 101 for immediate threat mitigation projects,
11 with priority given to facilities determined to be “high
12 threat, high risk” pursuant to section 402.

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

16 (1) the construction of safeguards that provide
17 immediate security benefits;

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

20 (3) the paying of expenses of additional security
21 forces, with an emphasis on funding United States
22 security forces where practicable; and

23 (4) any other purposes necessary to mitigate
24 immediate threats to United States personnel serv-
25 ing overseas.

1 (c) TRANSFER.—The Secretary may transfer and
2 merge funds authorized under subsection (a) to any appro-
3 priation account of the Department of State for the pur-
4 pose of carrying out the threat mitigation projects de-
5 scribed in subsection (b).

6 (d) USE OF FUNDS FOR OTHER PURPOSES.—Not-
7 withstanding the allocation requirement under subsection
8 (a), funds subject to such requirement may be used for
9 other authorized purposes of the Capital Security Cost
10 Sharing Program if, not later than 15 days prior to such
11 use, the Secretary certifies in writing to the appropriate
12 congressional committees that—

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

16 (2) the Secretary of State will make funds
17 available from the Capital Security Cost Sharing
18 Program or other sources to address any changed
19 security threats or risks, or new or emergent secu-
20 rity needs, including immediate threat mitigation.

21 **SEC. 103. LANGUAGE TRAINING.**

22 (a) IN GENERAL.—Title IV of the Omnibus Diplo-
23 matic Security and Antiterrorism Act of 1986 (22 U.S.C.
24 4851 et seq.) is amended by adding at the end the fol-
25 lowing new section:

1 **“SEC. 416. LANGUAGE REQUIREMENTS FOR DIPLOMATIC**
2 **SECURITY PERSONNEL ASSIGNED TO HIGH**
3 **THREAT, HIGH RISK POSTS.**

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

10 “(b) LANGUAGE TRAINING DESCRIBED.—Language
11 training referred to in subsection (a) should prepare per-
12 sonnel described in such subsection—

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

17 “(2) to read within an adequate range of speed
18 and with almost complete comprehension on subjects
19 germane to security.”.

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

23 (c) INSPECTOR GENERAL REVIEW.—The Inspector
24 General of the Department of State and Broadcasting
25 Board of Governors shall, at the end of fiscal years 2014
26 and 2015, review the language training conducted pursu-

1 ant to this section and make the results of such reviews
2 available to the Secretary of State and the appropriate
3 congressional committees.

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

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

7 (1) Department of State employees and their
8 families deserve improved and efficient programs
9 and facilities for high threat training and training
10 on risk management decision processes;

11 (2) improved and efficient high threat, high risk
12 training is consistent with the Benghazi Account-
13 ability Review Board (ARB) recommendation num-
14 ber 17;

15 (3) improved and efficient security training
16 should take advantage of training synergies that al-
17 ready exist, like training with, or in close proximity
18 to, Fleet Antiterrorism Security Teams (FAST),
19 special operations forces, or other appropriate mili-
20 tary and security assets; and

21 (4) the Secretary of State should undertake
22 temporary measures, including leveraging the avail-
23 ability of existing government and private sector
24 training facilities, to the extent appropriate to meet

1 the critical security training requirements of the De-
2 partment of State.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated for the Department of State
5 \$100,000,000 for improved high threat, high risk security
6 training, including—

7 (1) expanding existing government training fa-
8 cilities; and

9 (2) utilizing other government or private sector
10 facilities to meet critical security training require-
11 ments.

12 (c) ADDITIONAL AUTHORIZATION OF APPROPRIA-
13 TIONS.—

14 (1) IN GENERAL.—There is authorized to be
15 appropriated \$350,000,000 for the acquisition, con-
16 struction, and operation of a new Foreign Affairs
17 Security Training Center, subject to the certification
18 requirement in paragraph (2).

19 (2) REQUIRED CERTIFICATION.—Not later than
20 15 days prior to the obligation or expenditure of any
21 funds authorized to be appropriated pursuant to
22 paragraph (1), the President shall certify to the ap-
23 propriate congressional committees that the acquisi-
24 tion, construction, and operation of a new Foreign

1 Affairs Security Training Center is necessary to
2 meet high threat security training requirements.

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

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

9 (B) up to \$100,000,000 of funds available
10 for the acquisition, construction, or operation of
11 Department of State facilities may be trans-
12 ferred and used for the purposes set forth in
13 paragraph (1).

14 (d) USE OF FUNDS APPROPRIATED UNDER THE
15 AMERICAN REINVESTMENT AND RECOVERY ACT OF
16 2009.—Of the funds appropriated to the Department of
17 State under title XI of the American Reinvestment and
18 Recovery Act of 2009 (Public Law 111–5), \$54,545,177
19 is to remain available until September 30, 2016, for activi-
20 ties consistent with subsections (b) and (c).

21 **SEC. 105. TRANSFER AUTHORITY.**

22 Section 4 of the Foreign Service Buildings Act of
23 1926 (22 U.S.C. 295) is amended by adding at the end
24 the following new subsections:

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

11 “(2) Any funds transferred under the authority pro-
12 vided in paragraph (1) shall be merged with funds in the
13 heading to which transferred, and shall be available sub-
14 ject to the same terms and conditions as the funds with
15 which merged.

16 “(k) Not later than 15 days before any transfer of
17 funds under subsection (j), the Secretary shall notify the
18 Committees on Foreign Relations and Appropriations of
19 the Senate and the Committees on Foreign Affairs and
20 Appropriations of the House of Representatives.”.

1 **TITLE II—CONTRACTING AND**
 2 **OTHER MATTERS**

3 **SEC. 201. LOCAL GUARD CONTRACTS ABROAD UNDER DIP-**
 4 **LOMATIC SECURITY PROGRAM.**

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

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

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

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

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

23 (1) an explanation of the implementation of
 24 paragraph (3) of section 136(c) of the Foreign Rela-

1 tions Authorization Act, Fiscal Years 1990 and
2 1991, as amended by subsection (a); and

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

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

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

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

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

21 “(1) IN GENERAL.—Whenever”; and

22 (3) by inserting at the end the following new
23 paragraph:

24 “(2) CERTAIN SECURITY INCIDENTS.—Unsatis-
25 factory leadership by a senior official with respect to

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

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

10 (a) **AUTHORITY OF SECRETARY OF STATE.**—Nothing
11 in this Act or any other provision of law shall be construed
12 to prevent the Secretary of State from using all authorities
13 invested in the office of Secretary to take personnel action
14 against any employee or official of the Department of
15 State that the Secretary determines has breached the duty
16 of that individual or has engaged in misconduct or unsatis-
17 factorily performed the duties of employment of that indi-
18 vidual, and such misconduct or unsatisfactory perform-
19 ance has significantly contributed to the serious injury,
20 loss of life, or significant destruction of property, or a seri-
21 ous breach of security, even if such action is the subject
22 of an Accountability Review Board’s examination under
23 section 304(a) of the Diplomatic Security Act (22 U.S.C.
24 4834(a)).

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

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

13 (2) by redesignating subsection (d) as sub-
 14 section (e); and

15 (3) by inserting after subsection (c) the fol-
 16 lowing new subsection:

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

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

24 Section 29 of the State Department Basic Authorities
 25 Act of 1956 (22 U.S.C. 2701) is amended in the third

1 sentence by inserting “physical security enhancements
2 and” after “Such assistance may include”.

3 **SEC. 205. REEMPLOYMENT OF ANNUITANTS.**

4 Section 824(g) of the Foreign Service Act of 1980
5 (22 U.S.C. 4064(g)) is amended—

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

12 (2) by amending paragraph (2) to read as fol-
13 lows:

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

20 (3) by adding after paragraph (3) the following
21 paragraphs:

22 “(4) In the event that an annuitant qualified for com-
23 pensation or payments pursuant to this subsection subse-
24 quently transfers to a position for which the annuitant
25 would not qualify for a waiver under this subsection, the

1 Secretary may no longer waive the application of sub-
 2 sections (a) through (d) with respect to such annuitant.

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

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

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

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

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

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

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

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

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

14 (b) REPORTING REQUIREMENT.—Not later than 180
15 days after the date of the enactment of this Act, and annu-
16 ally thereafter for three years, the Secretary of State, in
17 consultation with the Secretary of Defense, shall submit
18 to the appropriate congressional committees an unclassi-
19 fied report, with a classified annex as necessary, that ad-
20 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 a classified report,
13 with an unclassified summary, evaluating Department of
14 State facilities that the Secretary of State determines to
15 be “high threat, high risk” in accordance with subsection
16 (c).

17 (b) CONTENT.—For each facility determined to be
18 “high threat, high risk” pursuant to subsection (a), the
19 report submitted under such subsection shall also in-
20 clude—

21 (1) a narrative assessment describing the secu-
22 rity threats and risks facing posts overseas and the
23 overall threat level to United States personnel under
24 chief of mission authority;

1 (2) the number of diplomatic security per-
2 sonnel, Marine Corps security guards, and other De-
3 partment of State personnel dedicated to providing
4 security for United States personnel, information,
5 and facilities;

6 (3) an assessment of host nation willingness
7 and capability to provide protection in the event of
8 a security threat or incident, pursuant to the obliga-
9 tions of the United States under the Vienna Conven-
10 tion on Consular Relations, done at Vienna April 24,
11 1963, and the 1961 Vienna Convention on Diplo-
12 matic Relations, done at Vienna April 18, 1961;

13 (4) an assessment of the quality and experience
14 level of the team of United States senior security
15 personnel assigned to the facility, considering collec-
16 tively the assignment durations and lengths of gov-
17 ernment experience;

18 (5) the number of Foreign Service Officers who
19 have received Foreign Affairs Counter Threat train-
20 ing;

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

1 (7) an assessment of the ability of United
2 States personnel to respond to and survive a fire at-
3 tack, including—

4 (A) whether the facility has adequate fire
5 safety and security equipment for safehavens
6 and safe areas; and

7 (B) whether the employees working at the
8 facility have been adequately trained on the
9 equipment available;

10 (8) for each new facility that is opened, a de-
11 tailed description of the steps taken to provide secu-
12 rity for the new facility, including whether a dedi-
13 cated support cell was established in the Department
14 of State to ensure proper and timely resourcing of
15 security; and

16 (9) a listing of any “high-threat, high-risk” fa-
17 cilities where the Department of State and other
18 government agencies’ facilities are not colocated in-
19 cluding—

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

21 and

22 (B) a description of what steps, if any, are
23 being taken to mitigate potential security
24 vulnerabilities associated with the lack of col-
25 location.

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

6 (1) high to critical levels of political violence or
7 terrorism;

8 (2) national or local governments with inad-
9 equate capacity or political will to provide appro-
10 priate protection; and

11 (3) in locations where there are high to critical
12 levels of political violence or terrorism or national or
13 local governments lack the capacity or political will
14 to provide appropriate protection—

15 (A) mission physical security platforms
16 that fall well below the Department of State’s
17 established standards; or

18 (B) security personnel levels that are in-
19 sufficient for the circumstances.

20 (d) INSPECTOR GENERAL REVIEW AND REPORT.—
21 The Inspector General for the Department of State and
22 the Broadcasting Board of Governors shall, on an annual
23 basis—

24 (1) review the determinations of the Depart-
25 ment of State with respect to high threat, high risk

1 facilities, including the basis for making such deter-
2 minations;

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

6 (3) review the risk mitigation measures in place
7 at high threat, high risk facilities to determine how
8 the Department of State evaluates risk and whether
9 the measures put in place sufficiently address the
10 relevant risks;

11 (4) review early warning systems in place at
12 high threat, high risk facilities and evaluate the
13 measures being taken to preempt and disrupt
14 threats to such facilities; and

15 (5) provide to the appropriate congressional
16 committees an assessment of the determinations of
17 the Department of State with respect to high threat,
18 high risk facilities, including recommendations for
19 additions or changes to the list of such facilities, and
20 a report regarding the reviews and evaluations un-
21 dertaken pursuant to paragraphs (1) through (4)
22 and this paragraph.

TITLE V—ACCOUNTABILITY REVIEW BOARDS

SEC. 501. SENSE OF CONGRESS.

It is the sense of Congress that—

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

(2) the Accountability Review Board should provide information and analysis that will assist the Secretary, the President, and Congress in determining what contributed to an adverse incident as well as what new measures are necessary in order to prevent the recurrence of such incidents.

SEC. 502. PROVISION OF COPIES OF ACCOUNTABILITY REVIEW BOARD REPORTS TO CONGRESS.

Not later than 2 days after an Accountability Review Board provides its report to the Secretary of State in accordance with title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.), the Secretary shall provide copies of the report to the appro-

1 priate congressional committees for retention and review
2 by those committees.

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

4 (a) MEMBERSHIP.—Section 302(a) of the Omnibus
5 Diplomatic Security and Antiterrorism Act (22 U.S.C.
6 4832(a)) is amended by inserting “one of which shall be
7 the Inspector General of the Department of State and the
8 Broadcasting Board of Governors,” after “4 appointed by
9 the Secretary of State,”.

10 (b) STAFF.—Section 302(b)(2) of the Omnibus Dip-
11 lomatic Security and Antiterrorism Act (22 U.S.C.
12 4832(b)(2)) is amended by adding at the end the fol-
13 lowing: “Such persons shall be drawn from bureaus or
14 other agency sub-units that are not impacted by the inci-
15 dent that is the subject of the Board’s review.”.

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