

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. Findings and recommendations by a Board

(a) Findings

A Board convened in any case shall examine the facts and circumstances surrounding the serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad 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) and shall make written findings determining—

- (1) the extent to which the incident or incidents with respect to which the Board was convened was security related;
- (2) whether the security systems and security procedures at that mission were adequate;
- (3) whether the security systems and security procedures were properly implemented;
- (4) the impact of intelligence and information availability; and
- (5) such other facts and circumstances which may be relevant to the appropriate security management of United States missions abroad.

(b) Program recommendations

A Board shall submit its findings (which may be classified to the extent deemed necessary by the Board) to the Secretary of State, together with recommendations as appropriate to improve the security and efficiency of any program or operation which the Board has reviewed.

(c) Personnel recommendations

If a Board finds reasonable cause to believe that an individual described in section 4833(a)(1)(B) of this title 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), the Board shall—

- (1) notify the individual concerned,
- (2) transmit the findings of reasonable cause, together with all information relevant to such findings, to the head of the appropriate Federal agency or instrumentality, and
- (3) recommend that such agency or instrumentality initiate an appropriate investigatory or disciplinary action.

In determining whether an individual has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual as described in this subsection, the Board shall take into account any standard of conduct, law, rule, regulation, contract, or order which is pertinent.

(d) Reports

(1) Program recommendations

In any case in which a Board transmits recommendations to the Secretary of State under

subsection (b), the Secretary shall, not later than 90 days after the receipt of such recommendations, submit a report to the Congress on each such recommendation and the action taken with respect to that recommendation.

(2) Personnel recommendations

In any case in which a Board transmits a finding of reasonable cause under subsection (c), the head of the Federal agency or instrumentality receiving the information shall review the evidence and recommendations and shall, not later than 30 days after the receipt of that finding, transmit to the Congress a report specifying—

- (A) the nature of the case and a summary of the evidence transmitted by the Board; and
- (B) the decision by the Federal agency or instrumentality to take disciplinary or other appropriate action against that individual or the reasons for deciding not to take disciplinary or other action with respect to that individual.

(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.)

AMENDMENTS

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”.

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

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.

(Pub. L. 99-399, title III, §305, Aug. 27, 1986, 100 Stat. 862.)