

the date of the enactment of this Act [Dec. 27, 2021], the Secretary of State shall revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all United States Government employees under chief of mission authority traveling to a foreign country on official business. To the extent practicable, such material shall be provided to such employees prior to their arrival at a United States diplomatic post or as soon as possible thereafter.”

DIRECT REPORTING

Pub. L. 114-323, title I, §103, Dec. 16, 2016, 130 Stat. 1909, provided that: “The Assistant Secretary for Diplomatic Security shall report directly to the Secretary [of State], without being required to obtain the approval or concurrence of any other official of the Department [of State], as threats and circumstances require.”

MARINE CORPS SECURITY GUARD PROGRAM

Pub. L. 114-323, title I, §131, Dec. 16, 2016, 130 Stat. 1914, provided that:

“(a) IN GENERAL.—Pursuant to the responsibility of the Secretary [of State] for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802; enacted as part of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399)), the Secretary, in consultation with the Secretary of Defense, shall conduct an annual review of the Marine Corps Security Guard Program, including the following:

“(1) An evaluation of whether the size and composition of the Marine Corps Security Guard Program is adequate to meet global diplomatic security requirements.

“(2) An assessment of whether the Marine Corps security guards are appropriately deployed among United States embassies, consulates, and other diplomatic facilities to respond to evolving security developments and potential threats to United States interests abroad.

“(3) An assessment of the mission objectives of the Marine Corps Security Guard Program and the procedural rules of engagement to protect diplomatic personnel under the Program.

“(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act [Dec. 16, 2016] and annually thereafter for 3 years, the Secretary, in consultation with the Secretary of Defense, shall submit to the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate an unclassified report, with a classified annex as necessary, that addresses the requirements specified in subsection (a).”

CONGRESSIONAL NOTIFICATION AND BRIEFING REQUIREMENT ON ORDERED EVACUATIONS OF UNITED STATES EMBASSIES AND CONSULATES INVOLVING SUPPORT PROVIDED BY THE DEPARTMENT OF DEFENSE

Pub. L. 114-92, div. A, title X, §1091, Nov. 25, 2015, 129 Stat. 1018, provided that:

“(a) NOTIFICATION REQUIREMENT.—The Secretary of Defense and the Secretary of State shall provide notification to the appropriate congressional committees as soon as practicable upon the initiation of an ordered evacuation of a United States embassy or consulate involving support provided by the Department of Defense.

“(b) BRIEFING REQUIREMENT.—The Secretary of Defense and the Secretary of State shall provide a briefing to the appropriate congressional committees not later than 15 days after the initiation of an ordered evacuation of a United States embassy or consulate involving support provided by the Department of Defense.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]; and

“(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.”

PERSONNEL SECURITY PROGRAM FOR EMBASSIES IN HIGH INTELLIGENCE THREAT COUNTRIES

Pub. L. 100-204, title I, §155, Dec. 22, 1987, 101 Stat. 1353, provided that:

“(a) SPECIAL SECURITY PROGRAM.—The Secretary of State shall develop and implement, within three months after the date of enactment of this Act [Dec. 22, 1987], a special personnel security program for personnel of the Department of State assigned to United States diplomatic and consular posts in high intelligence threat countries who are responsible for security at those posts and for any individuals performing guard functions at those posts. Such program shall include—

“(1) selection criteria and screening to ensure suitability for assignment to high intelligence threat countries;

“(2) counterintelligence awareness and related training;

“(3) security reporting and command arrangements designed to counter intelligence threats; and

“(4) length of duty criteria and policies regarding rest and recuperative absences.

“(b) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this subsection [Dec. 22, 1987], the Secretary of State shall report to the Congress on the special personnel security program required by subsection (a).

“(c) DEFINITION.—As used in subsection (a), the term ‘high intelligence threat country’ means—

“(1) a country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961 [22 U.S.C. 2370(f)]; and

“(2) any other country designated as a high intelligence threat country for purposes of this section by the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, or the Director of the Federal Bureau of Investigation.”

[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.]

§ 4803. Designation of high risk, high threat posts

(a) Initial designation

Not later than 30 days after December 16, 2016, the Department of State shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a report, in classified form, that contains a list of diplomatic and consular posts designated as high risk, high threat posts.

(b) Designations before opening or reopening posts

Before opening or reopening a diplomatic or consular post, the Secretary shall determine if such post should be designated as a high risk, high threat post.

(c) Designating existing posts

The Secretary shall regularly review existing diplomatic and consular posts to determine if

any such post should be designated as a high risk, high threat post if conditions at such post or the surrounding security environment require such a designation.

(d) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) High risk, high threat post

The term “high risk, high threat post” means a United States diplomatic or consular post or other United States mission abroad, as determined by the Secretary, that, among other factors—

(A) is located in a country—

(i) with high to critical levels of political violence and terrorism; and

(ii) the government of which lacks the ability or willingness to provide adequate security; and

(B) has mission physical security platforms that fall below the Department of State’s established standards.

(Pub. L. 99-399, title I, §104, as added Pub. L. 114-323, title I, §101(a), Dec. 16, 2016, 130 Stat. 1907; amended Pub. L. 115-94, §2(a), Dec. 18, 2017, 131 Stat. 2038.)

Editorial Notes

PRIOR PROVISIONS

A prior section 4803, Pub. L. 99-399, title I, §104(a), Aug. 27, 1986, 100 Stat. 856, established Bureau of Diplomatic Security in Department of State, prior to repeal by Pub. L. 103-236, title I, §162(g)(3), Apr. 30, 1994, 108 Stat. 407.

A prior section 104 of Pub. L. 99-399 enacted this section and amended former section 2652 of this title and section 5315 of Title 5, Government Organization and Employees, prior to repeal by Pub. L. 103-236, title I, §162(g)(3), Apr. 30, 1994, 108 Stat. 407.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-94 inserted “and the Committees on Appropriations of the Senate and the House of Representatives” after “appropriate congressional committees”.

§ 4804. Briefings on embassy security

(a) Briefing

The Secretary shall provide monthly briefings to the appropriate congressional committees on—

(1) any plans to open or reopen a high risk, high threat post, including—

(A) the importance and appropriateness of the objectives of the proposed post to the national security of the United States, and the type and level of security threats such post could encounter;

(B) working plans to expedite the approval and funding for establishing and operating such post, implementing physical security measures, providing necessary security and management personnel, and the provision of necessary equipment;

(C) security “tripwires” that would determine specific action, including enhanced security measures or evacuation of such post, based on the improvement or deterioration of the local security environment; and

(D) in coordination with the Secretary of Defense, an evaluation of available United States military assets and operational plans to respond to such posts in extremis;

(2) personnel staffing and rotation cycles at high risk, high threat posts;

(3) the current security posture at posts of particular concern as determined by such committees; and

(4) the progress towards implementation of the provisions specified in title I of the Department of State Authorities Act, Fiscal Year 2017.

(b) Congressional notification

(1) In general

Except as provided in paragraph (2), not later than 30 days before opening or reopening a high risk, high threat post, the Secretary shall notify the appropriate congressional committees of the decision to open or reopen such post.

(2) Emergency circumstances

If the Secretary determines that the national security interests of the United States require the opening or reopening of a high risk, high threat post in fewer than 30 days, then as soon as possible, but not later than 48 hours before such opening or reopening, the Secretary shall transmit to the appropriate congressional committees a notification detailing the decision to open or reopen such post, the nature of the critical national security interests at stake, and the circumstances that prevented the normal 30-day notice under paragraph (1).

(c) Appropriate congressional committees

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(Pub. L. 99-399, title I, §105, as added Pub. L. 114-323, title I, §101(a), Dec. 16, 2016, 130 Stat. 1908.)

Editorial Notes

REFERENCES IN TEXT

Title I of the Department of State Authorities Act, Fiscal Year 2017, referred to in subsec. (a)(4), is title I of Pub. L. 114-323, Dec. 16, 2016, 130 Stat. 1907, which enacted this section and sections 304, 2679d, 4803, and 4866 to 4868 of this title, amended sections 292, 295, 2701, 4834, 4864, and 4865 of this title, enacted provisions set out as notes under sections 4802 and 4834 of this title, and amended provisions set out as a note under section 4865 of this title.