

within the Bureau of Diplomatic Security, the Diplomatic Security Service. The Diplomatic Security Service shall perform such functions as may be assigned to it by the Secretary of State.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103-236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103-236, as amended, set out as a note under section 2651a of this title.

§ 4822. Director of Diplomatic Security Service

Any such Diplomatic Security Service should be headed by a Director designated by the Secretary of State. The Director should be a career member of the Senior Foreign Service or the Senior Executive Service and should be qualified for the position by virtue of demonstrated ability in the areas of security, law enforcement, management, and public administration. Experience in management or operations abroad should be considered an affirmative factor in the selection of the Director.

(Pub. L. 99-399, title II, §202, Aug. 27, 1986, 100 Stat. 858; Pub. L. 103-236, title I, §162(g)(8), Apr. 30, 1994, 108 Stat. 407.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-236 substituted “Any such” for “The” in first sentence, struck out last sentence which read as follows: “The Director shall act under the supervision and direction of the Assistant Secretary for Diplomatic Security.”, and directed the substitution of “should” for “shall” in first, third, and fourth sentences, which was executed to first, second, and third sentences to reflect the probable intent of Congress and the striking out of last sentence which also was the fourth sentence. See H.Rept. 103-126, pp. 168, 169.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103-236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103-236, as amended, set out as a note under section 2651a of this title.

§ 4823. Special agents

Special agent positions shall be filled in accordance with the provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) and title 5. In filling such positions, the Secretary of State shall actively recruit women and members of minority groups. The Secretary of State shall prescribe the qualifications required for assignment or appointment to such positions. The qualifications may include minimum and maximum entry age restrictions and other physical standards and shall incorporate such standards as may be required by law in order to perform security functions, to bear arms, and to exercise

investigatory, warrant, arrest, and such other authorities as are available by law to special agents of the Department of State and the Foreign Service.

(Pub. L. 99-399, title II, §203, Aug. 27, 1986, 100 Stat. 858; Pub. L. 103-236, title I, §162(g)(9), Apr. 30, 1994, 108 Stat. 407.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in text, is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

AMENDMENTS

1994—Pub. L. 103-236 amended section catchline to read “Special agents” and in text substituted “Special agent positions” for “Positions in the Diplomatic Security Service” and “The qualifications” for “In the case of positions designated for special agents, the qualifications”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103-236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103-236, as amended, set out as a note under section 2651a of this title.

§ 4824. Contracting authority

The Secretary of State is authorized to employ individuals or organizations by contract to carry out the purposes of this Act, and individuals employed by contract to perform such services shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary may determine the applicability to such individuals of any law administered by the Secretary concerning the employment of such individuals); and such contracts are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making and performance of contracts and performance of work in the United States.

(Pub. L. 99-399, title II, §206, as added Pub. L. 105-277, div. C, title I, §104, Oct. 21, 1998, 112 Stat. 2681-586.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 99-399, Aug. 27, 1986, 100 Stat. 853, known as the Omnibus Diplomatic Security and Antiterrorism Act of 1986. For complete classification of this Act to the Code, see Short Title note set out under section 4801 of this title and Tables.

SUBCHAPTER III—PERFORMANCE AND
ACCOUNTABILITY

§ 4831. Accountability Review Boards

(a) In general

(1) Convening a Board

Except as provided in paragraphs (2) and (3), in any case of serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, which is covered by the provisions of this chapter (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (in this subchapter referred to as the “Board”). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

(2) Department of Defense facilities and personnel

The Secretary of State is not required to convene a Board in the case of an incident described in paragraph (1) that involves any facility, installation, or personnel of the Department of Defense with respect to which the Secretary has delegated operational control of overseas security functions to the Secretary of Defense pursuant to section 4805 of this title. In any such case, the Secretary of Defense shall conduct an appropriate inquiry. The Secretary of Defense shall report the findings and recommendations of such inquiry, and the action taken with respect to such recommendations, to the Secretary of State and Congress.

(3) Facilities in Afghanistan, Yemen, Syria, and Iraq

(A) Limited exemptions from requirement to convene Board

The Secretary of State is not required to convene a Board in the case of an incident that—

(i) involves serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission in Afghanistan, Yemen, Syria, or Iraq; and

(ii) occurs during the period beginning on October 1, 2020, and ending on September 30, 2022.

(B) Reporting requirements

In the case of an incident described in subparagraph (A), the Secretary shall—

(i) promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the incident;

(ii) conduct an inquiry of the incident; and

(iii) upon completion of the inquiry required by clause (ii), submit to each such Committee a report on the findings and recommendations related to such inquiry

and the actions taken with respect to such recommendations.

(b) Deadlines for convening Boards

(1) In general

Except as provided in paragraph (2), the Secretary of State shall convene a Board not later than 60 days after the occurrence of an incident described in subsection (a)(1), except that such 60-day period may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary for the convening of the Board.

(2) Delay in cases involving intelligence activities

With respect to breaches of security involving intelligence activities, the Secretary of State may delay the establishment of a Board if, after consultation with the chairman of the Select Committee on Intelligence of the Senate and the chairman of the Permanent Select Committee on Intelligence of the House of Representatives, the Secretary determines that the establishment of a Board would compromise intelligence sources or methods. The Secretary shall promptly advise the chairmen of such committees of each determination pursuant to this paragraph to delay the establishment of a Board.

(c) Notification to Congress

Whenever the Secretary of State convenes a Board, the Secretary shall promptly inform the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives—

(1) that a Board has been convened;

(2) of the membership of the Board; and

(3) of other appropriate information about the Board.

(Pub. L. 99-399, title III, § 301, Aug. 27, 1986, 100 Stat. 859; Pub. L. 100-204, title I, § 156(a), Dec. 22, 1987, 101 Stat. 1354; Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title VI, § 608], Nov. 29, 1999, 113 Stat. 1536, 1501A-458; Pub. L. 109-140, § 3, Dec. 22, 2005, 119 Stat. 2650; Pub. L. 117-81, div. E, title LIII, § 5316, Dec. 27, 2021, 135 Stat. 2366.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), was in the original “titles I through IV”, meaning titles I through IV of Pub. L. 99-399, Aug. 27, 1986, 100 Stat. 855, known as the Diplomatic Security Act, which is classified principally to this chapter. For complete classification of titles I through IV of Pub. L. 99-399 to the Code, see Short Title note set out under section 4801 of this title and Tables.

AMENDMENTS

2021—Subsec. (a)(3). Pub. L. 117-81, § 5316(1), substituted “Afghanistan, Yemen, Syria, and” for “Afghanistan and” in heading.

Subsec. (a)(3)(A)(i). Pub. L. 117-81, § 5316(2)(A), substituted “Afghanistan, Yemen, Syria, or” for “Afghanistan or”.

Subsec. (a)(3)(A)(ii). Pub. L. 117-81, § 5316(2)(B), substituted “beginning on October 1, 2020, and ending on September 30, 2022” for “beginning on October 1, 2005, and ending on September 30, 2009”.

2005—Subsec. (a)(1). Pub. L. 109-140, § 3(1), substituted “paragraphs (2) and (3)” for “paragraph (2)”.