

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)”.

Subsec. (a)(3). Pub. L. 109-140, §3(2), added par. (3).

1999—Pub. L. 106-113 substituted “Review Boards” for “review” in section catchline and amended text generally. Prior to amendment, text read as follows: “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 (hereafter in this subchapter referred to as the ‘Board’). With respect to breaches of security involving intelligence activities, the Secretary of State may delay establishing an Accountability Review 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 doing so would compromise intelligence sources and methods. The Secretary shall promptly advise the Chairmen of such committees of each determination pursuant to this section to delay the establishment of an Accountability Review Board. The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.”

1987—Pub. L. 100-204 inserted “, 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,” after “mission abroad” in first sentence, and inserted after first sentence “With respect to breaches of security involving intelligence activities, the Secretary of State may delay establishing an Accountability Review 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 doing so would compromise intelligence sources and methods. The Secretary shall promptly advise the Chairmen of such committees of each determination pursuant to this section to delay the establishment of an Accountability Review Board.”

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

##### CONTINUATION OF REVIEW BOARDS FOR FACILITIES IN AFGHANISTAN AND IRAQ

Pub. L. 116-260, div. K, title VII, §7034(l)(7), Dec. 27, 2020, 134 Stat. 1750, provided that: “The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect for facilities in Afghanistan through September 30, 2021, except that the notification and reporting requirements contained in such section shall include the Committees on Appropriations.”

Prior continuations were contained in the following prior acts:

Pub. L. 116-94, div. G, title VII, §7034(l)(7), Dec. 20, 2019, 133 Stat. 2873.

Pub. L. 116-6, div. F, title VII, §7034(m)(7), Feb. 15, 2019, 133 Stat. 327.

Pub. L. 115-141, div. K, title VII, §7034(l)(8), Mar. 23, 2018, 132 Stat. 896.

Pub. L. 114-113, div. K, title VII, §7034(k)(2), Dec. 18, 2015, 129 Stat. 2764.

Pub. L. 113-235, div. J, title VII, §7034(l)(2), Dec. 16, 2014, 128 Stat. 2625.

Pub. L. 113-76, div. K, title VII, §7034(m)(2), Jan. 17, 2014, 128 Stat. 515.

Pub. L. 112-74, div. I, title VII, §7034(m)(2), Dec. 23, 2011, 125 Stat. 1216.

Pub. L. 111-117, div. F, title VII, §7034(r), Dec. 16, 2009, 123 Stat. 3363.

#### § 4832. Accountability Review Board

##### (a) Membership

A Board shall consist of five members, 4 appointed by the Secretary of State, and 1 appointed by the Director of Central Intelligence. The Secretary of State shall designate the Chairperson of the Board. Members of the Board who are not Federal officers or employees shall each be paid at a rate not to exceed the maximum rate of basic pay payable for level GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board. Members of the Board who are Federal officers or employees shall receive no additional pay by reason of such membership.

##### (b) Facilities, services, supplies, and staff

###### (1) Supplied by Department of State

A Board shall obtain facilities, services, and supplies through the Department of State. All expenses of the Board, including necessary costs of travel, shall be paid by the Department of State. Travel expenses authorized under this paragraph shall be paid in accordance with subchapter I of chapter 57 of title 5 or other applicable law.

###### (2) Detail

At the request of a Board, employees of the Department of State or other Federal agencies, members of the Foreign Service, or members of the uniformed services may be temporarily assigned, with or without reimbursement, to assist the Board.

###### (3) Experts and consultants

A Board may employ and compensate (in accordance with section 3109 of title 5) such experts and consultants as the Board considers necessary to carry out its functions. Experts and consultants so employed shall be responsible solely to the Board.

(Pub. L. 99-399, title III, §302, Aug. 27, 1986, 100 Stat. 859.)

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

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. 103-458, set out as a note under section 3001 of Title 50, War and National Defense.

##### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organi-