

Calendar No. 257

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, Mr. CORKER, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

DECEMBER 9, 2013

Reported by Mr. MENENDEZ, with amendments

[Omit the part struck through and insert the part printed in italic]

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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.
 Sec. 403. *Designation and reporting for high-risk counterintelligence threat posts.*
 Sec. 404. *Comptroller General report on implementation of Benghazi Accountability Review Board recommendations.*
 Sec. 405. *Security Environment Threat List briefings.*

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.

TITLE VI—OTHER MATTERS

Sec. 601. *Enhanced qualifications for Deputy Assistant Secretary of State for High Threat, High Risk Posts.*

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” 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 not in the United States, including those that are in-
10 tended for temporary use.

11 **TITLE I—FUNDING AUTHORIZA-**
12 **TION AND TRANSFER AU-**
13 **THORITY**

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

15 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated for fiscal year 2014 for the
17 Department of State \$1,383,000,000, to be available until
18 expended, for the Capital Security Cost Sharing Program,
19 authorized by section 604(e) of the Secure Embassy Con-
20 struction and Counterterrorism Act of 1999 (title VI of
21 division A of H.R. 3427, as enacted into law by section
22 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–
23 453; 22 U.S.C. 4865 note).

1 (b) SENSE OF CONGRESS ON THE CAPITAL SECURITY
2 COST SHARING PROGRAM.—It is the sense of Congress
3 that—

4 (1) the Capital Security Cost Sharing Program
5 should prioritize the construction of new facilities
6 and the maintenance of existing facilities in high
7 threat, high risk areas in addition to addressing im-
8 mediate threat mitigation as set forth in section
9 102, *and should take into consideration the priorities*
10 *of other government agencies that are contributing to*
11 *the Capital Security Cost Sharing Program when re-*
12 *placing or upgrading diplomatic facilities; and*

13 (2) all United States Government agencies are
14 required to pay into the Capital Security Cost Shar-
15 ing Program a percentage of total costs determined
16 by interagency agreements, in order to address im-
17 mediate threat mitigation needs and increase funds
18 for the Capital Security Cost Sharing Program for
19 fiscal year 2014, including to address inflation and
20 increased construction costs.

21 (c) RESTRICTION ON CONSTRUCTION OF OFFICE
22 SPACE.—Section 604(e)(2) of the Secure Embassy Con-
23 struction and Counterterrorism Act of 1999 (title VI of
24 division A of H.R. 3427, as enacted into law by section
25 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–

1 453; 22 U.S.C. 4865 note) is amended by adding at the
2 end the following: “A project to construct a diplomatic fa-
3 cility of the United States may not include office space
4 or other accommodations for an employee of a Federal
5 agency or department if the Secretary of State determines
6 that such department or agency has not provided to the
7 Department of State the full amount of funding required
8 by paragraph (1), except that such project may include
9 office space or other accommodations for members of the
10 United States Marine Corps. ~~Funding appropriated for~~
11 ~~Overseas Contingency Operations for Worldwide Security~~
12 ~~Upgrades shall be considered to be part of the Department~~
13 ~~of State’s Capital Security Cost Sharing Program pay-~~
14 ~~ment, and, subject to annual appropriations, shall be sub-~~
15 ~~ject to the funding requirements in paragraph (1).”.~~

16 **SEC. 102. IMMEDIATE THREAT MITIGATION.**

17 (a) ALLOCATION OF AUTHORIZED APPROPRIA-
18 TIONS.—In addition to any funds otherwise made available
19 for such purposes, the Department of State shall, notwith-
20 standing any other provision of law except as provided in
21 subsection (d), use \$300,000,000 of the funding provided
22 in section 101 for immediate threat mitigation projects,
23 with priority given to facilities determined to be “high
24 threat, high risk” pursuant to section 402.

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

4 (1) the construction of safeguards that provide
5 immediate security benefits;

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

8 (3) the paying of expenses of additional security
9 forces, with an emphasis on funding United States
10 security forces where practicable; and

11 (4) any other purposes necessary to mitigate
12 immediate threats to United States personnel serv-
13 ing overseas.

14 (c) TRANSFER.—The Secretary may transfer and
15 merge funds authorized under subsection (a) to any appro-
16 priation account of the Department of State for the pur-
17 pose of carrying out the threat mitigation projects de-
18 scribed in subsection (b).

19 (d) USE OF FUNDS FOR OTHER PURPOSES.—Not-
20 withstanding the allocation requirement under subsection
21 (a), funds subject to such requirement may be used for
22 other authorized purposes of the Capital Security Cost
23 Sharing Program if, not later than 15 days prior to such
24 use, the Secretary certifies in writing to the appropriate
25 congressional committees that—

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

4 (2) the Secretary of State will make funds
5 available from the Capital Security Cost Sharing
6 Program or other sources to address any changed
7 security threats or risks, or new or emergent secu-
8 rity needs, including immediate threat mitigation.

9 **SEC. 103. LANGUAGE TRAINING.**

10 (a) IN GENERAL.—Title IV of the Omnibus Diplo-
11 matic Security and Antiterrorism Act of 1986 (22 U.S.C.
12 4851 et seq.) is amended by adding at the end the fol-
13 lowing new section:

14 **“SEC. 416. LANGUAGE REQUIREMENTS FOR DIPLOMATIC**
15 **SECURITY PERSONNEL ASSIGNED TO HIGH**
16 **THREAT, HIGH RISK POSTS.**

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

23 “(b) LANGUAGE TRAINING DESCRIBED.—Language
24 training referred to in subsection (a) should prepare per-
25 sonnel described in such subsection—

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

5 “(2) to read within an adequate range of speed
 6 and with almost complete comprehension on subjects
 7 germane to security.”.

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

11 (c) INSPECTOR GENERAL REVIEW.—The Inspector
 12 General of the Department of State and Broadcasting
 13 Board of Governors shall, at the end of fiscal years 2014
 14 and 2015, review the language training conducted pursu-
 15 ant to this section and make the results of such reviews
 16 available to the Secretary of State and the appropriate
 17 congressional committees.

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

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

21 (1) Department of State employees and their
 22 families deserve improved and efficient programs
 23 and facilities for high threat training and training
 24 on risk management decision processes;

1 (2) improved and efficient high threat, high risk
2 training is consistent with the Benghazi Account-
3 ability Review Board (ARB) recommendation num-
4 ber 17;

5 (3) improved and efficient security training
6 should take advantage of training synergies that al-
7 ready exist, like training with, or in close proximity
8 to, Fleet Antiterrorism Security Teams (FAST),
9 special operations forces, or other appropriate mili-
10 tary and security assets; and

11 (4) the Secretary of State should undertake
12 temporary measures, including leveraging the avail-
13 ability of existing government and private sector
14 training facilities, to the extent appropriate to meet
15 the critical security training requirements of the De-
16 partment of State.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated for the Department of State
19 \$100,000,000 for improved high threat, high risk security
20 training, including—

21 (1) expanding existing government training fa-
22 cilities; and

23 (2) utilizing other government or private sector
24 facilities to meet critical security training require-
25 ments.

1 (c) ~~ADDITIONAL AUTHORIZATION OF APPROPRIA-~~
2 ~~TIONS.—~~

3 (1) ~~IN GENERAL.—~~There is authorized to be
4 appropriated \$350,000,000 for the acquisition, con-
5 struction, and operation of a new Foreign Affairs
6 Security Training Center, subject to the certification
7 requirement in paragraph (2).

8 (2) ~~REQUIRED CERTIFICATION.—~~Not later than
9 15 days prior to the obligation or expenditure of any
10 funds authorized to be appropriated pursuant to
11 paragraph (1), the President shall certify to the ap-
12 propriate congressional committees that the acquisi-
13 tion, construction, and operation of a new Foreign
14 Affairs Security Training Center is necessary to
15 meet high threat security training requirements.

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

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

22 (B) up to \$100,000,000 of funds available
23 for the acquisition, construction, or operation of
24 Department of State facilities may be trans-

1 ferred and used for the purposes set forth in
2 paragraph (1).

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

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

11 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
12 *that—*

13 (1) *Department of State employees and their*
14 *families deserve improved and efficient programs and*
15 *facilities for high threat training and training on*
16 *risk management decision processes;*

17 (2) *improved and efficient high threat, high risk*
18 *training is consistent with the Benghazi Account-*
19 *ability Review Board (ARB) recommendation number*
20 *17;*

21 (3) *improved and efficient security training*
22 *should take advantage of training synergies that al-*
23 *ready exist, like training with, or in close proximity*
24 *to, Fleet Antiterrorism Security Teams (FAST), spe-*

1 *cial operations forces, or other appropriate military*
2 *and security assets; and*

3 *(4) the Secretary of State should undertake tem-*
4 *porary measures, including leveraging the avail-*
5 *ability of existing government and private sector*
6 *training facilities, to the extent appropriate to meet*
7 *the critical security training requirements of the De-*
8 *partment of State.*

9 *(b) AUTHORIZATION OF APPROPRIATIONS FOR IMME-*
10 *DIATE SECURITY TRAINING FOR HIGH THREAT, HIGH*
11 *RISK ENVIRONMENTS.—There is authorized to be appro-*
12 *priated for the Department of State \$100,000,000 for im-*
13 *proved immediate security training for high threat, high*
14 *risk security environments, including through the utiliza-*
15 *tion of government or private sector facilities to meet crit-*
16 *ical security training requirements.*

17 *(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS*
18 *FOR LONG-TERM SECURITY TRAINING FOR HIGH THREAT,*
19 *HIGH RISK ENVIRONMENTS.—*

20 *(1) IN GENERAL.—There is authorized to be ap-*
21 *propriated \$350,000,000 for the acquisition, construc-*
22 *tion, and operation of a new Foreign Affairs Security*
23 *Training Center or expanding existing government*
24 *training facilities, subject to the certification require-*
25 *ment in paragraph (2).*

1 (2) *REQUIRED CERTIFICATION.*—Not later than
2 15 days prior to the obligation or expenditure of any
3 funds authorized to be appropriated pursuant to
4 paragraph (1), the President shall certify to the ap-
5 propriate congressional committees that the acquisi-
6 tion, construction, and operation of a new Foreign
7 Affairs Security Training Center, or the expansion of
8 existing government training facilities, is necessary to
9 meet long-term security training requirements for
10 high threat, high risk environments.

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

13 (A) up to \$100,000,000 of the funds author-
14 ized to be appropriated under subsection (b)
15 shall also be authorized for the purposes set forth
16 in paragraph (1); or

17 (B) up to \$100,000,000 of funds available
18 for the acquisition, construction, or operation of
19 Department of State facilities may be transferred
20 and used for the purposes set forth in paragraph
21 (1).

22 (d) *USE OF FUNDS APPROPRIATED UNDER THE*
23 *AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009.*—
24 Of the funds appropriated to the Department of State under
25 title XI of the American Reinvestment and Recovery Act

1 of 2009 (*Public Law 111–5*), \$54,545,177 is to remain
2 available until September 30, 2016, for activities consistent
3 with subsections (b) and (c).

4 **SEC. 105. TRANSFER AUTHORITY.**

5 Section 4 of the Foreign Service Buildings Act of
6 1926 (22 U.S.C. 295) is amended by adding at the end
7 the following new subsections:

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

18 “(2) Any funds transferred under the authority pro-
19 vided in paragraph (1) shall be merged with funds in the
20 heading to which transferred, and shall be available sub-
21 ject to the same terms and conditions as the funds with
22 which merged.

23 “(k) Not later than 15 days before any transfer of
24 funds under subsection (j), the Secretary shall notify the
25 Committees on Foreign Relations and Appropriations of

1 the Senate and the Committees on Foreign Affairs and
 2 Appropriations of the House of Representatives.”.

3 **TITLE II—CONTRACTING AND**
 4 **OTHER MATTERS**

5 **SEC. 201. LOCAL GUARD CONTRACTS ABROAD UNDER DIP-**
 6 **LOMATIC SECURITY PROGRAM.**

7 (a) IN GENERAL.—Section 136(c)(3) of the Foreign
 8 Relations Authorization Act, Fiscal Years 1990 and 1991
 9 (22 U.S.C. 4864(c)(3)) is amended to read as follows:

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

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

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

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

1 (1) an explanation of the implementation of
2 paragraph (3) of section 136(c) of the Foreign Rela-
3 tions Authorization Act, Fiscal Years 1990 and
4 1991, as amended by subsection (a); and

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

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

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

17 (1) by redesignating paragraphs (1), (2), and
18 (3) as subparagraphs (A), (B), and (C), respectively,
19 and moving such subparagraphs, as so redesignated,
20 2 ems to the right;

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

23 “(1) IN GENERAL.—Whenever”; and

24 (3) by inserting at the end the following new
25 paragraph:

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

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

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

1 section 304(a) of the Diplomatic Security Act (22 U.S.C.
2 4834(a)).

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

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

15 (2) by redesignating subsection (d) as sub-
16 section (e); and

17 (3) by inserting after subsection (c) the fol-
18 lowing new subsection:

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

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

2 Section 29 of the State Department Basic Authorities
3 Act of 1956 (22 U.S.C. 2701) is amended in the third
4 sentence by inserting “physical security enhancements
5 and” after “Such assistance may include”.

6 **SEC. 205. REEMPLOYMENT OF ANNUITANTS.**

7 Section 824(g) of the Foreign Service Act of 1980
8 (22 U.S.C. 4064(g)) is amended—

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

15 (2) by amending paragraph (2) to read as fol-
16 lows:

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

23 (3) by adding after paragraph (3) the following
24 paragraphs:

25 “(4) In the event that an annuitant qualified for com-
26 pensation or payments pursuant to this subsection subse-

1 quently transfers to a position for which the annuitant
 2 would not qualify for a waiver under this subsection, the
 3 Secretary may no longer waive the application of sub-
 4 sections (a) through (d) with respect to such annuitant.

5 “(5) The authority of the Secretary to waive the ap-
 6 plication of subsections (a) through (d) for an annuitant
 7 pursuant to this subsection shall terminate on October 1,
 8 2019.”.

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

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

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

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

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

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

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

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

16 (b) REPORTING REQUIREMENT.—Not later than 180
17 days after the date of the enactment of this Act, and annu-
18 ally thereafter for three years, the Secretary of State, in
19 consultation with the Secretary of Defense, shall submit
20 to the appropriate congressional committees an unclassi-
21 fied report, with a classified annex as necessary, that ad-
22 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~~ *Secretary of State, in*
13 *consultation with the Director of National Intelligence and*
14 *the Secretary of Defense, shall submit to the Committee on*
15 *Foreign Relations, the Select Committee on Intelligence,*
16 *and the Committee on Armed Services of the Senate and*
17 *the Committee on Foreign Affairs, the Permanent Select*
18 *Committee on Intelligence, and the Committee on Armed*
19 *Services of the House of Representatives* a classified report,
20 with an unclassified summary, evaluating Department of
21 State facilities that the Secretary of State determines to
22 be “high threat, high risk” in accordance with subsection
23 (c).

24 (b) CONTENT.—For each facility determined to be
25 “high threat, high risk” pursuant to subsection (a), the

1 report submitted under such subsection shall also in-
2 clude—

3 (1) a narrative assessment describing the secu-
4 rity threats and risks facing posts overseas and the
5 overall threat level to United States personnel under
6 chief of mission authority;

7 (2) the number of diplomatic security per-
8 sonnel, Marine Corps security guards, and other De-
9 partment of State personnel dedicated to providing
10 security for United States personnel, information,
11 and facilities;

12 (3) an assessment of host nation willingness
13 and capability to provide protection in the event of
14 a security threat or incident, pursuant to the obliga-
15 tions of the United States under the Vienna Conven-
16 tion on Consular Relations, done at Vienna April 24,
17 1963, and the 1961 Vienna Convention on Diplo-
18 matic Relations, done at Vienna April 18, 1961;

19 (4) an assessment of the quality and experience
20 level of the team of United States senior security
21 personnel assigned to the facility, considering collec-
22 tively the assignment durations and lengths of gov-
23 ernment experience;

1 (5) the number of Foreign Service Officers who
2 have received Foreign Affairs Counter Threat train-
3 ing;

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

8 (7) an assessment of the ability of United
9 States personnel to respond to and survive a fire at-
10 tack, including—

11 (A) whether the facility has adequate fire
12 safety and security equipment for safehavens
13 and safe areas; and

14 (B) whether the employees working at the
15 facility have been adequately trained on the
16 equipment available;

17 (8) for each new facility that is opened, a de-
18 tailed description of the steps taken to provide secu-
19 rity for the new facility, including whether a dedi-
20 cated support cell was established in the Department
21 of State to ensure proper and timely resourcing of
22 security; and

23 (9) a listing of any “high-threat, high-risk” fa-
24 cilities where the Department of State and other

1 government agencies' facilities are not collocated in-
2 cluding—

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

4 and

5 (B) a description of what steps, if any, are
6 being taken to mitigate potential security
7 vulnerabilities associated with the lack of col-
8 location.

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

14 (1) high to critical levels of political violence or
15 terrorism;

16 (2) national or local governments with inad-
17 equate capacity or political will to provide appro-
18 priate protection; and

19 (3) in locations where there are high to critical
20 levels of political violence or terrorism or national or
21 local governments lack the capacity or political will
22 to provide appropriate protection—

23 (A) mission physical security platforms
24 that fall well below the Department of State's
25 established standards; or

1 (B) security personnel levels that are in-
2 sufficient for the circumstances.

3 (d) INSPECTOR GENERAL REVIEW AND REPORT.—

4 The Inspector General for the Department of State and
5 the Broadcasting Board of Governors shall, on an annual
6 basis—

7 (1) review the determinations of the Depart-
8 ment of State with respect to high threat, high risk
9 facilities, including the basis for making such deter-
10 minations;

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

14 (3) review the risk mitigation measures in place
15 at high threat, high risk facilities to determine how
16 the Department of State evaluates risk and whether
17 the measures put in place sufficiently address the
18 relevant risks;

19 (4) review early warning systems in place at
20 high threat, high risk facilities and evaluate the
21 measures being taken to preempt and disrupt
22 threats to such facilities; and

23 (5) provide to the appropriate congressional
24 committees an assessment of the determinations of
25 the Department of State with respect to high threat,

1 high risk facilities, including recommendations for
2 additions or changes to the list of such facilities, and
3 a report regarding the reviews and evaluations un-
4 dertaken pursuant to paragraphs (1) through (4)
5 and this paragraph.

6 **SEC. 403. DESIGNATION AND REPORTING FOR HIGH-RISK**
7 **COUNTERINTELLIGENCE THREAT POSTS.**

8 *(a) REPORT REQUIRED.—Not later than 180 days*
9 *after the date of the enactment of this Act, the Secretary*
10 *of State, in conjunction with appropriate officials in the*
11 *intelligence community and the Secretary of Defense, shall*
12 *submit to the appropriate committees of Congress a report*
13 *assessing the counterintelligence threat to United States*
14 *diplomatic facilities in Priority 1 Counterintelligence*
15 *Threat Nations, including—*

16 *(1) an assessment of the use of locally employed*
17 *staff and guard forces and a listing of diplomatic fa-*
18 *cilities in Priority 1 Counterintelligence Threat Na-*
19 *tions without controlled access areas; and*

20 *(2) recommendations for mitigating any counter-*
21 *intelligence threats and for any necessary facility up-*
22 *grades, including costs assessment of any rec-*
23 *ommended mitigation or upgrades so recommended.*

24 *(b) DEFINITIONS.—In this section:*

1 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—
 2 The term “appropriate committees of Congress”
 3 means—

4 (A) *the Committee on Foreign Relations, the*
 5 *Select Committee on Intelligence, the Committee*
 6 *on Armed Services, and the Committee on Ap-*
 7 *propriations of the Senate; and*

8 (B) *the Committee on Foreign Affairs, the*
 9 *Permanent Select Committee on Intelligence, the*
 10 *Committee on Armed Services, and the Com-*
 11 *mittee on Appropriations of the House of Rep-*
 12 *resentatives.*

13 (2) *PRIORITY 1 COUNTERINTELLIGENCE THREAT*
 14 *NATION.*—The term “Priority 1 Counterintelligence
 15 *Threat Nation*” means a country designated as such
 16 by the October 2012 National Intelligence Priorities
 17 *Framework (NIPF).*

18 **SEC. 404. COMPTROLLER GENERAL REPORT ON IMPLEMEN-**
 19 **TATION OF BENGHAZI ACCOUNTABILITY RE-**
 20 **VIEW BOARD RECOMMENDATIONS.**

21 (a) *IN GENERAL.*—Not later than 120 days after the
 22 date of the enactment of this Act, the Comptroller General
 23 of the United States shall submit to the Committee on For-
 24 eign Relations of the Senate and the Committee on Foreign
 25 Affairs of the House of Representatives a report on the

1 *progress of the Department of State in implementing the*
2 *recommendations of the Benghazi Accountability Review*
3 *Board.*

4 (b) *CONTENT.*—*The report required under subsection*
5 *(a) shall include—*

6 (1) *an assessment of the progress the Department*
7 *of State has made in implementing each specific rec-*
8 *ommendation of the Accountability Review Board;*
9 *and*

10 (2) *a description of any impediments to rec-*
11 *ommended reforms, such as budget constraints, bu-*
12 *reaucratic obstacles within the Department or in the*
13 *broader interagency community, or limitations under*
14 *current law.*

15 (c) *FORM.*—*The report required under subsection (a)*
16 *shall be submitted in unclassified form but may contain*
17 *a classified annex.*

18 **SEC. 405. SECURITY ENVIRONMENT THREAT LIST BRIEF-**
19 **INGS.**

20 (a) *IN GENERAL.*—*Not later than 90 days after the*
21 *date of the enactment of this Act, and upon each subsequent*
22 *update of the Security Environment Threat List (SETL),*
23 *the Bureau of Diplomatic Security shall provide classified*
24 *briefings to the appropriate congressional committees on the*
25 *SETL.*

1 (b) *CONTENT.*—*The briefings required under sub-*
2 *section (a) shall include—*

3 (1) *an overview of the SETL; and*

4 (2) *a summary assessment of the security posture*
5 *of those facilities where the SETL assesses the threat*
6 *environment to be most acute, including factors that*
7 *informed such assessment.*

8 **TITLE V—ACCOUNTABILITY**
9 **REVIEW BOARDS**

10 **SEC. 501. SENSE OF CONGRESS.**

11 It is the sense of Congress that—

12 (1) the Accountability Review Board mechanism
13 as outlined in section 302 of the Omnibus Diplo-
14 matic Security and Antiterrorism Act (22 U.S.C.
15 4832) is an effective tool to collect information
16 about and evaluate adverse incidents that occur in a
17 world that is increasingly complex and dangerous for
18 United States diplomatic personnel; and

19 (2) the Accountability Review Board should
20 provide information and analysis that will assist the
21 Secretary, the President, and Congress in deter-
22 mining what contributed to an adverse incident as
23 well as what new measures are necessary in order to
24 prevent the recurrence of such incidents.

1 **SEC. 502. PROVISION OF COPIES OF ACCOUNTABILITY RE-**
2 **VIEW BOARD REPORTS TO CONGRESS.**

3 Not later than 2 days after an Accountability Review
4 Board provides its report to the Secretary of State in ac-
5 cordance with title III of the Omnibus Diplomatic and
6 Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.), the
7 Secretary shall provide copies of the report to the appro-
8 priate congressional committees for retention and review
9 by those committees.

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

11 (a) MEMBERSHIP.—Section 302(a) of the Omnibus
12 Diplomatic Security and Antiterrorism Act (22 U.S.C.
13 4832(a)) is amended by inserting “one of which shall be
14 the Inspector General of the Department of State and the
15 Broadcasting Board of Governors,” after “4 appointed by
16 the Secretary of State,”.

17 (b) STAFF.—Section 302(b)(2) of the Omnibus Dip-
18 lomatic Security and Antiterrorism Act (22 U.S.C.
19 4832(b)(2)) is amended by adding at the end the fol-
20 lowing: “Such persons shall be drawn from bureaus or
21 other agency sub-units that are not impacted by the inci-
22 dent that is the subject of the Board’s review.”.

1 **TITLE VI—OTHER MATTERS**

2 **SEC. 601. ENHANCED QUALIFICATIONS FOR DEPUTY AS-**
3 **SISTANT SECRETARY OF STATE FOR HIGH**
4 **THREAT, HIGH RISK POSTS.**

5 *The Omnibus Diplomatic Security and Antiterrorism*
6 *Act of 1986 is amended by inserting after section 206 (22*
7 *U.S.C. 4824) the following new section:*

8 **“SEC. 207. DEPUTY ASSISTANT SECRETARY OF STATE FOR**
9 **HIGH THREAT, HIGH RISK POSTS.**

10 *“The individual serving as Deputy Assistant Secretary*
11 *of State for High Threat, High Risk Posts shall have one*
12 *or more of the following qualifications:*

13 *“(1) Service during the last six years at one or*
14 *more posts designated as High Threat, High Risk by*
15 *the Department of State at the time of service.*

16 *“(2) Previous service as the office director or*
17 *deputy director of one or more of the following De-*
18 *partment of State offices or successor entities carrying*
19 *out substantively equivalent functions:*

20 *“(A) The Office of Mobile Security Deploy-*
21 *ments.*

22 *“(B) The Office of Special Programs and*
23 *Coordination.*

24 *“(C) The Office of Overseas Protective Oper-*
25 *ations.*

1 “(D) *The Office of Physical Security Pro-*
2 *grams.*

3 “(E) *The Office of Intelligence and Threat*
4 *Analysis.*

5 “(3) *Previous service as the Regional Security*
6 *Officer at two or more overseas posts.*

7 “(4) *Other government or private sector experi-*
8 *ence substantially equivalent to service in the posi-*
9 *tions listed in paragraphs (1) through (3).”.*

Calendar No. 257

113TH CONGRESS
1ST Session

S. 1386

A BILL

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

DECEMBER 9, 2013

Reported with amendments