

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To provide for the appropriate balance of empowering diplomats to pursue vital diplomatic goals and mitigating security risks at United States diplomatic posts, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

---

Mr. MURPHY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

## A BILL

To provide for the appropriate balance of empowering diplomats to pursue vital diplomatic goals and mitigating security risks at United States diplomatic posts, 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.**

4        This Act may be cited as the “Expeditionary Diplo-  
5        macy Act of 2021”.

6        **SEC. 2. FINDINGS.**

7        Congress makes the following findings:

1           (1) A robust overseas diplomatic presence is the  
2           sine qua non of an effective foreign policy, particu-  
3           larly in unstable environments where a flexible and  
4           timely diplomatic response can be decisive in pre-  
5           venting and addressing violent conflict.

6           (2) Diplomats routinely put themselves and  
7           their families at great personal risk to serve their  
8           country overseas where they increasingly face  
9           threats related to international terrorism, violent  
10          conflict, and public health, among others.

11          (3) The Department of State has a remarkable  
12          record of protecting personnel while enabling an  
13          enormous amount of global diplomatic activity, often  
14          in insecure and remote places and facing a variety  
15          of evolving risks and threats, from terrorism to sonic  
16          attacks. With support from Congress, the Depart-  
17          ment of State has revised policy, improved physical  
18          security through retrofitting and replacing old facili-  
19          ties, deployed additional security personnel and ar-  
20          mored vehicles, and greatly enhanced training re-  
21          quirements and facilities, including the new Foreign  
22          Affairs Security Training Center in Blackstone, Vir-  
23          ginia.

24          (4) However, there is broad consensus that the  
25          pendulum has swung too far toward eliminating risk,

1       excessively inhibiting diplomatic activity; instead of  
2       protecting diplomats that authorize calculated risks,  
3       human psychology combined with Department of  
4       State policy incentivize extending embassy closures,  
5       reducing footprints, and postponing or denying travel  
6       requests.

7               (5) Congress must accept responsibility for its  
8       part in perpetuating a risk-averse culture, as its  
9       oversight too often promotes the myth that all security  
10      incidents are avoidable and appears more focused  
11      on finding scapegoats than improving policy;  
12      the Accountability Review Board requirement in the  
13      Diplomatic Security Act (22 U.S.C. 4801 et seq.)  
14      particularly furthers this perception.

15              (6) The impact of reduced diplomatic engagement  
16      is both difficult to distill and undeniable; while  
17      the cost of an embassy closure or cancelled meeting  
18      is hard to measure, diplomatic missions rely on robust  
19      staffing and ambitious external engagement to  
20      advance United States interests as diverse as fighting  
21      terrorism and transnational organized crime,  
22      preventing and addressing violent conflict and humanitarian  
23      disasters, promoting United States businesses and trade,  
24      protecting the rights of

1       marginalized groups, addressing climate change, and  
2       preventing pandemic disease.

3               (7) Despite the fact that Congress currently  
4       provides annual appropriations in excess of  
5       \$1,900,000,000 for embassy security, construction,  
6       and maintenance, the Department of State is unable  
7       to fully transform this considerable investment into  
8       true overseas presence given excessive restrictions  
9       that inhibit the ability of diplomats to—

10               (A) meet with foreign leaders to explain,  
11               defend, and advance United States priorities;

12               (B) understand and report on foreign po-  
13               litical, social, and economic conditions;

14               (C) provide United States citizen services  
15               that are often a matter of life and death in in-  
16               secure places; and

17               (D) collaborate and, at times, compete  
18               with other diplomatic missions.

19               (8) Such restrictions present a clear and  
20       present danger to the core interests of the United  
21       States and contribute to the larger militarization of  
22       our national security, as military and intelligence  
23       agencies benefit from fewer security restrictions,  
24       greater risk tolerance, and less congressional scru-  
25       tiny in the wake of security incidents.

1           (9) Given these stakes, Congress has a respon-  
2           sibility to empower, support, and hold the Depart-  
3           ment of State accountable for implementing an ag-  
4           gressive presence strategy that mitigates potential  
5           risks and adequately considers the myriad direct and  
6           indirect consequences of a lack of presence.

7 **SEC. 3. ENCOURAGING EXPEDITIONARY DIPLOMACY.**

8           (a) PURPOSE.—Subsection (b) of section 102 of the  
9 Diplomatic Security Act (22 U.S.C. 4801(b)) is amend-  
10 ed—

11           (1) by amending paragraph (3) to read as fol-  
12 lows:

13           “(3) to promote strengthened security meas-  
14 ures, institutionalize a culture of learning, and, in  
15 the case of apparent gross negligence or breach of  
16 duty, recommend the Director General of the For-  
17 eign Service investigate accountability for United  
18 States Government personnel with security-related  
19 responsibilities;”;

20           (2) by redesignating paragraphs (4) and (5) as  
21 paragraphs (5) and (6), respectively; and

22           (3) by inserting after paragraph (3) the fol-  
23 lowing new paragraph:

24           “(4) to support a culture of risk management,  
25 instead of risk avoidance, that enables to Depart-

1       ment of State to pursue its vital goals with full  
2       knowledge that it is not desirable nor possible for  
3       the Department to avoid all risks;”.

4       (b) BRIEFINGS ON EMBASSY SECURITY.—Section  
5 105(a) of the Diplomatic Security Act (22 U.S.C.  
6 4804(a)) is amended—

7           (1) by striking “monthly briefings” and insert-  
8       ing “quarterly briefings”;

9           (2) in paragraph (1)—

10           (A) by striking “any plans to open or re-  
11       open a high risk, high threat post” and insert-  
12       ing “progress towards opening or reopening  
13       high risk, high threat posts, the risk to national  
14       security of the continued closure and remaining  
15       barriers to doing so”;

16           (B) in subparagraph (A), by striking “the  
17       type and level of security threats such post  
18       could encounter” and inserting “the risk to na-  
19       tional security of the post’s continued closure”;  
20       and

21           (C) in subparagraph (C), by inserting “the  
22       type and level of security threats such post  
23       could encounter, and” before “security  
24       ‘tripwires’”.

1 **SEC. 4. REPLACEMENT OF ACCOUNTABILITY REVIEW**  
2 **BOARD WITH SECURITY REVIEW COMMITTEE.**

3 (a) IN GENERAL.—Section 301 of the Diplomatic Se-  
4 curity Act (22 U.S.C. 4831) is amended—

5 (1) in the section heading, by striking “**AC-**  
6 **COUNTABILITY REVIEW BOARDS**” and inserting  
7 “**SECURITY REVIEW COMMITTEES**” ;

8 (2) in subsection (a)—

9 (A) in paragraph (1), by striking “shall  
10 convene an Accountability Review Board (in  
11 this title referred to as the ‘Board’). The Sec-  
12 retary shall not convene the Board” and insert-  
13 ing “shall convene the Security Review Com-  
14 mittee (in this title referred to as the ‘SRC’).  
15 The Secretary shall not convene the SRC”;

16 (B) in paragraph (2), by striking “Board”  
17 and inserting “SRC”; and

18 (C) in paragraph (3)(A)—

19 (i) in the subparagraph heading, by  
20 striking “BOARD” and inserting “SRCs”;  
21 and

22 (ii) by striking “Board” and inserting  
23 “SRC”;

24 (3) in subsection (b)—

25 (A) in the subsection heading, by striking  
26 “BOARDS” and inserting “SRCs”; and

1 (B) by striking “Board” each place it ap-  
2 pears and inserting “SRC”; and

3 (4) in subsection (c), by striking “Board” each  
4 place it appears and inserting “SRC”.

5 (b) MEMBERSHIP.—Section 302 of the Diplomatic  
6 Security Act (22 U.S.C. 4832) is amended—

7 (1) in the section heading, by striking “**AC-**  
8 **COUNTABILITY REVIEW BOARD**” and inserting  
9 “**SECURITY REVIEW COMMITTEE**”;

10 (2) in subsection (a)—

11 (A) by striking “MEMBERSHIP.—” and all  
12 that follows through “Chairperson of the  
13 Board. Members of the Board” and inserting  
14 the following: “MEMBERSHIP.—

15 “(1) IN GENERAL.—The Secretary shall deter-  
16 mine the composition of the SRC and designate a  
17 Chairperson. Members of the SRC”;

18 (B) by striking “vested in the Board.  
19 Members of the Board” and inserting “vested  
20 in the SRC. Members of the SRC”; and

21 (C) by adding at the end the following new  
22 paragraph:

23 “(2) REGULATIONS.—The Secretary of State  
24 shall promulgate regulations defining the member-  
25 ship and operating procedures for the SRC and pro-



1       vide to the Chairmen and ranking members of the  
2       Committee on Foreign Relations of the Senate and  
3       the Committee on Foreign Affairs of the House of  
4       Representatives, in writing, a description of how the  
5       SRC will be structured with respect to any other  
6       standing committees.”; and

7               (3) in subsection (b), by striking “Board” each  
8       place it appears and inserting “SRC”.

9       (c) **TECHNICAL AND CONFORMING AMENDMENTS.**—  
10       Section 303 of the Diplomatic Security Act (22 U.S.C.  
11       4833) is amended—

12               (1) by striking “Board” each place it appears  
13       and inserting “SRC”; and

14               (2) in the subsection heading for subsection (d),  
15       by striking “BOARDS” and inserting “SRCs”.

16       **SEC. 5. FINDINGS AND RECOMMENDATIONS OF SECURITY**  
17               **REVIEW COMMITTEE.**

18       Section 304 of the Diplomatic Security Act (22  
19       U.S.C. 4834) is amended—

20               (1) in the section heading, by striking “**A**  
21       **BOARD**” and inserting “**THE SECURITY REVIEW**  
22       **COMMITTEE**”;

23               (2) by striking “A Board” both places it ap-  
24       pears and inserting “The Security Review Com-  
25       mittee”;

1           (3) by striking “Board” each place it appears  
2           and inserting “Security Review Committee”;

3           (4) in subsection (a)—

4                 (A) in paragraph (2), by inserting after  
5                 “were adequate” the following: “, in the context  
6                 of the inherent security risks, mitigation efforts,  
7                 and what was known at the time of the incident  
8                 in question, including—

9                 “(A) if the attack was against a diplomatic  
10                 compound, motorecade, residence, or other mis-  
11                 sion facility, whether the security systems, secu-  
12                 rity countermeasures, and security procedures  
13                 operated as intended, and whether such systems  
14                 worked to materially mitigate the attack or  
15                 were found to be inadequate to mitigate the  
16                 threat and attack;

17                 “(B) if the attack was on any personnel  
18                 conducting an approved operation outside the  
19                 mission, if a valid process was followed in evalu-  
20                 ating the requested operation and weighing the  
21                 risk and diplomatic value of the operation; and

22                 “(C) if gross negligence or serious breach  
23                 of duty by an individual described in section  
24                 303(a)(1)(B) may have been a factor.”;

1 (B) in paragraph (4), by striking “; and”  
2 and inserting a semicolon;

3 (C) by redesignating paragraph (5) as  
4 paragraph (6); and

5 (D) by inserting after paragraph (4) the  
6 following new paragraph:

7 “(5) the diplomatic value of operations or phys-  
8 ical presence relating to the incident in question, in-  
9 cluding a counterfactual for the impact of not under-  
10 taking the type of operation or physical presence re-  
11 lated to the incident; and”;

12 (5) in subsection (b), by inserting “and to pro-  
13 mote a culture of risk management, rather than risk  
14 avoidance for valuable diplomatic activity” after  
15 “has reviewed”;

16 (6) by amending subsection (c) to read as fol-  
17 lows:

18 “(c) PERSONNEL RECOMMENDATIONS.—If the SRC  
19 suspects that an individual described in section  
20 303(a)(1)(B) has engaged in gross negligence or serious  
21 breach of duty, and such misconduct has significantly con-  
22 tributed to the serious injury, loss of life, or significant  
23 destruction of property, or the serious breach of security  
24 that is the subject of the SRC’s examination as described  
25 in subsection (a), the SRC shall report to the Director

1 General of the Foreign Service for any appropriate ac-  
2 tion.”; and

3 (7) in subsection (d)—

4 (A) by striking “REPORTS.—” and all that  
5 follows through “(1) PROGRAM RECOMMENDA-  
6 TIONS.—In any case” and inserting “RE-  
7 PORTS.—In any case”;

8 (B) by striking “Congress” and inserting  
9 “Chairmen and ranking members of the Com-  
10 mittee on Foreign Relations of the Senate and  
11 the Committee on Foreign Affairs of the House  
12 of Representatives”; and

13 (C) by striking paragraph (2).

14 **SEC. 6. REPORTING REQUIREMENT.**

15 Not later than 150 days after the date of the enact-  
16 ment of this Act, the Secretary of State shall provide a  
17 report and oral briefing to the Chairmen and ranking  
18 members of the Committee on Foreign Relations of the  
19 Senate and the Committee on Foreign Affairs of the  
20 House of Representatives on the regulations promulgated  
21 under paragraph (2) of section 302(a) of the Diplomatic  
22 Security Act (22 U.S.C. 4832(a)), as added by section  
23 4(b)(2)(C) of this Act.