

116TH CONGRESS  
2D SESSION

# S. 4026

To expedite and expand provision of American Citizen Services worldwide during the COVID–19 pandemic, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 2020

Mr. MARKEY (for himself, Mr. BLUMENTHAL, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To expedite and expand provision of American Citizen Services worldwide during the COVID–19 pandemic, 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 “Expanding Vital Amer-  
5 ican Citizen Services Overseas (EVACS) Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) There is an unprecedented need for Amer-  
9 ican Citizen Services from the Department of State

1 and its posts globally during the COVID-19 pan-  
2 demic.

3 (2) Consistent intake of new Foreign Service  
4 Officers and Foreign Service Specialists is integral  
5 to protecting Americans worldwide.

6 (3) American Citizen Services include, among  
7 other services, emergency passports, consular reports  
8 of birth abroad, virtual or in-person welfare visits of  
9 United States citizens who are imprisoned or hos-  
10 pitalized, emergency financial assistance, and repa-  
11 triation of United States citizens, as well as repatri-  
12 ation of remains when deaths occur abroad.

13 (4) Consular systems worldwide, as well as pre-  
14 viously established crisis management task force pro-  
15 cedures, are unable to handle the remote workload  
16 and requirements for social distancing simulta-  
17 neously.

18 (5) The Department of State has increased  
19 need for personal protective equipment for its staff  
20 worldwide as they fulfill the mission to provide  
21 American Citizen Services and perform other essen-  
22 tial diplomatic duties.

23 (6) Current United States laws and regulations  
24 are not adequate to meet worldwide needs such as  
25 the sudden demand for evacuation of United States

1 citizens, combined with reduced or nonexistent pri-  
2 vate airline capacity, and the reduced staffing capa-  
3 bilities and remote processing of American Citizen  
4 Services requests.

5 **SEC. 3. SENSE OF CONGRESS.**

6 The Secretary of State should take steps to ensure  
7 the expedited and expanded provision of American Citizen  
8 Services from the Department of State during the  
9 COVID–19 pandemic and future global emergencies.

10 **SEC. 4. DEFINITIONS.**

11 In this Act:

12 (1) ACS; AMERICAN CITIZEN SERVICES.—The  
13 terms “ACS” and “American Citizen Services” refer  
14 to the range of services provided to United States  
15 nationals by the Bureau of Consular Affairs of the  
16 Department of State, and at the Department’s over-  
17 seas posts.

18 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
19 TEES.—The term “appropriate congressional com-  
20 mittees” means—

21 (A) the Committee on Foreign Relations of  
22 the Senate; and

23 (B) the Committee on Foreign Affairs of  
24 the House of Representatives.

1           (3) COVERED INDIVIDUAL.—The term “covered  
2 individual” means a United States citizen, United  
3 States national, lawful permanent resident, or the  
4 immediate family members of a United States cit-  
5 izen, a United States national, or a lawful perma-  
6 nent resident.

7           (4) DECLARED COVID–19 PANDEMIC PERIOD.—  
8 The term “declared COVID–19 pandemic period”  
9 means the period of the national emergency declared  
10 by the President under the National Emergencies  
11 Act (50 U.S.C. 1601 et seq.) with respect to the  
12 Coronavirus Disease 2019 (COVID–19).

13 **SEC. 5. ASSISTANCE FOR COVERED INDIVIDUALS OVER-**  
14 **SEAS.**

15           (a) PETITIONING FOR INTRACOUNTRY TRAVEL FOR  
16 UNITED STATES PERSONS IN CERTAIN COUNTRIES.—  
17 The Secretary of State shall petition the government of  
18 any country that closes borders and airspace or places  
19 travel restrictions due to COVID–19 to make provisions  
20 with the United States embassy, consulate, or other diplo-  
21 matic mission responsible for consular services in that  
22 country to assure covered individuals can travel  
23 intracountry to United States Government evacuation  
24 points or to access commercial travel when possible.

1 (b) WAIVER OR REIMBURSEMENT OF TRAVEL EX-  
2 PENSES.—

3 (1) IN GENERAL.—The Secretary of State shall  
4 waive any travel expenses paid by the Department of  
5 State on or after December 31, 2019, for any cov-  
6 ered individual who is evacuated from a foreign  
7 country and repatriated to the United States due to  
8 travel restrictions implemented in response to  
9 COVID–19 or any future pandemic or international  
10 crisis, as determined by the Secretary.

11 (2) PROMISSORY NOTES.—Any promissory note  
12 signed by a covered individual to reimburse the De-  
13 partment of State for travel expenses described in  
14 paragraph (1) shall be null and void.

15 (3) CONFORMING AMENDMENT.—Section 4 of  
16 the State Department Basic Authorities Act of 1956  
17 (22 U.S.C. 2671) is amended by adding at the end  
18 the following new subsection:

19 “(e) EXCEPTION FROM REIMBURSEMENT REQUIRE-  
20 MENT FOR CERTAIN COMMUNICABLE DISEASE RELATED  
21 EXPENSES.—In the case of a communicable disease for  
22 which the Federal Government has issued a travel alert  
23 or travel warning, the reimbursement requirements under  
24 subsections (b)(2)(A)(ii) and (d) shall not apply.”.

25 (4) REIMBURSEMENT.—

1           (A) AUTHORIZATION.—The Secretary of  
2 State shall reimburse covered individuals who  
3 were evacuated from a foreign country on or  
4 after December 31, 2019, and repatriated to  
5 the United States due to travel restrictions de-  
6 scribed in paragraph (1) for travel expenses as-  
7 sociated with such evacuation and repatriation,  
8 including the costs of commercial or charter  
9 flights and any ground transportation expenses  
10 associated with travel to the foreign airport and  
11 from the domestic airport to their homes in the  
12 United States.

13           (B) PROCESS.—The Secretary of State  
14 shall develop an online process through which  
15 United States citizens may submit claims for  
16 reimbursement for travel expenses described in  
17 subparagraph (A).

18           (c) FUNDING.—The Secretary of State may use  
19 amounts appropriated or otherwise made available to the  
20 Department of State in any appropriations Act for paying  
21 expenses related to overseas evacuations to pay for the  
22 travel expenses described in subsection (b)(1).

1 **SEC. 6. CONSULAR AFFAIRS, TASK FORCES, AND REGULA-**  
2 **TIONS.**

3 The Secretary of State shall direct the Assistant Sec-  
4 retary of State for Consular Affairs to immediately—

5 (1) provide United States embassies, consulates,  
6 and other diplomatic missions worldwide with ex-  
7 plicit guidance to protect covered individuals and use  
8 innovative means to empower officers, specialists,  
9 and Locally Employed Staff employees to protect  
10 American lives during and immediately after the de-  
11 clared COVID–19 pandemic period;

12 (2) increase the staffing of Consular Affairs  
13 Task Force 2 in Washington, DC, to ensure ade-  
14 quate consular response and improved guidance  
15 from Washington, DC, to embassies, consulates, and  
16 missions overseas, including—

17 (A) augmentation of the Overseas Con-  
18 sular Services (OCS) call center and activation  
19 of the National Passport Information Center  
20 (NPIC) and the National Visa Center (NVC) to  
21 immediately provide improved consular re-  
22 sponses; and

23 (B) direct public access to Task Force 2  
24 through the OCS call center; and



1 ures due to lack of resources—personnel, technical,  
2 system design, or capacity—and resources needed to  
3 improve current and future performance of Amer-  
4 ican Citizen Services during this and future global  
5 health crises.

6 (2) FORM.—The report required under para-  
7 graph (1) shall be submitted in unclassified form,  
8 but may include a classified annex.

9 (b) ANNUAL WORLDWIDE REMOTE ACS DRILLS.—  
10 The Secretary of State shall direct the Assistant Secretary  
11 of State for Consular Affairs to direct an annual world-  
12 wide consular test of remote processing (including a min-  
13 imum 80-percent remote consular telework worldwide) and  
14 systems with reporting of outcomes to Congress within 90  
15 days after each test. The first test shall be held not later  
16 than 60 days after the Secretary of State rescinds the  
17 Global Health Advisory of Level 4: Do Not Travel.

18 **SEC. 9. FOREIGN SERVICE HIRING.**

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

21 (1) there are no legal constraints preventing the  
22 Department of State and the United States Agency  
23 for International Development from virtual  
24 onboarding of new Foreign Service Officers and For-  
25 eign Service Specialists;

1           (2) hiring of Foreign Service Officers (FSO)  
2           and Foreign Service Specialists (FSS) must con-  
3           tinue, while taking all necessary steps to ensure per-  
4           sonnel safety, at the same pace as determined prior  
5           to the COVID–19 pandemic; and

6           (3) in-processing of classes of FSOs, FSSs, and  
7           Department fellows must resume immediately, re-  
8           motely as necessary, with the goal of achieving 2020  
9           hiring targets and exceeding those targets as author-  
10          ized under sections 7062 and 7063(d)(1) of the De-  
11          partment of State, Foreign Operations, and Related  
12          Programs Appropriations Act, 2020 (division G of  
13          Public Law 116–94).

14          (b) DELAYED FOREIGN SERVICE CLASSES.—The  
15          Secretary of State shall make immediate efforts to ensure  
16          individuals scheduled to enter the Foreign Service who  
17          have been affected by delays of the swearing-in and  
18          onboarding process during the COVID–19 pandemic are  
19          given the full opportunity to join the Foreign Service.

20          (c) REPORT.—Not later than 30 days after the date  
21          of the enactment of this Act, the Secretary of State shall  
22          report to Congress how the Department of State will, re-  
23          motely as necessary, onboard FSO and FSS classes that  
24          were postponed indefinitely during the COVID–19 pan-

1 demic after many were already issued orders and inbound  
2 to Washington, DC, or their training locations.

3 (d) EXTENSION OF HIRING REGISTRY TIME LIM-  
4 ITS.—To ensure a robust Foreign Service Officer and For-  
5 eign Service Specialist staffing pipeline during the pan-  
6 demic and more generally, the Secretary of State shall im-  
7 mediately extend hiring registry time limits by the entirety  
8 of the declared COVID–19 pandemic period.

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