

THE DEPARTMENT OF STATE AUTHORIZATION ACT
OF 2019

JULY 24, 2019.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. ENGEL, from the Committee on Foreign Affairs,
submitted the following

R E P O R T

[To accompany H.R. 3352]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 3352) to provide for certain authorities of the Department of State, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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Mr. ENGEL, from the Committee on Foreign Affairs, submitted the following:

THE AMENDMENT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Department of State Authorization Act of 2019”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

- Sec. 101. Sense of Congress on importance of Department of State's work.
- Sec. 102. Bureau of Democracy, Human Rights, and Labor.
- Sec. 103. Assistant Secretary for International Narcotics and Law Enforcement Affairs.
- Sec. 104. Bureau of Consular Affairs; Bureau of Population, Refugees, and Migration.
- Sec. 105. Office of International Disability Rights.
- Sec. 106. Office of Global Women's Issues.
- Sec. 107. Special appointments.
- Sec. 108. Anti-piracy information sharing.
- Sec. 109. Importance of foreign affairs training to national security.
- Sec. 110. Authorization for receipt of private funding for diplomatic studies and training.
- Sec. 111. Classification and assignment of Foreign Service officers.
- Sec. 112. Energy diplomacy and security within the Department of State.
- Sec. 113. Passport fees.
- Sec. 114. United States diplomacy center.
- Sec. 115. Extension of period for reimbursement of fishermen for costs incurred from the illegal seizure and detention of U.S.-flag fishing vessels by foreign governments.
- Sec. 116. Art in embassies.
- Sec. 117. Amendment or repeal of reporting requirements.
- Sec. 118. Reporting on implementation of GAO recommendations.
- Sec. 119. Office of Global Criminal Justice.

TITLE II—EMBASSY CONSTRUCTION

- Sec. 201. Embassy security, construction, and maintenance.
- Sec. 202. Standard design in capital construction.
- Sec. 203. Capital construction transparency.
- Sec. 204. Contractor performance information.
- Sec. 205. Growth projections for new embassies and consulates.
- Sec. 206. Long-range planning process.
- Sec. 207. Value engineering and risk assessment.
- Sec. 208. Business volume.
- Sec. 209. Embassy security requests and deficiencies.
- Sec. 210. Overseas security briefings.
- Sec. 211. Contracting methods in capital construction.
- Sec. 212. Competition in embassy construction.
- Sec. 213. Statement of policy.
- Sec. 214. Definitions.

TITLE III—PERSONNEL ISSUES

- Sec. 301. Defense Base Act insurance waivers.
- Sec. 302. Study on Foreign Service allowances.
- Sec. 303. Science and technology fellowships.
- Sec. 304. Travel for separated families.
- Sec. 305. Home leave travel for separated families.
- Sec. 306. Sense of Congress regarding certain fellowship programs.
- Sec. 307. Technical correction.
- Sec. 308. Foreign Service awards.
- Sec. 309. Diplomatic programs.
- Sec. 310. Sense of Congress regarding veterans employment at the Department of State.
- Sec. 311. Employee assignment restrictions and preclusions.
- Sec. 312. Recall and reemployment of career members.
- Sec. 313. Strategic staffing plan for the Department.
- Sec. 314. Consulting services.
- Sec. 315. Incentives for critical posts.
- Sec. 316. Extension of authority for certain accountability review boards.
- Sec. 317. Foreign service suspension without pay.
- Sec. 318. Foreign Affairs Manual and Foreign Affairs Handbook changes.
- Sec. 319. Waiver authority for individual occupational requirements of certain positions.
- Sec. 320. Standardizing Department parental leave policies.
- Sec. 321. Appointment of employees to the Global Engagement Center.
- Sec. 322. Rest and recuperation and overseas operations leave for Federal employees.

TITLE IV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PROMOTION

- Sec. 401. Definitions.
- Sec. 402. Collection, analysis, and dissemination of work force data.
- Sec. 403. Exit interviews for work force.
- Sec. 404. Recruitment and retention.
- Sec. 405. Leadership engagement and accountability.
- Sec. 406. Professional development opportunities and tools.
- Sec. 407. Examination and oral assessment for the Foreign Service.
- Sec. 408. Payne fellowship authorization.
- Sec. 409. Voluntary participation.

TITLE V—INFORMATION SECURITY

- Sec. 501. Definitions.
- Sec. 502. Information system security.
- Sec. 503. Prohibition on contracting with certain telecommunications providers.
- Sec. 504. Preserving records of electronic communications conducted related to official duties of positions in the public trust of the American people.
- Sec. 505. Foreign Relations of the United States (FRUS) series and declassification.
- Sec. 506. Vulnerability Disclosure Policy and Bug Bounty Pilot Program.

TITLE VI—PUBLIC DIPLOMACY

- Sec. 601. Short title.
- Sec. 602. Avoiding duplication of programs and efforts.

- Sec. 603. Improving research and evaluation of public diplomacy.
- Sec. 604. Permanent reauthorization of the United States Advisory Commission on Public Diplomacy.
- Sec. 605. Streamlining of support functions.
- Sec. 606. Guidance for closure of public diplomacy facilities.
- Sec. 607. Definitions.

TITLE VII—COMBATING PUBLIC CORRUPTION

- Sec. 701. Sense of Congress.
- Sec. 702. Annual assessment.
- Sec. 703. Transparency and accountability.
- Sec. 704. Designation of embassy anti-corruption points of contact.
- Sec. 705. Reporting requirements.
- Sec. 706. Foreign investments and national security.

TITLE VIII—MATTERS RELATING TO INTERNATIONAL SECURITY

- Sec. 801. Short title.
- Sec. 802. Security assistance defined.

Subtitle A—Reform Relating to Security Assistance

- Sec. 811. Organizational reform.
- Sec. 812. Workforce development.
- Sec. 813. Security assistance planning.
- Sec. 814. Interagency coordination of security assistance, transfers, and security cooperation.
- Sec. 815. Rule of construction.

Subtitle B—Foreign Military Assistance

- Sec. 821. Strategic allocation of excess defense articles.
- Sec. 822. Modification of purposes for which military sales by the United States are authorized.
- Sec. 823. Return of defense articles.
- Sec. 824. Requirements relating to exemptions for licensing of defense items.
- Sec. 825. Amendment to general provisions.
- Sec. 826. Technical amendments to Arms Export Control Act.
- Sec. 827. Sense of Congress on licensing under United States arms export control programs.
- Sec. 828. Extension of war reserve stockpile authority.
- Sec. 829. Peacekeeping operations and other national security programs.
- Sec. 830. Other amendments to military assistance authorities.
- Sec. 831. Repeal of reports.
- Sec. 832. Defense trade controls registration fees.
- Sec. 833. Withholding of assistance to units of foreign security forces that engaged in sexual exploitation or abuse in peacekeeping operations.
- Sec. 834. Modification to limitations on assistance relating to human rights.

Subtitle C—Studies on Authorities and Programs

- Sec. 841. Requirement for study by Bureau of International Narcotics and Law Enforcement Affairs.
- Sec. 842. Requirement for independent study of existing security assistance authorities.

TITLE IX—MISCELLANEOUS

- Sec. 901. Case-Zablocki Act reform.
- Sec. 902. Limitation on assistance to countries in default.
- Sec. 903. Prohibition on assistance to governments supporting international terrorism.
- Sec. 904. Establishing a coordinator for ISIS detainee issues.
- Sec. 905. Sean and David Goldman Child Abduction Prevention and Return Act of 2014 amendment.
- Sec. 906. Modification of authorities of Commission for the Preservation of America's Heritage Abroad.

SEC. 2. DEFINITIONS.

In this Act:

- (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Unless otherwise specified, the term “appropriate congressional committees” means—
 - (A) the Committee on Foreign Relations of the Senate;
 - (B) the Committee on Appropriations of the Senate;
 - (C) the Committee on Foreign Affairs of the House of Representatives;
 - and
 - (D) the Committee on Appropriations of the House of Representatives.
- (2) DEPARTMENT.—Unless otherwise specified, the term “Department” means the Department of State.
- (3) SECRETARY.—Unless otherwise specified, the term “Secretary” means the Secretary of State.

TITLE I—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 101. SENSE OF CONGRESS ON IMPORTANCE OF DEPARTMENT OF STATE'S WORK.

It is the sense of Congress that—

- (1) United States global engagement is key to a stable and prosperous world;
- (2) United States leadership is indispensable in light of the many complex and interconnected threats facing the United States and the world;
- (3) diplomacy and development are critical tools of national power, and full deployment of these tools is vital to United States national security;

(4) challenges such as the global refugee and migration crises, terrorism, historic famine and food insecurity, and fragile or repressive societies cannot be addressed without sustained and robust United States diplomatic and development leadership;

(5) the U.S. Government must use all of the instruments of national security and foreign policy at its disposal to protect United States citizens, promote United States interests and values, and support global stability and prosperity;

(6) United States security and prosperity depend on having partners and allies that share our interests and values, and these partnerships are nurtured and our shared interests and values are promoted through United States diplomatic engagement, security cooperation, economic Statecraft, and assistance that helps further economic development, good governance, including the rule of law and democratic institutions, and the development of shared responses to natural and humanitarian disasters;

(7) as the U.S. Government agencies primarily charged with conducting diplomacy and development, the Department and the United States Agency for International Development (USAID) require sustained and robust funding to carry out this important work, which is essential to our ability to project United States leadership and values and to advance the United States interests around the world;

(8) the work of the Department and USAID makes the United States and the world safer and more prosperous by alleviating global poverty and hunger, fighting HIV/AIDS and other infectious diseases, strengthening alliances, expanding educational opportunities for women and girls, promoting good governance and democracy, supporting anti-corruption efforts, driving economic development and trade, preventing armed conflicts and humanitarian crises, and creating American jobs and export opportunities;

(9) the Department and USAID are vital national security agencies, whose work is critical to the projection of United States power and leadership worldwide, and without which Americans would be less safe, our economic power would be diminished, and global stability and prosperity would suffer;

(10) investing in diplomacy and development before conflicts break out saves American lives while also being cost-effective; and

(11) the contributions of personnel working at the Department and USAID are extraordinarily valuable and allow the United States to maintain its leadership around the world.

SEC. 102. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.

Paragraph (2) of section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) in subparagraph (A), by adding at the end the following new sentence: “All special envoys, Ambassadors, and coordinators located within the Bureau of Democracy, Human Rights, and Labor shall report directly to the Assistant Secretary.”;

(2) in subparagraph (B)(ii)—

(A) by striking “section” and inserting “sections 116 and”; and

(B) by inserting before the period at the end the following: “(commonly referred to as the annual ‘Country Reports on Human Rights Practices’); and

(3) by adding at the end the following new subparagraphs:

“(C) **AUTHORITIES.**—In addition to the duties, functions, and responsibilities specified in this paragraph, the Assistant Secretary of State for Democracy, Human Rights, and Labor is authorized to—

“(i) promote democracy and actively support human rights throughout the world;

“(ii) promote the rule of law and good governance throughout the world;

“(iii) strengthen, empower, and protect civil society representatives, programs, and organizations, and facilitate their ability to engage in dialog with governments and other civil society entities;

“(iv) work with regional bureaus to ensure adequate personnel at diplomatic posts are assigned responsibilities relating to advancing democracy, human rights, labor rights, women’s equal participation in society, and the rule of law, with particular attention paid to adequate oversight and engagement on such issues by senior officials at such posts;

“(v) review and, as appropriate, make recommendations to the Secretary of State regarding the proposed transfer of—

“(I) defense articles and defense services authorized under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

“(II) military items listed on the ‘600 series’ of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;

“(vi) coordinate programs and activities that protect and advance the exercise of human rights and internet freedom in cyberspace; and

“(vii) implement other relevant policies and provisions of law.

“(D) EFFICIENCY.—The Assistant Secretary for Democracy, Human Rights, and Labor shall take whatever actions may be necessary to minimize the duplication of efforts within the Bureau of Democracy, Human Rights, and Labor.

“(E) LOCAL OVERSIGHT.—United States missions, to the extent practicable, should assist in exercising oversight authority and coordinate with the Bureau of Democracy, Human Rights, and Labor to ensure that funds are appropriately used and comply with anti-corruption practices.”.

SEC. 103. ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) IN GENERAL.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.—

“(A) IN GENERAL.—There is authorized to be in the Department of State an Assistant Secretary for International Narcotics and Law Enforcement Affairs, who shall be responsible to the Secretary of State for all matters, programs, and related activities pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy by the Department, including, as appropriate, leading the coordination of programs carried out by U.S. Government agencies abroad, and such other related duties as the Secretary may from time to time designate.

“(B) AREAS OF RESPONSIBILITY.—The Assistant Secretary for International Narcotics and Law Enforcement Affairs shall maintain continuous observation and coordination of all matters pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy, including programs carried out by other U.S. Government agencies when such programs pertain to the following matters:

“(i) Combating international narcotics production and trafficking.

“(ii) Strengthening foreign justice systems, including judicial and prosecutorial capacity, appeals systems, law enforcement agencies, prison systems, and the sharing of recovered assets.

“(iii) Training and equipping foreign police, border control, other government officials, and other civilian law enforcement authorities for anti-crime purposes, including ensuring that no foreign security unit or member of such unit shall receive such assistance from the U.S. Government absent appropriate vetting.

“(iv) Ensuring the inclusion of human rights and women’s participation issues in law enforcement programs, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, and other senior officials in regional and thematic bureaus and offices.

“(v) Combating, in conjunction with other relevant bureaus of the Department, all forms of transnational organized crime, including illicit trafficking in human beings, arms, wildlife, and cultural property, migrant smuggling, corruption, money laundering, the illicit smuggling of bulk cash, the licit use of financial systems for malign purposes, and other new and emerging forms of crime.

“(vi) Identifying and responding to global corruption, including strengthening the capacity of foreign government institutions responsible for addressing financial crimes and engaging with multilateral organizations responsible for monitoring and supporting foreign governments’ anti-corruption efforts.

“(C) ADDITIONAL DUTIES.—In addition to the responsibilities specified in subparagraph (B), the Assistant Secretary for International Narcotics and Law Enforcement Affairs shall also—

“(i) carry out timely and substantive consultation with chiefs of mission and, as appropriate, the heads of other U.S. Government agencies to ensure effective coordination of all international narcotics and law enforcement programs carried out overseas by the Department and such other agencies;

“(ii) coordinate with the Office of National Drug Control Policy to ensure lessons learned from other U.S. Government agencies are avail-

able to the Bureau of International Narcotics and Law Enforcement Affairs of the Department;

“(iii) develop standard requirements for monitoring and evaluation of Bureau programs, including metrics for success that do not rely solely on the amounts of illegal drugs that are produced or seized;

“(iv) in coordination with the Secretary of State, annually certify in writing to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that United States law enforcement personnel posted abroad whose activities are funded to any extent by the Bureau of International Narcotics and Law Enforcement Affairs are complying with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927); and

“(v) carry out such other relevant duties as the Secretary may assign.”.

(b) MODIFICATION OF ANNUAL INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Subsection (a) of section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h) is amended by inserting after paragraph (8) the following new paragraph:

“(9) A separate section that contains an identification of all United States Government-supported units funded by the Bureau of International Narcotics and Law Enforcement Affairs and any Bureau-funded operations by such units in which United States law enforcement personnel have been physically present.”.

SEC. 104. BUREAU OF CONSULAR AFFAIRS; BUREAU OF POPULATION, REFUGEES, AND MIGRATION.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsections:

“(g) BUREAU OF CONSULAR AFFAIRS.—There is in the Department of State the Bureau of Consular Affairs, which shall be headed by the Assistant Secretary of State for Consular Affairs

“(h) BUREAU OF POPULATION, REFUGEES, AND MIGRATION.—There is in the Department of State the Bureau of Population, Refugees, and Migration, which shall be headed by the Assistant Secretary of State for Population, Refugees, and Migration.”.

SEC. 105. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.

(a) ESTABLISHMENT.—There should be established in the Department an Office of International Disability Rights (referred to in this section as the “Office”).

(b) DUTIES.—The Office should—

(1) seek to ensure that all United States foreign operations are accessible to, and inclusive of, persons with disabilities;

(2) promote the human rights and full participation in international development activities of all persons with disabilities;

(3) promote disability inclusive practices and the training of Department staff on soliciting quality programs that are fully inclusive of people with disabilities;

(4) represent the United States in diplomatic and multilateral fora on matters relevant to the rights of persons with disabilities, and work to raise the profile of disability across a broader range of organizations contributing to international development efforts;

(5) conduct regular consultation with civil society organizations working to advance international disability rights and empower persons with disabilities internationally;

(6) consult with other relevant offices at the Department that are responsible for drafting annual reports documenting progress on human rights, including, wherever applicable, references to instances of discrimination, prejudice, or abuses of persons with disabilities; and

(7) advise the Bureau of Human Resources Development of the Department regarding the hiring and recruitment and overseas practices of civil service employees and Foreign Service officers with disabilities and their family members with chronic medical conditions or disabilities.

(c) SUPERVISION.—The Office may be headed by—

(1) a senior advisor to the appropriate Assistant Secretary; or

(2) an officer exercising significant authority who reports to the President or Secretary, appointed by and with the advice and consent of the Senate.

(d) CONSULTATION.—The Secretary should direct Ambassadors at Large, Representatives, Special Envoys, and coordinators working on human rights to consult with the Office to promote the human rights and full participation in international development activities of all persons with disabilities.

SEC. 106. OFFICE OF GLOBAL WOMEN'S ISSUES.

(a) **IN GENERAL.**—There should be established an Office of Global Women's Issues (referred to in this section as the "Office"), which may be placed within the organizational structure of the Department at the discretion of the Secretary.

(b) **PURPOSE.**—The Office should coordinate efforts of the U.S. Government, as directed by the Secretary, regarding gender equality and advancing the status of women and girls in United States foreign policy.

(c) **DUTIES.**—The Office should—

(1) serve as the principal advisor to the Secretary regarding gender equality, women's and girls' empowerment, and violence against women and girls as a priority of United States foreign policy;

(2) represent the United States in diplomatic and multilateral fora on matters relevant to the status of women and girls;

(3) advise the Secretary and provide input on all activities, policies, programs, and funding relating to gender equality and the advancement of women and girls internationally for all bureaus and offices of the Department and in the international programs of all other Federal agencies;

(4) work to ensure that efforts to advance gender equality and women's and girls' empowerment are fully integrated into the programs, structures, processes, and capacities of all bureaus and offices of the Department and in the international programs of other Federal agencies; and

(5) conduct regular consultation with civil society organizations working to advance gender equality and empower women and girls internationally.

(d) **SUPERVISION.**—The Office should be headed by an ambassador-at-large for Global Women's Issues.

(e) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a report or briefing regarding this section.

SEC. 107. SPECIAL APPOINTMENTS.

(a) **REPORT ON POSITIONS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that includes the following:

(1) A description of the duties, responsibilities, and number of staff of each existing Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, and other similar position at the Department.

(2) Recommendations regarding whether to maintain in the Department each such position, including those listed in the report submitted by the Secretary to the Committee on Foreign Relations of the Senate on April 14, 2017, pursuant to section 418 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), that are not expressly authorized by a provision of law enacted by Congress.

(3) Justifications supporting each of the Secretary's recommendations under paragraph (2).

(b) **ADVICE AND CONSENT.**—Not later than 90 days after the submission of the report required under subsection (a), the President shall submit the name of each Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other person occupying a similar position at the Department exercising significant authority pursuant to the laws of the United States that is not expressly authorized by a provision of law enacted by Congress who is included in such report to the Committee on Foreign Relations of the Senate to seek the advice and consent of the Senate.

(c) **RULE OF CONSTRUCTION REGARDING ESTABLISHMENT OF POSITIONS.**—Nothing in this section may be construed as prohibiting the establishment or maintenance of any Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other similar position at the Department exercising significant authority pursuant to the laws of the United States if the name of the appointee for each such position is submitted to the Committee on Foreign Relations of the Senate, to seek the advice and consent of the Senate, not later than 90 days after each such appointment.

(d) **LIMITED EXCEPTION FOR TEMPORARY APPOINTMENTS.**—The Secretary may maintain or establish a position with the title of Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Special Advisor, or a similar position not exercising significant authority pursuant to the laws of the United States for not longer than 180 days if the Secretary, not later than 15 days before the appointment of a person to such a position, submits to the appropriate congressional committees a notification that includes the following:

- (1) A certification that the position is not expected to demand the exercise of significant authority pursuant to the laws of the United States.
- (2) A description of the duties and purpose of the position.
- (3) The rationale for giving the specific title to the position.
- (e) RENEWAL OF TEMPORARY APPOINTMENT.—Nothing in this section may be construed as prohibiting the Secretary from renewing for a period not to exceed 180 days any position maintained or established under subsection (d) if the Secretary complies with the notification requirements contained in such subsection.
- (f) FUNDING RESTRICTIONS.—
- (1) POSITIONS NOT SUBMITTED FOR ADVICE AND CONSENT.—No funds may be authorized to be appropriated for—
- (A) any Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other similar position at the Department exercising significant authority pursuant to the laws of the United States if the name of the person appointed to such position has not been submitted to the Committee on Foreign Relations of the Senate for the advice and consent of the Senate in accordance with subsection (b); or
- (B) any staff or resources related to such a position until the person appointed to such position has been submitted to the Committee on Foreign Relations of the Senate for the advice and consent of the Senate.
- (2) TEMPORARY POSITIONS.—No funds may be authorized to be appropriated for any position described in subsection (d) or for any staff or resources related to such position unless the Secretary has complied with the notification requirements under such subsection.
- (3) FISCAL YEAR 2020.—The restrictions described in this subsection shall not apply in Fiscal Year 2020 to positions or associated staff and resources for which funding is expressly appropriated for such Fiscal Year in an Act of Congress.
- (g) CONFIRMATION FOR AUTHORIZED POSITIONS.—
- (1) IN GENERAL.—No Special Envoy, Special Representative, Special Coordinator, Special Negotiator, Envoy, Representative, Coordinator, Special Advisor, or other similar position at the Department exercising significant authority pursuant to the laws of the United States that is authorized by an Act of Congress (except the position authorized by section 621 of the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107–228; 22 U.S.C. 6901 note)) may be appointed without the advice and consent of the Senate.
- (2) FISCAL YEAR 2020.—The restriction described in paragraph (1) shall not apply in Fiscal Year 2020 to positions or associated staff and resources for which funding is expressly appropriated for such Fiscal Year in an Act of Congress.
- (h) ELIMINATION OF SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.—
- (1) FINDINGS.—Congress finds the following:
- (A) Congress established the Special Representative and Policy Coordinator for Burma in July 2008 at a time when the United States did not maintain full diplomatic relations with Burma and had not appointed an ambassador to Burma in 18 years.
- (B) In 2012, the United States re-established full diplomatic relations with Burma and appointed a United States Ambassador to Burma who, along with the Secretary of State, Assistant Secretary of State for East Asia and the Pacific, and other U.S. Government officials, represents the United States' interests in Burma.
- (2) REPEAL.—Section 7 of the Tom Lantos Block Burmese Jade (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110–286; 50 U.S.C. 1701 note; relating to the establishment of a Special Representative and Policy Coordinator for Burma) is hereby repealed.

SEC. 108. ANTI-PIRACY INFORMATION SHARING.

The Secretary is authorized to provide for the participation by the United States in the Information Sharing Centre located in Singapore, as established by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

SEC. 109. IMPORTANCE OF FOREIGN AFFAIRS TRAINING TO NATIONAL SECURITY.

It is the sense of Congress that—

- (1) the Department is a crucial national security agency, whose employees, both Foreign and Civil Service, require the best possible training at every stage of their careers to prepare them to promote and defend United States national interests and the health and safety of United States citizens abroad;

(2) the Secretary should explore establishing a “training float” requiring that a certain percentage of the Foreign Service shall be in long-term training at any given time;

(3) the Department’s Foreign Service Institute should seek to substantially increase its educational and training offerings to Department personnel, including developing new and innovative educational and training courses, methods, programs, and opportunities; and

(4) consistent with existing Department gift acceptance authority and other applicable laws, the Department and Foreign Service Institute should seek and accept funds and other resources from foundations, not-for-profit corporations, and other appropriate sources to help the Department and the Institute accomplish the goals specified in paragraph (3).

SEC. 110. AUTHORIZATION FOR RECEIPT OF PRIVATE FUNDING FOR DIPLOMATIC STUDIES AND TRAINING.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

“(g)(1) The institution is authorized to receive private funds from private individuals and organizations to supplement the institution’s funding and expand and enhance training, including for the following:

“(A) Design and implementation of a degree granting program at the institution.

“(B) Curriculum development.

“(C) Training and classes for Members of Congress and congressional staff.

“(D) Hiring retired Department of State personnel to teach, notwithstanding other hiring limitations.

“(E) Other purposes as determined appropriate and necessary by the Secretary of State.

“(2) Private funding received by the institution pursuant to this subsection shall be provided at the discretion of the grantor individual or organization, as the case may be.

“(3) Not less than once annually, and at the request of the Committee on Foreign Affairs or the Committee on Appropriations of the House of Representatives or the Committee on Foreign Relations or the Committee on Appropriations of the Senate, the Department shall provide the names of grantors and information relating to the nature and amounts of any contributions made.”

SEC. 111. CLASSIFICATION AND ASSIGNMENT OF FOREIGN SERVICE OFFICERS.

The Foreign Service Act of 1980 is amended—

(1) in section 501 (22 U.S.C. 3981), by inserting “If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 309.” after “Positions designated under this section are excepted from the competitive service.”; and

(2) in paragraph (2) of section 502(a) (22 U.S.C. 3982(a)), by inserting “, or domestically, in a position working on issues relating to a particular country or geographic area,” after “geographic area”.

SEC. 112. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

(a) IN GENERAL.—Subsection (c) of section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 103 of this Act, is further amended—

(1) by redesignating paragraph (4) (as redesignated pursuant to such section 103) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) ENERGY RESOURCES.—

“(A) AUTHORIZATION FOR ASSISTANT SECRETARY.—Subject to the numerical limitation specified in paragraph (1), there is authorized to be established in the Department of State an Assistant Secretary of State for Energy Resources.

“(B) PERSONNEL.—The Secretary of State shall ensure that there are sufficient personnel dedicated to energy matters within the Department of State whose responsibilities shall include—

“(i) formulating and implementing international policies aimed at protecting and advancing United States energy security interests by effectively managing United States bilateral and multilateral relations;

“(ii) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decisionmaking process within the Department;

“(iii) incorporating energy security priorities into the activities of the Department;

“(iv) coordinating energy activities of the Department with relevant Federal departments and agencies; and

“(v) working internationally to—

“(I) support the development of energy resources and the distribution of such resources for the benefit of the United States and United States allies and trading partners for their energy security and economic development needs;

“(II) promote availability of diversified energy supplies and a well-functioning global market for energy resources, technologies, and expertise for the benefit of the United States and United States allies and trading partners;

“(III) resolve international disputes regarding the exploration, development, production, or distribution of energy resources;

“(IV) support the economic and commercial interests of United States persons operating in the energy markets of foreign countries;

“(V) support and coordinate international efforts to alleviate energy poverty;

“(VI) leading the United States commitment to the Extractive Industries Transparency Initiative;

“(VII) coordinating within the Department and with relevant Federal departments and agencies on developing and implementing international energy-related sanctions; and

“(VIII) coordinating energy security and other relevant functions within the Department currently undertaken by—

“(aa) the Bureau of Economic and Business Affairs;

“(bb) the Bureau of Oceans and International Environmental and Scientific Affairs; and

“(cc) other offices within the Department of State.”

(b) CONFORMING AMENDMENT.—Section 931 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17371) is amended—

(1) by striking subsections (a) and (b); and

(2) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

SEC. 113. PASSPORT FEES.

Paragraph (2) of section 1(b) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)) is amended by striking “not” and all that follows through the period at the end and inserting the following: “be exercised beginning on the date of the enactment of the Department of State Authorization Act of 2019.”

SEC. 114. UNITED STATES DIPLOMACY CENTER.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 63 (22 U.S.C. 2735) the following new section:

“SEC. 64. UNITED STATES DIPLOMACY CENTER.

“(a) ACTIVITIES.—

“(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide, by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services and related events, including organizing programs and conference activities, museum shop services and food services in the public exhibition and related space utilized by the center for United States diplomacy.

“(2) RECOVERY OF COSTS.—The Secretary of State is authorized to recover any revenues generated under the authority of paragraph (1) for visitor and outreach services and related events referred to in such paragraph, including fees for use of facilities at a center for United States diplomacy. Any such revenues may be retained as a recovery of the costs of operating the Center.

“(b) DISPOSITION OF UNITED STATES DIPLOMACY CENTER DOCUMENTS, ARTIFACTS, AND OTHER ARTICLES.—

“(1) PROPERTY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary of State to be suitable for display by the center for United States diplomacy shall be considered to be the property of the U.S. Government and shall be subject to disposition solely in accordance with this subsection.

“(2) SALE, TRADE, OR TRANSFER.—Whenever the Secretary of State makes the determination described in paragraph (3) with respect to a document, artifact, or other article under paragraph (1), the Secretary may sell at fair market

value, trade, or transfer such document, artifact, or other article without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the mission of the center for United States diplomacy and may not be used for any purpose other than the acquisition and direct care of the collections of the center.

“(3) DETERMINATIONS PRIOR TO SALE, TRADE, OR TRANSFER.—The determination described in this paragraph with respect to a document, artifact, or other article under paragraph (1), is a determination that—

“(A) such document, artifact, or other article no longer serves to further the purposes of the center for United States diplomacy as set forth in the collections management policy of the center;

“(B) the sale, trade, or transfer of such document, artifact, or other article would serve to maintain the standards of the collection of the center; or

“(C) sale, trade, or transfer of such document, artifact, or other article would be in the best interests of the United States.

“(4) LOANS.—In addition to the authorization under paragraph (2) relating to the sale, trade, or transfer of documents, artifacts, or other articles under paragraph (1), the Secretary of State may loan such documents, artifacts, or other articles, when not needed for use or display by the center for United States diplomacy to the Smithsonian Institution or a similar institution for repair, study, or exhibition.”.

SEC. 115. EXTENSION OF PERIOD FOR REIMBURSEMENT OF FISHERMEN FOR COSTS INCURRED FROM THE ILLEGAL SEIZURE AND DETENTION OF U.S.-FLAG FISHING VESSELS BY FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (e) of section 7 of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1977) is amended to read as follows:

“(e) AMOUNTS.—Payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.”.

(b) RETROACTIVE APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply as if the date specified in subsection (e) of section 7 of the Fishermen’s Protective Act of 1967, as in effect on the day before the date of the enactment of this Act, were the day after such date of enactment.

(2) AGREEMENTS AND PAYMENTS.—The Secretary shall—

(A) enter into agreements pursuant to section 7 of the Fishermen’s Protective Act of 1967 for any claims to which such section would otherwise apply but for the date specified in subsection (e) of such section, as in effect on the day before the date of the enactment of this Act; and

(B) make payments in accordance with agreements entered into pursuant to such section if any such payments have not been made as a result of the expiration of the date specified in such section, as in effect on the day before the date of the enactment of this Act.

SEC. 116. ART IN EMBASSIES.

(a) IN GENERAL.—No funds are authorized to be appropriated for the purchase of any piece of art for the purposes of installation or display in any embassy, consulate, or other foreign mission of the United States if the purchase price of such piece of art is in excess of \$50,000, unless such purchase is subject to prior consultation with, and the regular notification procedures of, the appropriate congressional committees.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the costs of the Art in Embassies Program for each of fiscal years 2012, 2013, and 2014.

(c) SUNSET.—This section shall terminate on the date that is 2 years after the date of the enactment of this Act.

(d) DEFINITION.—In this section, the term “art” includes paintings, sculptures, photographs, industrial design, and craft art.

SEC. 117. AMENDMENT OR REPEAL OF REPORTING REQUIREMENTS.

(a) BURMA.—

(1) IN GENERAL.—Section 570 of Public Law 104–208 is amended—

(A) by amending subsection (c) to read as follows:

“(c) MULTILATERAL STRATEGY.—The President shall develop, in coordination with members of ASEAN and other likeminded countries, a comprehensive, multilateral strategy to bring about further democratic consolidation in Burma and improve human rights practices and the quality of life in Burma, including the development of a dialog leading to genuine national reconciliation.”; and

- (B) in subsection (d)—
- (i) in the matter preceding paragraph (1), by striking “six months” and inserting “year”;
 - (ii) by redesignating paragraph (3) as paragraph (7); and
 - (iii) by inserting after paragraph (2) the following new paragraphs:
 - “(3) improvements in human rights practices;
 - “(4) progress toward broad-based and inclusive economic growth;
 - “(5) progress toward genuine national reconciliation;
 - “(6) progress on improving the quality of life of the Burmese people, including progress relating to market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and”.
- (2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply with respect to the first report required under subsection (d) of section 570 of Public Law 104–208 that is required after the date of the enactment of this Act.
- (b) REPEALS.—The following provisions of law are hereby repealed:
- (1) Subsection (b) of section 804 of Public Law 101–246.
 - (2) Section 6 of Public Law 104–45.
 - (3) Section 406 of Public Law 101–246 (22 U.S.C. 2414a).
 - (4) Subsection (c) of section 702 of Public Law 96–465 (22 U.S.C. 4022).

SEC. 118. REPORTING ON IMPLEMENTATION OF GAO RECOMMENDATIONS.

- (a) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that lists all of the Government Accountability Office’s recommendations relating to the Department that have not been fully implemented.
- (b) COMPTROLLER GENERAL REPORT.—Not later than 30 days after the Secretary submits the report under subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that identifies any discrepancies between the list of recommendations included in such report and the Government Accountability Office’s list of outstanding recommendations for the Department.
- (c) IMPLEMENTATION REPORT.—
- (1) IN GENERAL.—Not later than 120 days after the date of the submission of the Comptroller General’s report under subsection (b), the Secretary shall submit to the appropriate congressional committees a report that describes the implementation status of each recommendation from the Government Accountability Office included in the report submitted under subsection (a).
 - (2) JUSTIFICATION.—The report under paragraph (1) shall include—
 - (A) a detailed justification for each decision not to fully implement a recommendation or to implement a recommendation in a different manner than specified by the Government Accountability Office;
 - (B) a timeline for the full implementation of any recommendation the Secretary has decided to adopt, but has not yet fully implemented; and
 - (C) an explanation for any discrepancies included in the Comptroller General report submitted under subsection (b).
- (d) FORM.—The information required in each report under this section shall be submitted in unclassified form, to the maximum extent practicable, but may be included in a classified annex to the extent necessary.

SEC. 119. OFFICE OF GLOBAL CRIMINAL JUSTICE.

- (a) IN GENERAL.—There should be established within the Department an Office of Global Criminal Justice (referred to in this section as the “Office”), which may be placed within the organizational structure of the Department at the discretion of the Secretary.
- (b) DUTIES.—The Office should carry out the following:
- (1) Advise the Secretary and other relevant senior officials on issues related to war crimes, crimes against humanity, and genocide.
 - (2) Assist in formulating United States policy on the prevention of, responses to, and accountability for mass atrocities.
 - (3) Coordinate U.S. Government positions relating to the international and hybrid courts currently prosecuting persons responsible for genocide, war crimes, and crimes against humanity anywhere in the world.
 - (4) Work with other governments, international organizations, and non-governmental organizations, as appropriate, to establish and assist international and domestic commissions of inquiry, fact-finding missions, and tribunals to investigate, document, and prosecute atrocities in every region of the globe.

(5) Coordinate the deployment of diplomatic, legal, economic, military, and other tools to help expose the truth, judge those responsible, protect and assist victims, enable reconciliation, deter atrocities, and build the rule of law.

(6) Provide advice and expertise on transitional justice to United States personnel operating in conflict and post-conflict environments.

(7) Act as a point of contact for international, hybrid, and mixed tribunals exercising jurisdiction over war crimes, crimes against humanity, and genocide committed around the world.

(8) Represent the Department on any interagency whole-of-government coordinating entities addressing genocide and other mass atrocities.

(9) Perform any additional duties and exercise such powers as the Secretary of State may prescribe.

(c) SUPERVISION.—The Office should be led by an ambassador-at-Large for Global Criminal Justice.

TITLE II—EMBASSY CONSTRUCTION

SEC. 201. EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.

For “Embassy Security, Construction, and Maintenance”, there is authorized to be appropriated \$1,987,211,000 for Fiscal Year 2020.

SEC. 202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department’s Bureau of Overseas Building Operations (OBO) or successor office should give appropriate consideration to standardization in construction, in which each new United States embassy and consulate starts with a standard design and keeps customization to a minimum.

(b) CONSULTATION.—The Secretary shall carry out any new United States embassy compound or new consulate compound project that utilizes a non-standard design, including those projects that are in the design or pre-design phase as of the date of the enactment of this Act, only in consultation with the appropriate congressional committees. The Secretary shall provide the appropriate congressional committees, for each such project, the following documentation:

(1) A comparison of the estimated full lifecycle costs of the project to the estimated full lifecycle costs of such project if it were to use a standard design.

(2) A comparison of the estimated completion date of such project to the estimated completion date of such project if it were to use a standard design.

(3) A comparison of the security of the completed project to the security of such completed project if it were to use a standard design.

(4) A justification for the Secretary’s selection of a non-standard design over a standard design for such project.

(5) A written explanation if any of the documentation necessary to support the comparisons and justification, as the case may be, described in paragraphs (1) through (4) cannot be provided.

(c) SUNSET.—The consultation requirement under subsection (b) shall expire on the date that is 4 years after the date of the enactment of this Act.

SEC. 203. CAPITAL CONSTRUCTION TRANSPARENCY.

(a) IN GENERAL.—Section 118 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304) is amended—

(1) in the section heading , by striking “ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS” and inserting “BIANNUAL REPORT ON OVERSEAS CAPITAL CONSTRUCTION PROJECTS”; and

(2) by striking subsections (a) and (b) and inserting the following new subsections:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection and every 180 days thereafter until the date that is 4 years after such date of enactment, the Secretary shall submit to the appropriate congressional committees a comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

“(b) CONTENTS.—Each report required under subsection (a) shall include the following with respect to each ongoing overseas capital construction project and major embassy security upgrade project:

“(1) The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.

“(2) The current cost estimate.

“(3) The value of each request for equitable adjustment received by the Department to date.

“(4) The value of each certified claim received by the Department to date.

“(5) The value of any usage of the project’s contingency fund to date and the value of the remainder of the project’s contingency fund.

“(6) An enumerated list of each request for adjustment and certified claim that remains outstanding or unresolved.

“(7) An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.

“(8) The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs.

“(9) The current date of estimated completion.”

(b) INITIAL REPORT.—The first report required under subsection (a) of section 118 of the Department of State Authorities Act, Fiscal Year 2017 (as amended by this section) shall include an annex regarding all overseas capital construction projects and major embassy security upgrade projects completed during the 10-year period ending on December 31, 2018, including, for each such project, the elements specified in subsection (b) of such section 118.

SEC. 204. CONTRACTOR PERFORMANCE INFORMATION.

(a) DEADLINE FOR COMPLETION.—The Secretary shall complete all contractor performance evaluations required by subpart 42.15 of the Federal Acquisition Regulation for those contractors engaged in construction of new embassy or new consulate compounds by October 1, 2021.

(b) PRIORITIZATION SYSTEM.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall develop a prioritization system for clearing the current backlog of required evaluations referred to in subsection (a).

(2) ELEMENTS.—The system required under paragraph (1) should prioritize the evaluations as follows:

(A) Project completion evaluations should be prioritized over annual evaluations.

(B) Evaluations for relatively large contracts should have priority.

(C) Evaluations that would be particularly informative for the awarding of government contracts should have priority.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on the Department’s plan for completing all evaluations by October 1, 2021, in accordance with subsection (a) and the prioritization system developed pursuant to subsection (b).

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) contractors deciding whether to bid on Department contracts would benefit from greater understanding of the Department as a client; and

(2) the Department should develop a forum where contractors can comment on the Department’s project management performance.

SEC. 205. GROWTH PROJECTIONS FOR NEW EMBASSIES AND CONSULATES.

(a) IN GENERAL.—For each new United States embassy compound (NEC) and new consulate compound project (NCC) in or not yet in the design phase as of the date of the enactment of this Act, the Department shall project growth over the estimated life of the facility using all available and relevant data, including the following:

(1) Relevant historical trends for Department personnel and personnel from other agencies represented at the NEC or NCC that is to be constructed.

(2) An analysis of the tradeoffs between risk and the needs of U.S. Government policy conducted as part of the most recent Vital Presence Validation Process, if applicable.

(3) Reasonable assumptions about the strategic importance of the NEC or NCC, as the case may be, over the life of the building at issue.

(4) Any other data that would be helpful in projecting the future growth of NEC or NCC.

(b) OTHER FEDERAL AGENCIES.—The head of each Federal agency represented at a United States embassy or consulate shall provide to the Secretary, upon request, growth projections for the personnel of each such agency over the estimated life of each embassy or consulate, as the case may be.

(c) BASIS FOR ESTIMATES.—The Department shall base its growth assumption for all NECs and NCCs on the estimates required under subsections (a) and (b).

(d) CONGRESSIONAL NOTIFICATION.—Any congressional notification of site selection for a NEC or NCC submitted after the date of the enactment of this Act shall include the growth assumption used pursuant to subsection (c).

SEC. 206. LONG-RANGE PLANNING PROCESS.

(a) PLANS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for 5 years, the Secretary shall develop—

(A) a comprehensive 6-year plan documenting the Department's overseas building program for the replacement of overseas diplomatic posts taking into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety; and

(B) a comprehensive 6-year plan detailing the Department's long-term planning for the maintenance and sustainment of completed diplomatic posts, which takes into account security factors under the Secure Embassy Construction and Counterterrorism Act of 1999 and other relevant statutes and regulations, as well as occupational safety and health factors pursuant to the Occupational Safety and Health Act of 1970 and other relevant statutes and regulations, including environmental factors such as indoor air quality that impact employee health and safety.

(2) INITIAL REPORT.—The first plan developed pursuant to paragraph (1)(A) shall also include a one-time status report on existing small diplomatic posts and a strategy for establishing a physical diplomatic presence in countries in which there is no current physical diplomatic presence. Such report, which may include a classified annex, shall include the following:

(A) A description of the extent to which each small diplomatic post furthers the national interest of the United States.

(B) A description of how each small diplomatic post provides American Citizen Services, including data on specific services provided and the number of Americans receiving services over the previous year.

(C) A description of whether each small diplomatic post meets current security requirements.

(D) A description of the full financial cost of maintaining each small diplomatic post.

(E) Input from the relevant chiefs of mission on any unique operational or policy value the small diplomatic post provides.

(3) UPDATED INFORMATION.—The annual updates of each of the plans developed pursuant to paragraph (1) shall highlight any changes from the previous year's plan to the ordering of construction and maintenance projects.

(b) REPORTING REQUIREMENTS.—

(1) SUBMISSION OF PLANS TO CONGRESS.—Not later than 60 days after the completion of each plan required under subsection (a), the Secretary shall submit the plans to the appropriate congressional committees.

(2) REFERENCE IN BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to the appropriate congressional committees in support of the Department's budget for any Fiscal Year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the plans required under subsection (a) shall be referenced to justify funding requested for building and maintenance projects overseas.

(3) FORM OF REPORT.—Each report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(c) SMALL DIPLOMATIC POST DEFINED.—In this section, the term "small diplomatic post" means any United States embassy or consulate that has employed five or fewer U.S. Government employees on average over the 36 months prior to the date of the enactment of this Act.

SEC. 207. VALUE ENGINEERING AND RISK ASSESSMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A-131, Value Engineering, dated December 31, 2013.

(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

(b) NOTIFICATION REQUIREMENTS.—

(1) **SUBMISSION TO AUTHORIZING COMMITTEES.—**The proposed allocation of capital construction and maintenance funds that is required by the Committees on Appropriations of the Senate and the House of Representatives not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs shall also be submitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) **REQUIREMENT TO CONFIRM COMPLETION OF VALUE ENGINEERING AND RISK ASSESSMENT STUDIES.—**The notifications required under paragraph (1) shall include confirmation that the Department has completed the requisite VE and risk management studies described in subsection (a).

(c) REPORTING AND BRIEFING REQUIREMENTS.—The Secretary shall provide to the appropriate congressional committees upon request—

(1) a description of each risk management study referred to in subsection (a)(2) and a table detailing which recommendations related to each such study were accepted and which were rejected; and

(2) a report or briefing detailing the rationale for not implementing any such recommendations that may otherwise yield significant cost savings to the Department if implemented.

SEC. 208. BUSINESS VOLUME.

Section 402(c)(2)(E) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852(c)(2)(E)) is amended by striking “in 3 years” and inserting “cumulatively over 3 years”.

SEC. 209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.

The Secretary shall provide to the appropriate congressional committees upon request information on security deficiencies at United States diplomatic posts, including relating to the following:

(1) Requests made over the previous year by United States diplomatic posts for security upgrades.

(2) Significant security deficiencies at United States diplomatic posts that are not operating out of a new embassy compound or new consulate compound.

SEC. 210. OVERSEAS SECURITY BRIEFINGS.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all U.S. Government employees under chief of mission authority traveling to a foreign country on official business. To the extent practicable, such material shall be provided to such employees prior to their arrival at a United States diplomatic post or as soon as possible thereafter.

SEC. 211. CONTRACTING METHODS IN CAPITAL CONSTRUCTION.

(a) **DELIVERY.—**Unless the Secretary notifies the appropriate congressional committees that the use of the design-build project delivery method would not be appropriate, the Secretary shall make use of such method at United States diplomatic posts that have not yet received design or capital construction contracts as of the date of the enactment of this Act.

(b) **NOTIFICATION.—**Before executing a contract for a delivery method other than design-build in accordance with subsection (a), the Secretary shall notify the appropriate congressional committees in writing of the decision, including the reasons therefor. The notification required by this subsection may be included in any other report regarding a new United States diplomatic post that is required to be submitted to the appropriate congressional committees.

(c) **PERFORMANCE EVALUATION.—**Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the appropriate congressional committees regarding performance evaluation measures in accordance with GAO’s “Standards for Internal Control in the Federal Government” that will be applicable to design and construction, lifecycle cost, and building maintenance programs of the Bureau of Overseas Building Operations of the Department.

SEC. 212. COMPETITION IN EMBASSY CONSTRUCTION.

Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committee a report detailing steps the Department is taking to expand the embassy construction contractor base in order to increase competition and maximize value.

SEC. 213. STATEMENT OF POLICY.

It is the policy of the United States that the Bureau of Overseas Building Operations of the Department or its successor office shall continue to balance functionality and security with accessibility, as defined by guidelines established by the United States Access Board in constructing embassies and consulates, and shall ensure compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) to the fullest extent possible.

SEC. 214. DEFINITIONS.

In this title:

(1) **DESIGN-BUILD.**—The term “design-build” means a method of project delivery in which one entity works under a single contract with the Department to provide design and construction services.

(2) **NON-STANDARD DESIGN.**—The term “non-standard design” means a design for a new embassy compound project or new consulate compound project that does not utilize a standardized design for the structural, spatial, or security requirements of such embassy compound or consulate compound, as the case may be.

TITLE III—PERSONNEL ISSUES

SEC. 301. DEFENSE BASE ACT INSURANCE WAIVERS.

(a) **APPLICATION FOR WAIVERS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary shall apply to the Department of Labor for a waiver from insurance requirements under the Defense Base Act (42 U.S.C. 1651 et seq.) for all countries with respect to which the requirement was waived prior to January 2017, and for which there is not currently a waiver.

(b) **CERTIFICATION REQUIREMENT.**—Not later than 45 days after the date of the enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

SEC. 302. STUDY ON FOREIGN SERVICE ALLOWANCES.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 270 days after date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing an empirical analysis on the effect of overseas allowances on the foreign assignment of Foreign Service officers (FSOs), to be conducted by a federally funded research and development center with appropriate expertise in labor economics and military compensation.

(2) **CONTENTS.**—The analysis required under paragraph (1) shall—

(A) identify all allowances paid to FSOs assigned permanently or on temporary duty to foreign areas;

(B) examine the efficiency of the Foreign Service bidding system in determining foreign assignments;

(C) examine the factors that incentivize FSOs to bid on particular assignments, including danger levels and hardship conditions;

(D) examine the Department’s strategy and process for incentivizing FSOs to bid on assignments that are historically in lower demand, including with monetary compensation, and whether monetary compensation is necessary for assignments in higher demand;

(E) make any relevant comparisons to military compensation and allowances, noting which allowances are shared or based on the same regulations;

(F) recommend options for restructuring allowances to improve the efficiency of the assignments system and better align FSO incentives with the needs of the Foreign Service, including any cost savings associated with such restructuring;

(G) recommend any statutory changes necessary to implement subparagraph (F), such as consolidating existing legal authorities for the provision of hardship and danger pay; and

(H) detail any effects of recommendations made pursuant to subparagraphs (F) and (G) on other U.S. Government departments and agencies with civilian employees permanently assigned or on temporary duty in foreign areas, following consultation with such departments and agencies.

(b) **BRIEFING REQUIREMENT.**—Before initiating the analysis required under subsection (a)(1), and not later than 60 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Foreign Relations of the Sen-

ate and the Committee on Foreign Affairs in the House of Representatives a briefing on the implementation of this section that includes the following:

(1) The name of the federally funded research and development center that will conduct such analysis.

(2) The scope of such analysis and terms of reference for such analysis as specified between the Department and such federally funded research and development center.

(c) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall make available to the federally funded research and development center carrying out the analysis required under subsection (a)(1) all necessary and relevant information to allow such center to conduct such analysis in a quantitative and analytical manner, including historical data on the number of bids for each foreign assignment and any survey data collected by the Department from eligible bidders on their bid decisionmaking.

(2) COOPERATION.—The Secretary shall work with the heads of other relevant U.S. Government departments and agencies to ensure such departments and agencies provide all necessary and relevant information to the federally funded research and development center carrying out the analysis required under subsection (a)(1).

(d) INTERIM REPORT TO CONGRESS.—The Secretary shall require that the chief executive officer of the federally funded research and development center that carries out the analysis required under subsection (a)(1) submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an interim report on such analysis not later than 120 days after the date of the enactment of this Act.

SEC. 303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d) is amended by adding at the end the following new subsection:

“(e) GRANTS AND COOPERATIVE AGREEMENTS RELATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAMS.—

“(1) IN GENERAL.—The Secretary is authorized to make grants or enter into cooperative agreements related to Department of State science and technology fellowship programs, including for assistance in recruiting fellows and the payment of stipends, travel, and other appropriate expenses to fellows.

“(2) EXCLUSION FROM CONSIDERATION AS COMPENSATION.—Stipends under paragraph (1) shall not be considered compensation for purposes of section 209 of title 18, United States Code.

“(3) MAXIMUM ANNUAL AMOUNT.—The total amount of grants made pursuant to this subsection may not exceed \$500,000 in any fiscal year.”.

SEC. 304. TRAVEL FOR SEPARATED FAMILIES.

Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) is amended—

(1) in the matter preceding subparagraph (A), by striking “1 round-trip per year for each child below age 21 of a member of the Service assigned abroad” and inserting “in the case of one or more children below age 21 of a member of the Service assigned abroad, 1 round-trip per year”;

(2) in subparagraph (A)—

(A) by inserting “for each child” before “to visit the member abroad”; and
(B) by striking “; or” and inserting a comma;

(3) in subparagraph (B)—

(A) by inserting “for each child” before “to visit the other parent”; and
(B) by inserting “or” after “resides,”;

(4) by inserting after subparagraph (B) the following new subparagraph:

“(C) for one of the child’s parents to visit the child or children abroad if the child or children do not regularly reside with that parent and that parent is not receiving an education allowance or educational travel allowance for the child or children under section 5924(4) of title 5, United States Code.”; and

(5) in the matter following subparagraph (C), as added by paragraph (4) of this section, by striking “a payment” and inserting “the cost of round-trip travel”.

SEC. 305. HOME LEAVE TRAVEL FOR SEPARATED FAMILIES.

Section 903(b) of the Foreign Service Act of 1980 (22 U.S.C. 4083(b)) is amended by adding at the end the following new sentence: “In cases in which the family members of a member of the Service reside apart from the member at authorized locations outside the United States because they are prevented by official order from residing with the member at post, the member may take the leave ordered under

this section where that member's family members reside, notwithstanding section 6305 of title 5, United States Code.”.

SEC. 306. SENSE OF CONGRESS REGARDING CERTAIN FELLOWSHIP PROGRAMS.

It is the sense of Congress that—

(1) Department fellowships that promote the employment of candidates belonging to under-represented groups, including the Charles B. Rangel International Affairs Graduate Fellowship Program, the Thomas R. Pickering Foreign Affairs Fellowship Program, and the Donald M. Payne International Development Fellowship Program, represent smart investments vital for building a strong, capable, and representative national security work force; and

(2) the Secretary of State and the Administrator of the United States Agency for International Development should fulfill the terms of their fellowship agreements with each participant in the Fellowship Programs referred to in paragraph (1), as specified in the original contractual agreements with each such participant.

SEC. 307. TECHNICAL CORRECTION.

Subparagraph (A) of section 601(c)(6) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(6)) is amended, in the matter preceding clause (i), by—

(1) striking “promotion” and inserting “promotion, on or after January 1, 2017,”; and

(2) striking “individual joining the Service on or after January 1, 2017,” and inserting “Foreign Service officer, appointed under section 302(a)(1), who has general responsibility for carrying out the functions of the Service”.

SEC. 308. FOREIGN SERVICE AWARDS.

(a) IN GENERAL.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended—

(1) by amending the section heading to read as follows: “DEPARTMENT AWARDS”; and

(2) in the first sentence, by inserting “or Civil Service” after “the Service”.

(b) CONFORMING AMENDMENT.—The item relating to section 614 in the table of contents of the Foreign Service Act of 1980 is amended to read as follows:

“Sec. 614. Department awards.”.

SEC. 309. DIPLOMATIC PROGRAMS.

(a) SENSE OF CONGRESS ON WORKFORCE RECRUITMENT.—It is the sense of Congress that the Secretary should continue to hold entry-level classes for Foreign Service officers and specialists and continue to recruit civil servants through programs such as the Presidential Management Fellows Program and Pathways Internship Programs in a manner and at a frequency consistent with prior years and consistent with the need to maintain a pool of experienced personnel effectively distributed across skill codes and ranks. It is further the sense of Congress that absent continuous recruitment and training of Foreign Service officers and civil servants, the Department will lack experienced, qualified personnel in the short, medium, and long terms.

(b) LIMITATION.—The Secretary may not obligate or expend any amounts for any reduction-in-force action under section 3502 or 3595 of title 5, United States Code, or for any incentive payments for early separation or retirement under any other provision of law unless—

(1) the appropriate congressional committees are notified not less than 15 days in advance of such obligation or expenditure; and

(2) the Secretary has provided to the appropriate congressional committees a detailed report that describes the Department's strategic staffing goals, including—

(A) a justification that describes how any proposed work force reduction enhances the effectiveness of the Department;

(B) a certification that such work force reduction is in the national interest of the United States;

(C) a comprehensive strategic staffing plan for the Department, including 5-year work force forecasting and a description of the anticipated impact of any proposed work force reduction; and

(D) a dataset displaying comprehensive work force data for all current and planned employees of the Department, disaggregated by—

(i) Foreign Service officer and Foreign Service specialist rank;

(ii) civil service job skill code, grade level, and bureau of assignment;

- (iii) contracted employees, including the equivalent job skill code and bureau of assignment; and
- (iv) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including their equivalent grade and job skill code and bureau of assignment.

SEC. 310. SENSE OF CONGRESS REGARDING VETERANS EMPLOYMENT AT THE DEPARTMENT OF STATE.

It is the sense of Congress that—

- (1) the Department should continue to promote the employment of veterans, in accordance with section 301 of the Foreign Service Act of 1980 (22 U.S.C. 3941), as amended by section 405 of this Act, including those veterans belonging to traditionally underrepresented groups at the Department;
- (2) veterans employed by the Department have made significant contributions to United States foreign policy in a variety of regional and global affairs bureaus and diplomatic posts overseas; and
- (3) the Department should continue to encourage veteran employment and facilitate their participation in the work force.

SEC. 311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND PRECLUSIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department should expand the appeal process it makes available to employees related to assignment preclusions and restrictions.

(b) APPEAL OF ASSIGNMENT RESTRICTION OR PRECLUSION.—Section 502(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3982(a)(2)), as amended by section 111 of this Act, is further amended by adding at the end the following new sentences: “Any employee subjected to an assignment restriction or preclusion shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance. Any such appeal shall be resolved not later than 60 days after such appeal is filed.”

(c) NOTICE AND CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall revise, and certify to the appropriate congressional committees regarding such revision, the Foreign Affairs Manual guidance regarding denial or revocation of a security clearance to expressly State that all review and appeal rights relating thereto shall also apply to any recommendation or decision to impose an assignment restriction or preclusion to an employee.

SEC. 312. RECALL AND REEMPLOYMENT OF CAREER MEMBERS.

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

- (1) career Department employees provide invaluable service to the United States as nonpartisan professionals who contribute subject matter expertise and professional skills to the successful development and execution of United States foreign policy; and
- (2) re-employment of skilled former members of the Foreign and civil service who have voluntarily separated from the Foreign or civil service due to family reasons or to obtain professional skills outside government is of benefit to the Department.

(b) REEMPLOYMENT.—Subsection (b) of section 308 of the Foreign Service Act of 1980 (22 U.S.C. 3948) is amended by adding at the end the following new sentence: “Former career tenured members of the Service seeking reappointment, if separated for other than cause for up to 3 years prior to the date of the enactment of this sentence, shall be eligible to participate in the regular assignment bidding process without restriction and shall not be required to accept a directed first assignment upon reappointment.”

(c) NOTICE OF EMPLOYMENT OPPORTUNITIES.—

- (1) IN GENERAL.—Title 5, United States Code, is amended by inserting after chapter 102 the following new chapter:

“CHAPTER 103—NOTICE OF EMPLOYMENT OPPORTUNITIES FOR DEPARTMENT OF STATE AND USAID POSITIONS

“§ 10301. Notice of Employment Opportunities for Department of State and USAID positions

“To ensure that individuals who have separated from the Department of State or the United States Agency for International Development and who are eligible for reappointment are aware of such opportunities, the Department of State and the United States Agency for International Development shall publicize notice of all employment opportunities, including positions for which the relevant agency is accepting applications from individuals within the agency’s work force under merit promotion procedures, on publicly accessible sites, including www.usajobs.gov. If using

merit promotion procedures, the notice shall expressly State that former employees eligible for reinstatement may apply.”.

(2) CLERICAL AMENDMENT.—The table of sections for subpart I of title 5, United States Code, is amended by adding at the end the following:

“10301. Notice of employment opportunities for Department of State and USAID positions”.

(d) RECALL.—Subsection (a) of section 308 of the Foreign Service Act of 1980 (22 U.S.C. 3948) is amended to read as follows:

“(a) Whenever the Secretary determines that the needs of the Department so require, the Secretary may recall any retired or voluntarily separated career member of the Service, or any retired or voluntarily separated career employee of the civil service (within the meaning of section 315.201 of title 5, Code of Federal Regulations (or successor section)), for active duty in the same personnel category as such member or employee was serving at the time of retirement or voluntary separation. A recalled retired or voluntarily separated career member of the Service or retired or voluntarily separated career employee of the civil service may not be recalled to a salary class higher than the one in which such member or employee was serving at the time of retirement or voluntary separation, unless appointed to such higher class by the President, by and with the advice and consent of the Senate.”.

SEC. 313. STRATEGIC STAFFING PLAN FOR THE DEPARTMENT.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a comprehensive 5-year strategic staffing plan for the Department that is aligned with and furthers the objectives of the National Security Strategy of the United States of America issued in December 2017, or any subsequent strategy issued not later than 18 months after the date of the enactment of this Act, which shall include the following:

(1) A dataset displaying comprehensive work force data, including all shortages in bureaus described in GAO report GAO–19–220, for all current and planned employees of the Department, disaggregated by—

- (A) Foreign Service officer and Foreign Service specialist rank;
- (B) civil service job skill code, grade level, and bureau of assignment;
- (C) contracted employees, including the equivalent job skill code and bureau of assignment; and

(D) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including the equivalent grade and job skill code and bureau of assignment of such employee.

(2) Recommendations on the number of Foreign Service officers disaggregated by service cone that should be posted at each United States diplomatic post and in the District of Columbia, with a detailed basis for such recommendations.

(3) Recommendations on the number of civil service officers that should be employed by the Department, with a detailed basis for such recommendations.

(b) MAINTENANCE.—The dataset required under subsection (a)(1) shall be maintained and updated on a regular basis.

(c) CONSULTATION.—The Secretary shall lead the development of the plan required under subsection (a) but may consult or partner with private sector entities with expertise in labor economics, management, or human resources, as well as organizations familiar with the demands and needs of the Department’s work force.

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report regarding root causes of Foreign Service and civil service shortages, the effect of such shortages on national security objectives, and the Department’s plan to implement recommendations described in GAO–19–220.

SEC. 314. CONSULTING SERVICES.

(a) IN GENERAL.—Chapter 103 of title 5, United States Code, as added by section 313 of this Act, is amended by adding at the end the following:

“§ 10302. Consulting services for the Department of State

“Any consulting service obtained by the Department of State through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts with respect to which expenditures are a matter of public record and available for public inspection, except if otherwise provided under existing law, or under existing executive order issued pursuant to existing law.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart I of title 5, United States Code, is amended by adding after the item relating to section 10302 the following new item:

“10302. Consulting services for the Department of State”.

SEC. 315. INCENTIVES FOR CRITICAL POSTS.

Section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) is amended by striking the last sentence.

SEC. 316. EXTENSION OF AUTHORITY FOR CERTAIN ACCOUNTABILITY REVIEW BOARDS.

Section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) is amended—

(1) in the heading, by striking “AFGHANISTAN AND” and inserting “AFGHANISTAN, YEMEN, SYRIA, AND”; and

(2) in subparagraph (A)—

(A) in clause (i), by striking “Afghanistan or” and inserting “Afghanistan, Yemen, Syria, or”; and

(B) in clause (ii), by striking “beginning on October 1, 2005, and ending on September 30, 2009” and inserting “beginning on October 1, 2019, and ending on September 30, 2022”.

SEC. 317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.

Subsection (c) of section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “suspend” and inserting “indefinitely suspend without duties”;

(2) by redesignating paragraph (5) as paragraph (7);

(3) by inserting after paragraph (4) the following new paragraphs:

“(5) Any member of the Service suspended from duties under this subsection may be suspended without pay only after a final written decision is provided to such member under paragraph (2).

“(6) If no final written decision under paragraph (2) has been provided within one calendar year of the date the suspension at issue was proposed, not later than 30 days thereafter the Secretary of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in writing regarding the specific reasons for such delay.”; and

(4) in paragraph (7), as so redesignated—

(A) by striking “(7) In this subsection.”;

(B) in subparagraph (A), by striking “(A) The term” and inserting the following:

“(7) In this subsection, the term”;

(C) by striking subparagraph (B) (relating to the definition of “suspend” and “suspension”); and

(D) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and moving such subparagraphs two ems to the left.

SEC. 318. FOREIGN AFFAIRS MANUAL AND FOREIGN AFFAIRS HANDBOOK CHANGES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter for 5 years, the Secretary shall submit to the appropriate congressional committees a report detailing all changes made to the Foreign Affairs Manual or the Foreign Affairs Handbook.

(b) COVERED PERIODS.—The first report required under subsection (a) shall cover the 5-year period preceding the submission of such report. Each subsequent report shall cover the 180 day period preceding submission.

(c) CONTENTS.—Each report required under subsection (a) shall contain the following:

(1) The location within the Foreign Affairs Manual or the Foreign Affairs Handbook where a change has been made.

(2) The statutory basis for each such change.

(3) A side-by-side comparison of the Foreign Affairs Manual or Foreign Affairs Handbook before and after such change.

(4) A summary of such changes displayed in spreadsheet form.

SEC. 319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPATIONAL REQUIREMENTS OF CERTAIN POSITIONS.

The Secretary of State may waive any or all of the individual occupational requirements with respect to an employee or prospective employee of the Department of State for a civilian position categorized under the GS–0130 occupational series

if the Secretary determines that the individual possesses significant scientific, technological, engineering, or mathematical expertise that is integral to performing the duties of the applicable position, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document that is transmitted to the Director of the Office of Personnel Management the rationale for the decision of the Secretary to waive such requirements .

SEC. 320. STANDARDIZING DEPARTMENT PARENTAL LEAVE POLICIES.

(a) **PURPOSE.**—The purpose of this section is to—

- (1) afford every employee at the Department equal access to leave and workplace flexibilities for childbirth, adoption, and foster care;
- (2) encourage the Department to work toward a parental leave policy that will help recruit and retain a dynamic, multi-talented, and diverse work force capable of meeting the national security and foreign policy goals of the United States; and
- (3) determine the impacts of flexible leave policies on recruitment and retention rates.

(b) **ESTABLISHING STANDARD PARENTAL LEAVE POLICIES.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall establish and implement a standard parental leave policy applicable to Department employees across all bureaus and offices within the Department and Missions abroad. Nothing in this section shall be construed to provide any new category of leave not otherwise provided by law.

(2) **REPORTS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report describing—

- (A) the steps taken to implement the policy required under paragraph (1) across all bureaus and offices within the Department and Missions abroad; and
- (B) any costs associated with such policy.

SEC. 321. APPOINTMENT OF EMPLOYEES TO THE GLOBAL ENGAGEMENT CENTER.

The Secretary may appoint, for a 3-year period that may be extended for up to an additional 2 years, solely to carry out the functions of the Global Engagement Center, employees of the Department without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title.

SEC. 322. REST AND RECUPERATION AND OVERSEAS OPERATIONS LEAVE FOR FEDERAL EMPLOYEES.

(a) **IN GENERAL.**—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following new sections:

“§ 6329d. Rest and recuperation leave

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘agency’ means an Executive agency (as that term is defined in section 105), but does not include the Government Accountability Office;

“(2) the term ‘combat zone’ means a geographic area designated by an Executive Order of the President as an area in which the Armed Forces are engaging or have engaged in combat, an area designated by law to be treated as a combat zone, or a location the Department of Defense has certified for combat zone tax benefits due to its direct support of military operations;

“(3) the term ‘employee’ has the meaning given that term in section 6301;

“(4) the term ‘high risk, high threat post’ has the meaning given that term in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4803); and

“(5) the term ‘leave year’ means the period beginning on the first day of the first complete pay period in a calendar year and ending on the day immediately before the first day of the first complete pay period in the following calendar year.

“(b) **LEAVE FOR REST AND RECUPERATION.**—The head of an agency may prescribe regulations to grant up to 20 days of paid leave, per leave year, for the purposes of rest and recuperation to an employee of the agency serving in a combat zone, any other high risk, high threat post, or any other location presenting significant security or operational challenges.

“(c) **DISCRETIONARY AUTHORITY OF AGENCY HEAD.**—Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

“(d) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

“§ 6329e. Overseas operations leave

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’ means an Executive agency (as that term is defined in section 105), but does not include the Government Accountability Office;

“(2) the term ‘employee’ has the meaning given that term in section 6301; and

“(3) the term ‘leave year’ means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

“(b) LEAVE FOR OVERSEAS OPERATIONS.—The head of an agency may prescribe regulations to grant up to 10 days of paid leave, per leave year, to an employee of the agency serving abroad where the conduct of business could pose potential security or safety related risks or would be inconsistent with host-country practice. Such regulations may provide that additional leave days may be granted during such leave year if the head of the agency determines that to do so is necessary to advance the national security or foreign policy interests of the United States.

“(c) DISCRETIONARY AUTHORITY OF AGENCY HEAD.—Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

“(d) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.”

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6329c the following new items:

“6329d. Rest and recuperation leave.

“6329e. Overseas operations leave.”

TITLE IV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PROMOTION

SEC. 401. DEFINITIONS.

In this title:

(1) APPLICANT FLOW DATA.—The term “applicant flow data” means data that tracks the rate of applications for job positions among demographic categories.

(2) DEMOGRAPHIC DATA.—The term “demographic data” means facts or statistics relating to the demographic categories specified in the Office of Management and Budget statistical policy directive entitled “Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity” (81 Fed. Reg. 67398).

(3) DIVERSITY.—The term “diversity” means those classes of persons protected under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) WORKFORCE.—The term “workforce” means—

(A) individuals serving in a position in the civil service (as defined in section 2101 of title 5, United States Code);

(B) individuals who are members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3902));

(C) all individuals serving under a personal services agreement or personal services contract;

(D) all individuals serving under a Foreign Service Limited appointment under section 309 of the Foreign Service Act of 1980; or

(E) individuals working in the Department of State under any other authority.

SEC. 402. COLLECTION, ANALYSIS, AND DISSEMINATION OF WORKFORCE DATA.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, submit to the appropriate congressional committees a report, which shall also be posted on a publicly available website of the Department in a searchable data base format, that includes disaggregated demographic data and other information regarding the diversity of the work force of the Department.

(b) DATA.—The report under subsection (a) shall include the following data:

(1) Demographic data on each element of the work force of the Department, disaggregated by rank and grade or grade-equivalent, with respect to the following groups:

- (A) Applicants for positions in the Department.
 - (B) Individuals hired to join the work force.
 - (C) Individuals promoted during the 2-year period ending on the date of the enactment of this Act, including promotions to and within the Senior Executive Service or the Senior Foreign Service.
 - (D) Individuals serving on applicable selection boards.
 - (E) Members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department.
 - (F) Individuals participating in professional development programs of the Department, and the extent to which such participants have been placed into senior positions within the Department after such participation.
 - (G) Individuals participating in mentorship or retention programs.
 - (H) Individuals who separated from the agency during the 2-year period ending on the date of the enactment of this Act, including individuals in the Senior Executive Service or the Senior Foreign Service.
- (2) An assessment of agency compliance with the essential elements identified in Equal Employment Opportunity Commission Management Directive 715, effective October 1, 2003.
- (3) Data on the overall number of individuals who are part of the work force, the percentages of such work force corresponding to each element listed in section 401(4), and the percentages corresponding to each rank, grade, or grade-equivalent.

(c) RECOMMENDATION.—The Secretary may include in the report under subsection (a) a recommendation to the Director of Office of Management and Budget and to the appropriate congressional committees regarding whether the Department should collect more detailed data on demographic categories in addition to the race and ethnicity categories specified in the Office of Management and Budget statistical policy directive entitled “Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity” (81 Fed. Reg. 67398).

(d) OTHER CONTENTS.—The report under subsection (a) shall also describe and assess the effectiveness of the efforts of the Department—

- (1) to propagate fairness, impartiality, and inclusion in the work environment, both domestically and abroad;
- (2) to enforce anti-harassment and anti-discrimination policies, both domestically and at posts overseas;
- (3) to refrain from engaging in unlawful discrimination in any phase of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training;
- (4) to prevent illegal retaliation against employees for participating in a protected equal employment opportunity activity or for reporting sexual harassment or sexual assault;
- (5) to provide reasonable accommodation for qualified employees and applicants with disabilities; and
- (6) to recruit a representative work force by—
 - (A) recruiting women and minorities;
 - (B) recruiting at women’s colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;
 - (C) placing job advertisements in newspapers, magazines, and job sites oriented toward women and minorities;
 - (D) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;
 - (E) providing opportunities through the Foreign Service Internship Program under chapter 12 of the Foreign Service Act of 1980 (22 U.S.C. 4141 et seq.) and other hiring initiatives;
 - (F) recruiting mid-level and senior-level professionals through programs designed to increase minority representation in international affairs;
 - (G) offering the Foreign Service written and oral assessment examinations in several locations throughout the United States to reduce the burden of applicants having to travel at their own expense to take either or both such examinations; and
 - (H) support recruiting and hiring opportunities through—
 - (i) the Charles B. Rangel International Affairs Fellowship Program;
 - (ii) the Thomas R. Pickering Foreign Affairs Fellowship Program;

(iii) the Donald M. Payne International Development Fellowship Program; and

(iv) other initiatives, including agency-wide policy initiatives.

(e) ANNUAL UPDATES.—Not later than 1 year after the publication of the report required under subsection (a) and annually thereafter for the following 5 years, the Secretary shall work with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget to provide a report to the appropriate congressional committees, which shall be posted on the Department's website, which may be included in another annual report required under another provision of law, that includes—

(1) disaggregated demographic data relating to the work force and information on the status of diversity and inclusion efforts of the Department;

(2) an analysis of applicant flow data; and

(3) disaggregated demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs.

SEC. 403. EXIT INTERVIEWS FOR WORKFORCE.

(a) RETAINED MEMBERS.—The Director General of the Foreign Service and the Director of Human Resources of the Department should conduct periodic interviews with a representative and diverse cross-section of the work force of the Department—

(1) to understand the reasons of individuals in such work force for remaining in a position in the Department; and

(2) to receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of individuals in the work force to remain in the Department.

(b) DEPARTING MEMBERS.—The Director General of the Foreign Service and the Director of Human Resources shall provide an opportunity for an exit interview to each individual in the work force of the Department who separates from service with the Department to better understand the reasons of such individual for leaving such service.

(c) USE OF ANALYSIS FROM INTERVIEWS.—The Director General of the Foreign Service and the Director of Human Resources shall analyze demographic data and other information obtained through interviews under subsections (a) and (b) to determine—

(1) to what extent, if any, the diversity of those participating in such interviews impacts the results; and

(2) whether to implement any policy changes or include any recommendations in a report required under subsection (a) or (e) of section 402 relating to the determination reached pursuant to paragraph (1).

(d) TRACKING DATA.—The Department shall—

(1) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs;

(2) annually evaluate such data—

(A) to identify ways to improve outreach and recruitment for such programs, consistent with merit system principles; and

(B) to understand the extent to which participation in any professional development program offered or sponsored by the Department differs among the demographic categories of the work force; and

(3) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation, in such professional development programs.

SEC. 404. RECRUITMENT AND RETENTION.

(a) IN GENERAL.—The Secretary should—

(1) continue to seek a diverse and talented pool of applicants; and

(2) instruct the Director General of the Foreign Service and the Director of the Bureau of Human Resources of the Department to have a recruitment plan of action for the recruitment of people belonging to traditionally under-represented groups, which should include outreach at appropriate colleges, universities, affinity groups, and professional associations.

(b) SCOPE.—The diversity recruitment initiatives described in subsection (a) should include—

(1) recruiting at women's colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(2) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;

- (3) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;
 - (4) providing opportunities through highly respected, international leadership programs, that focus on diversity recruitment and retention; and
 - (5) cultivating partnerships with organizations dedicated to the advancement of the profession of international affairs and national security to advance shared diversity goals.
- (c) **EXPAND TRAINING ON ANTI-HARASSMENT AND ANTI-DISCRIMINATION.**—
- (1) **IN GENERAL.**—The Secretary shall, through the Foreign Service Institute and other educational and training opportunities—
 - (A) ensure the provision of training on anti-harassment and anti-discrimination information and policies to all individuals in the work force;
 - (B) expand the provision of training on workplace rights and responsibilities to focus on anti-harassment and anti-discrimination information and policies, including policies relating to sexual assault prevention and response; and
 - (C) make such expanded training mandatory for—
 - (i) individuals in senior and supervisory positions;
 - (ii) individuals having responsibilities related to recruitment, retention, or promotion of employees; and
 - (iii) any other individual determined by the Department who needs such training based on analysis by the Department or OPM analysis.
 - (2) **BEST PRACTICES.**—The Department shall give special attention to ensuring the continuous incorporation of research-based best practices in training provided under this subsection.

SEC. 405. LEADERSHIP ENGAGEMENT AND ACCOUNTABILITY.

- (a) **REWARD AND RECOGNIZE EFFORTS TO PROMOTE DIVERSITY AND INCLUSION.**—
 - (1) **IN GENERAL.**—The Secretary shall implement performance and advancement requirements that reward and recognize the efforts of individuals in senior positions and supervisors in the Department in fostering an inclusive environment and cultivating talent consistent with merit system principles, such as through participation in mentoring programs or sponsorship initiatives, recruitment events, and other similar opportunities.
 - (2) **OUTREACH EVENTS.**—The Secretary shall create opportunities for individuals in senior positions and supervisors in the Department to participate in outreach events and to discuss issues relating to diversity and inclusion with the work force on a regular basis, including with employee resource groups.
- (b) **EXTERNAL ADVISORY COMMITTEES AND BOARDS.**—For each external advisory committee or board to which individuals in senior positions in the Department appoint members, the Secretary is strongly encouraged by Congress to ensure such external advisory committee or board is developed, reviewed, and carried out by qualified teams that represent the diversity of the organization.

SEC. 406. PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOOLS.

- (a) **EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.**—
 - (1) **IN GENERAL.**—The Secretary is authorized to expand professional development opportunities that support the mission needs of the Department, such as—
 - (A) academic programs;
 - (B) private-public exchanges; and
 - (C) detail assignments to relevant positions in—
 - (i) private or international organizations;
 - (ii) State, local, and Tribal governments;
 - (iii) other branches of the Federal Government; or
 - (iv) professional schools of international affairs.
 - (2) **TRAINING FOR SENIOR POSITIONS.**—
 - (A) **IN GENERAL.**—The Secretary shall offer, or sponsor members of the work force to participate in, a Senior Executive Service candidate development program or other program that trains members on the skills required for appointment to senior positions in the Department.
 - (B) **REQUIREMENTS.**—In determining which members of the work force are granted professional development or career advancement opportunities under subparagraph (A), the Secretary shall—
 - (i) ensure any program offered or sponsored by the Department under such subparagraph comports with the requirements of subpart C of part 412 of title 5, Code of Federal Regulations, or any successor thereto, including merit staffing and assessment requirements;

(ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;

(iii) understand how participation in any program offered or sponsored by the Department under such subparagraph differs by gender, race, national origin, disability status, or other demographic categories; and

(iv) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

SEC. 407. EXAMINATION AND ORAL ASSESSMENT FOR THE FOREIGN SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department should offer both the Foreign Service written examination and oral assessment in more locations throughout the United States. Doing so would ease the financial burden on potential candidates who do not currently reside in and must travel at their own expense to one of the few locations where these assessments are offered.

(b) FOREIGN SERVICE EXAMINATIONS.—Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3941) is amended—

(1) by striking “The Secretary” and inserting: “(1) The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary shall ensure that the Board of Examiners for the Foreign Service annually offers the oral assessment examinations described in paragraph (1) in cities, chosen on a rotating basis, located in at least three different time zones across the United States.”.

SEC. 408. PAYNE FELLOWSHIP AUTHORIZATION.

(a) IN GENERAL.—Undergraduate and graduate components of the Donald M. Payne International Development Fellowship Program may conduct outreach to attract outstanding students with an interest in pursuing a Foreign Service career who represent diverse ethnic and socioeconomic backgrounds.

(b) REVIEW OF PAST PROGRAMS.—The Secretary shall review past programs designed to increase minority representation in international affairs positions.

SEC. 409. VOLUNTARY PARTICIPATION.

(a) IN GENERAL.—Nothing in this title should be construed so as to compel any employee to participate in the collection of the data or divulge any personal information. Department employees shall be informed that their participation in the data collection contemplated by this title is voluntary.

(b) PRIVACY PROTECTION.—Any data collected under this title shall be subject to the relevant privacy protection statutes and regulations applicable to Federal employees.

TITLE V—INFORMATION SECURITY

SEC. 501. DEFINITIONS.

In this title:

(1) INFORMATION SYSTEM.—The term “information system” has the meaning given such term in section 3502 of title 44, United States Code.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means—

(A) the appropriate congressional committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 502. INFORMATION SYSTEM SECURITY.

(a) DEFINITIONS.—In this section:

(1) INCIDENT.—The term “incident” has the meaning given such term in section 3552(b) of title 44, United States Code.

(2) PENETRATION TEST.—The term “penetration test” means a test methodology in which assessors attempt to circumvent or defeat the security features of an information system.

(b) CONSULTATIONS PROCESS.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish a process for conducting semiannual consultations with the Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, and any other department or agency represent-

ative who the Secretary determines to be appropriate regarding the security of U.S. Government and nongovernmental information systems used or operated by the Department, a contractor of the Department, or another organization on behalf of the Department, including any such systems or networks facilitating the use of sensitive or classified information.

(c) **INDEPENDENT PENETRATION TESTING OF INFORMATION SYSTEMS.**—In coordination with the consultations under subsection (b), the Secretary shall commission independent, semiannual penetration tests, which shall be carried out by an appropriate Federal department or agency other than the Department, such as the Department of Homeland Security or the National Security Agency, to ensure that adequate policies and protections are implemented to detect and prevent penetrations or compromises of such information systems, including malicious intrusions by any unauthorized individual, State actor, or other entity.

(d) **WAIVER.**—The Secretary may waive the requirement under subsection (c) for up to 1 year if the Secretary—

(1) determines that such requirement would have adverse effects on national security or the diplomatic mission of the Department; and

(2) not later than 30 days after the commencement of such a determination, submits to the relevant congressional committees a written justification that describes how such penetration tests would undermine national security or the diplomatic mission of the Department.

(e) **INCIDENT REPORTING.**—Not later than 180 days after the date of the enactment of this Act and annually thereafter for 3 years, the Secretary, in consultation with the Secretary of Defense, the Director of the National Intelligence, the Secretary of Homeland Security, and any other department or agency representative who the Secretary determines to be appropriate, shall securely submit to the relevant congressional committees a classified report that describes in detail the following:

(1) For the first reporting period, all known and suspected incidents affecting the information systems specified in subsection (b) that occurred during the 180-day period immediately preceding the date of the enactment of this Act.

(2) For all subsequent reporting periods, all known and suspected incidents affecting the information systems specified in subsection (b) that occurred since the submission of the most recent report.

(f) **CONTENTS.**—Each report under subsection (e) shall include, for the relevant reporting period, a summary overview addressing the following:

(1) A description of the relevant information system, as specified in subsection (b), that experienced a known or suspected incident.

(2) An assessment of the date and time each such incident occurred or was suspected to have occurred.

(3) An assessment of the duration over which each such incident took place or is suspected of having taken place, including whether such incident is ongoing.

(4) An assessment of the volume and sensitivity of information accessed, compromised, or potentially compromised by each incident, including any such information contained on information systems owned, operated, managed, or utilized by any other Federal department or agency.

(5) An assessment of whether such information system was compromised by such incident, including an assessment of the following:

(A) The known or suspected perpetrators, including State actors.

(B) The methods used to carry out the incident.

(C) The known or suspected intent of the actors in accessing the information system.

(6) A description of the actions the Department has taken or plans to take, including timelines and descriptions of any progress on plans described in prior reports, to prevent future, similar incidents affecting such information systems.

SEC. 503. PROHIBITION ON CONTRACTING WITH CERTAIN TELECOMMUNICATIONS PROVIDERS.

(a) **LIST OF COVERED CONTRACTORS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of National Intelligence, shall develop or maintain, as the case may be, and update as frequently as the Secretary determines appropriate, a list of covered contractors with respect to which the prohibition specified in subsection (b) shall apply. Not later than 30 days after the initial development of the list under this subsection, any update thereto, and annually thereafter for 5 years after such initial 30 day period, the Secretary shall submit to the appropriate congressional committees a copy of such list.

(b) **PROHIBITION ON CONTRACTS.**—The Secretary may not enter into a contract with a covered contractor on the list described in subsection (a).

(c) **REMOVAL FROM LIST.**—To be removed from the list described in subsection (a), a covered contractor may submit a request to the Secretary in such manner as the Secretary determines appropriate. The Secretary, in consultation with the Director of National Intelligence, shall determine a process for removing covered contractors from the list, as appropriate, and publicly disclose such process.

(d) **WAIVERS.**—

(1) **IN GENERAL.**—The President or the Secretary may waive the prohibition specified in subsection (b) if the President or the Secretary determines that such waiver is justified for national security reasons.

(2) **WAIVER FOR OVERSEAS OPERATIONS.**—The Secretary may waive the prohibition specified in subsection (b) for United States diplomatic posts or diplomatic personnel overseas if the Secretary, in consultation with the Director of National Intelligence, determines that no suitable alternatives are available.

(e) **COVERED CONTRACTOR DEFINED.**—In this section, the term “covered contractor” means a provider of telecommunications, telecommunications equipment, or information technology equipment, including hardware, software, or services, that has knowingly assisted or facilitated a cyber attack or conducted surveillance, including passive or active monitoring, carried out against—

(1) the United States by, or on behalf of, any government, or persons associated with such government, listed as a cyber threat actor in the intelligence community’s 2017 assessment of worldwide threats to United States national security or any subsequent worldwide threat assessment of the intelligence community; or

(2) individuals, including activists, journalists, opposition politicians, or other individuals for the purposes of suppressing dissent or intimidating critics, on behalf of a country included in the annual country reports on human rights practices of the Department for systematic acts of political repression, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights.

(f) **EFFECTIVE DATE.**—This section shall apply with respect to contracts of a covered contractor entered into on or after the date of the enactment of this Act.

SEC. 504. PRESERVING RECORDS OF ELECTRONIC COMMUNICATIONS CONDUCTED RELATED TO OFFICIAL DUTIES OF POSITIONS IN THE PUBLIC TRUST OF THE AMERICAN PEOPLE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that, as a matter of rule of law and transparency in a democratic government, all officers and employees of the Department and the United States Agency for International Development must preserve all records of communications conducted in their official capacities or related to their official duties with entities outside of the U.S. Government. It is further the sense of Congress that such practice should include foreign government officials or other foreign entities which may seek to influence U.S. Government policies and actions.

(b) **PUBLICATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Foreign Affairs Manual guidance implementing chapter 31 of title 44, United States Code (commonly referred to as the “Federal Records Act”), to treat electronic messaging systems, software, and applications as equivalent to electronic mail for the purpose of identifying Federal records, and shall also publish in the Foreign Affairs Manual the statutory penalties for failure to comply with such guidance. No funds are authorized to be appropriated or made available to the Department of State under any Act to support the use or establishment of accounts on third-party messaging applications or other non-Government online communication tools if the Secretary does not certify to the relevant congressional committees that the Secretary has carried out this section.

SEC. 505. FOREIGN RELATIONS OF THE UNITED STATES (FRUS) SERIES AND DECLASSIFICATION.

The State Department Basic Authorities Act of 1956 is amended—

(1) in section 401(c) (22 U.S.C. 4351(c)), by striking “30” and inserting “25”;

(2) in section 402(a)(2) (22 U.S.C. 4352(a)(2)), by striking “26” and inserting “20”; and

(3) in section 404 (22 U.S.C. 4354)—

(A) in subsection (a)(1), by striking “30” and inserting “25”; and

(B) in subsection (c)(1)(C), by striking “30” and inserting “25”.

SEC. 506. VULNERABILITY DISCLOSURE POLICY AND BUG BOUNTY PILOT PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **BUG BOUNTY PROGRAM.**—The term “bug bounty program” means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of internet-facing information technology of the Department in exchange for compensation.

- (2) DEPARTMENT.—The term “Department” means the Department of State.
- (3) INFORMATION TECHNOLOGY.—The term “information technology” has the meaning given such term in section 11101 of title 40, United States Code.
- (4) SECRETARY.—The term “Secretary” means the Secretary of State.
- (b) DEPARTMENT OF STATE VULNERABILITY DISCLOSURE PROCESS.—
- (1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall design, establish, and make publicly known a Vulnerability Disclosure Process (VDP) to improve Department cybersecurity by—
- (A) providing security researchers with clear guidelines for—
 - (i) conducting vulnerability discovery activities directed at Department information technology; and
 - (ii) submitting discovered security vulnerabilities to the Department; and
 - (B) creating Department procedures and infrastructure to receive and fix discovered vulnerabilities.
- (2) REQUIREMENTS.—In establishing the VDP pursuant to paragraph (1), the Secretary shall—
- (A) identify which Department information technology should be included in the process;
 - (B) determine whether the process should differentiate among and specify the types of security vulnerabilities that may be targeted;
 - (C) provide a readily available means of reporting discovered security vulnerabilities and the form in which such vulnerabilities should be reported;
 - (D) identify which Department offices and positions will be responsible for receiving, prioritizing, and addressing security vulnerability disclosure reports;
 - (E) consult with the Attorney General regarding how to ensure that individuals, organizations, and companies that comply with the requirements of the process are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under the process;
 - (F) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 Vulnerability Disclosure Program, “Hack the Pentagon”, and subsequent Department of Defense bug bounty programs;
 - (G) engage qualified interested persons, including nongovernmental sector representatives, about the structure of the process as constructive and to the extent practicable; and
 - (H) award contracts to entities, as necessary, to manage the process and implement the remediation of discovered security vulnerabilities.
- (3) ANNUAL REPORTS.—Not later than 180 days after the establishment of the VDP under paragraph (1) and annually thereafter for the next 6 years, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the VDP, including information relating to the following:
- (A) The number and severity, in accordance with the National Vulnerabilities Data base of the National Institute of Standards and Technology, of security vulnerabilities reported.
 - (B) The number of previously unidentified security vulnerabilities remediated as a result.
 - (C) The current number of outstanding previously unidentified security vulnerabilities and Department of State remediation plans.
 - (D) The average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities.
 - (E) The resources, surge staffing, roles, and responsibilities within the Department used to implement the VDP and complete security vulnerability remediation.
 - (F) Any other information the Secretary determines relevant.
- (c) DEPARTMENT OF STATE BUG BOUNTY PILOT PROGRAM.—
- (1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a bug bounty pilot program to minimize security vulnerabilities of internet-facing information technology of the Department.
- (2) REQUIREMENTS.—In establishing the pilot program described in paragraph (1), the Secretary shall—
- (A) provide compensation for reports of previously unidentified security vulnerabilities within the websites, applications, and other internet-facing information technology of the Department that are accessible to the public;

(B) award contracts to entities, as necessary, to manage such pilot program and for executing the remediation of security vulnerabilities identified pursuant to subparagraph (A);

(C) identify which Department information technology should be included in such pilot program;

(D) consult with the Attorney General on how to ensure that individuals, organizations, or companies that comply with the requirements of such pilot program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under such pilot program;

(E) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 “Hack the Pentagon” pilot program and subsequent Department of Defense bug bounty programs;

(F) develop a process by which an approved individual, organization, or company can register with the entity referred to in subparagraph (B), submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in such pilot program;

(G) engage qualified interested persons, including nongovernmental sector representatives, about the structure of such pilot program as constructive and to the extent practicable; and

(H) consult with relevant U.S. Government officials to ensure that such pilot program complements persistent network and vulnerability scans of the Department of State’s internet-accessible systems, such as the scans conducted pursuant to Binding Operational Directive BOD–15–01.

(3) DURATION.—The pilot program established under paragraph (1) should be short-term in duration and not last longer than 1 year.

(4) REPORT.—Not later than 180 days after the date on which the bug bounty pilot program under subsection (a) is completed, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on such pilot program, including information relating to—

(A) the number of approved individuals, organizations, or companies involved in such pilot program, broken down by the number of approved individuals, organizations, or companies that—

- (i) registered;
- (ii) were approved;
- (iii) submitted security vulnerabilities; and
- (iv) received compensation;

(B) the number and severity, in accordance with the National Vulnerabilities Data base of the National Institute of Standards and Technology, of security vulnerabilities reported as part of such pilot program;

(C) the number of previously unidentified security vulnerabilities remediated as a result of such pilot program;

(D) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans;

(E) the average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities;

(F) the types of compensation provided under such pilot program; and

(G) the lessons learned from such pilot program.

TITLE VI—PUBLIC DIPLOMACY

SEC. 601. SHORT TITLE.

This title may be cited as the “Public Diplomacy Modernization Act of 2019”.

SEC. 602. AVOIDING DUPLICATION OF PROGRAMS AND EFFORTS.

The Secretary shall—

(1) identify opportunities for greater efficiency of operations, including through improved coordination of efforts across public diplomacy bureaus and offices of the Department; and

(2) maximize shared use of resources between, and within, such public diplomacy bureaus and offices in cases in which programs, facilities, or administrative functions are duplicative or substantially overlapping.

SEC. 603. IMPROVING RESEARCH AND EVALUATION OF PUBLIC DIPLOMACY.

(a) RESEARCH AND EVALUATION ACTIVITIES.—The Secretary, acting through the Director of Research and Evaluation appointed pursuant to subsection (b), shall—

- (1) conduct regular research and evaluation of public diplomacy programs and activities of the Department, including through the routine use of audience research, digital analytics, and impact evaluations, to plan and execute such programs and activities; and
- (2) make available to Congress the findings of the research and evaluations conducted under paragraph (1).
- (b) DIRECTOR OF RESEARCH AND EVALUATION.—
- (1) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall appoint a Director of Research and Evaluation (referred to in this subsection as the “Director”) in the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department.
- (2) LIMITATION ON APPOINTMENT.—The appointment of the Director pursuant to paragraph (1) shall not result in an increase in the overall full-time equivalent positions within the Department.
- (3) RESPONSIBILITIES.—The Director shall—
- (A) report to the Director of Policy Planning of the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department;
- (B) coordinate and oversee the research and evaluation of public diplomacy programs and activities of the Department to—
- (i) improve public diplomacy strategies and tactics; and
- (ii) ensure that such programs and activities are increasing the knowledge, understanding, and trust of the United States by relevant target audiences;
- (C) routinely organize and oversee audience research, digital analytics, and impact evaluations across all public diplomacy bureaus and offices of the Department;
- (D) support United States diplomatic posts’ public affairs sections;
- (E) share appropriate public diplomacy research and evaluation information within the Department and with other appropriate Federal departments and agencies;
- (F) regularly design and coordinate standardized research questions, methodologies, and procedures to ensure that public diplomacy programs and activities across all public diplomacy bureaus and offices are designed to meet appropriate foreign policy objectives; and
- (G) report biannually to the United States Advisory Commission on Public Diplomacy, through the Subcommittee on Research and Evaluation established pursuant to subsection (f), regarding the research and evaluation of all public diplomacy bureaus and offices.
- (4) GUIDANCE AND TRAINING.—Not later than 1 year after the appointment of the Director pursuant to paragraph (1), the Director shall develop guidance and training, including curriculum for use by the Foreign Service Institute, for all public diplomacy officers of the Department regarding the reading and interpretation of public diplomacy program and activity evaluation findings to ensure that such findings and related lessons learned are implemented in the planning and evaluation of all public diplomacy programs and activities of the Department.
- (c) PRIORITIZING RESEARCH AND EVALUATION.—
- (1) IN GENERAL.—The Director of Policy Planning of the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department shall ensure that research and evaluation of public diplomacy and activities of the Department, as coordinated and overseen by the Director pursuant to subsection (b), supports strategic planning and resource allocation across all public diplomacy bureaus and offices of the Department.
- (2) ALLOCATION OF RESOURCES.—Amounts allocated for the purpose of research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) shall be made available to be disbursed at the direction of the Director among the research and evaluation staff across all public diplomacy bureaus and offices of the Department.
- (3) SENSE OF CONGRESS.—It is the sense of Congress that the Department should gradually increase its allocation of funds made available under the headings “Educational and Cultural Exchange Programs” and “Diplomatic Programs” for research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) to a percentage of program funds that is commensurate with Federal Government best practices.
- (d) LIMITED EXEMPTION RELATING TO THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”) shall not apply to the collection of information directed at any individuals conducted by, or on behalf of, the Department for the purpose of audience research,

monitoring, and evaluations, and in connection with the Department's activities conducted pursuant to any of the following:

- (1) The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.).
- (2) The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).
- (3) Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note).
- (4) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).
- (e) LIMITED EXEMPTION RELATING TO THE PRIVACY ACT.—
 - (1) IN GENERAL.—The Department shall maintain, collect, use, and disseminate records (as such term is defined in section 552a(a)(4) of title 5, United States Code) for audience research, digital analytics, and impact evaluation of communications related to public diplomacy efforts intended for foreign audiences.
 - (2) CONDITIONS.—Audience research, digital analytics, and impact evaluations under paragraph (1) shall be—
 - (A) reasonably tailored to meet the purposes of this subsection; and
 - (B) carried out with due regard for privacy and civil liberties guidance and oversight.
- (f) UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—
 - (1) SUBCOMMITTEE FOR RESEARCH AND EVALUATION.—The United States Advisory Commission on Public Diplomacy shall establish a Subcommittee on Research and Evaluation to monitor and advise regarding audience research, digital analytics, and impact evaluations carried out by the Department and the United States Agency for Global Media.
 - (2) ANNUAL REPORT.—The Subcommittee on Research and Evaluation established pursuant to paragraph (1) shall submit to the appropriate congressional committees an annual report, in conjunction with the United States Advisory Commission on Public Diplomacy's Comprehensive Annual Report on the performance of the Department and the United States Agency for Global Media, describing all actions taken by the Subcommittee pursuant to paragraph (1) and any findings made as a result of such actions.

SEC. 604. PERMANENT REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended—

- (1) in the section heading, by striking “SUNSET” and inserting “CONTINUATION”; and
- (2) by striking “until October 1, 2020”.

SEC. 605. STREAMLINING OF SUPPORT FUNCTIONS.

(a) WORKING GROUP ESTABLISHED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish a working group to explore the possibilities and cost-benefit analysis of transitioning to a shared services model as such pertains to human resources, travel, purchasing, budgetary planning, and all other executive support functions for all bureaus of the Department that report to the Under Secretary for Public Diplomacy of the Department.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan to implement any such findings of the working group established under subsection (a).

SEC. 606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall adopt, and include in the Foreign Affairs Manual, guidelines to collect and utilize information from each diplomatic post at which the construction of a new embassy compound or new consulate compound would result in the closure or co-location of an American Space, American Center, American Corner, or any other public diplomacy facility under the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).

(b) REQUIREMENTS.—The guidelines required by subsection (a) shall include the following:

- (1) Standardized notification to each chief of mission at a diplomatic post describing the requirements of the Secure Embassy Construction and Counterterrorism Act of 1999 and the impact on the mission footprint of such requirements.
- (2) An assessment and recommendations from each chief of mission of potential impacts to public diplomacy programming at such diplomatic post if any

public diplomacy facility referred to in subsection (a) is closed or staff is co-located in accordance with such Act.

(3) A process by which assessments and recommendations under paragraph (2) are considered by the Secretary and the appropriate Under Secretaries and Assistant Secretaries of the Department.

(4) Notification to the appropriate congressional committees, prior to the initiation of a new embassy compound or new consulate compound design, of the intent to close any such public diplomacy facility or co-locate public diplomacy staff in accordance with such Act.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the guidelines required under subsection (a) and any recommendations for any modifications to such guidelines.

SEC. 607. DEFINITIONS.

In this title:

(1) AUDIENCE RESEARCH.—The term “audience research” means research conducted at the outset of a public diplomacy program or the outset of campaign planning and design regarding specific audience segments to understand the attitudes, interests, knowledge, and behaviors of such audience segments.

(2) DIGITAL ANALYTICS.—The term “digital analytics” means the analysis of qualitative and quantitative data, accumulated in digital format, to indicate the outputs and outcomes of a public diplomacy program or campaign.

(3) IMPACT EVALUATION.—The term “impact evaluation” means an assessment of the changes in the audience targeted by a public diplomacy program or campaign that can be attributed to such program or campaign.

(4) PUBLIC DIPLOMACY BUREAUS AND OFFICES.—The term “public diplomacy bureaus and offices” means, with respect to the Department, the following:

- (A) The Bureau of Educational and Cultural Affairs.
- (B) The Bureau of Global Public Affairs.
- (C) The Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs.
- (D) The Global Engagement Center.
- (E) The public diplomacy functions within the regional and functional bureaus.

TITLE VII—COMBATING PUBLIC CORRUPTION

SEC. 701. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is in the foreign policy interest of the United States to help foreign countries promote good governance and combat public corruption;

(2) multiple Federal departments and agencies operate programs that promote good governance in foreign countries and enhance such countries’ ability to combat public corruption;

(3) the Department should promote coordination among the Federal departments and agencies implementing programs to promote good governance and combat public corruption in foreign countries in order to improve effectiveness and efficiency; and

(4) the Department should identify areas in which United States efforts to help other countries promote good governance and combat public corruption could be enhanced.

SEC. 702. ANNUAL ASSESSMENT.

(a) IN GENERAL.—For each of fiscal years 2020 through 2026, the Secretary shall assess the capacity and commitment of foreign countries to combat public corruption. Each such assessment shall—

(1) utilize independent, third party indicators that measure transparency, accountability, and corruption in the public sector in such countries, including the extent to which public power is exercised for private gain, to identify those countries that are most vulnerable to public corruption;

(2) consider, to the extent reliable information is available, whether the government of a country identified under paragraph (1)—

(A) has adopted measures to prevent public corruption, such as measures to inform and educate the public, including potential victims, about the causes and consequences of public corruption;

(B) has enacted laws and established government structures, policies, and practices that prohibit public corruption;

- (C) enforces such laws through a fair judicial process;
 - (D) vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate public corruption, including nationals of such country who are deployed in foreign military assignments, trade delegations abroad, or other similar missions who engage in or facilitate public corruption;
 - (E) prescribes appropriate punishment for serious, significant corruption that is commensurate with the punishment prescribed for serious crimes;
 - (F) prescribes appropriate punishment for significant corruption that provides a sufficiently stringent deterrent and adequately reflects the nature of the offense;
 - (G) convicts and sentences persons responsible for such acts that take place wholly or partly within the country of such government, including, as appropriate, requiring the incarceration of individuals convicted of such acts;
 - (H) holds private sector representatives accountable for their role in public corruption; and
 - (I) addresses threats for civil society to monitor anti-corruption efforts; and
- (3) further consider—
- (A) verifiable measures taken by the government of a country identified under paragraph (1) to prohibit government officials from participating in, facilitating, or condoning public corruption, including the investigation, prosecution, and conviction of such officials;
 - (B) the extent to which such government provides access, or, as appropriate, makes adequate resources available, to civil society organizations and other institutions to combat public corruption, including reporting, investigating, and monitoring;
 - (C) the extent to which an independent judiciary or judicial body in such country is responsible for, and effectively capable of, deciding public corruption cases impartially, on the basis of facts and in accordance with law, without any improper restrictions, influences, inducements, pressures, threats, or interferences, whether direct or indirect, from any source or for any reason;
 - (D) the extent to which such government cooperates meaningfully with the United States to strengthen government and judicial institutions and the rule of law to prevent, prohibit, and punish public corruption;
 - (E) the extent to which such government—
 - (i) is assisting in international investigations of transnational public corruption networks and in other cooperative efforts to combat serious, significant corruption, including cooperating with the governments of other countries to extradite corrupt actors;
 - (ii) recognizes the rights of victims of public corruption, ensures their access to justice, and takes steps to prevent such victims from being further victimized or persecuted by corrupt actors, government officials, or others; and
 - (iii) refrains from prosecuting legitimate victims of public corruption or whistleblowers due to such persons having assisted in exposing public corruption, and refrains from other discriminatory treatment of such persons; and
 - (F) contain such other information relating to public corruption as the Secretary considers appropriate.
- (b) IDENTIFICATION.—After conducting each assessment under subsection (a), the Secretary shall identify the countries described in paragraph (1) of such subsection that are—
- (1) meeting minimum standards to combat public corruption;
 - (2) not meeting such minimum standards but making significant efforts to do so; and
 - (3) neither meeting such minimum standards nor making significant efforts to do so.
- (c) REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter through Fiscal Year 2026, the Secretary shall submit to the appropriate congressional committees and make publicly available a report that identifies the countries described in subsection (a)(1) and paragraphs (2) and (3) of subsection (b), including a description of the methodology and data utilized in the assessments under subsection (a) and the reasons for such identifications.
- (d) BRIEFING IN LIEU OF REPORT.—The Secretary may waive the requirement to submit and make publicly available a written report under subsection (c) if the Secretary—

(1) determines that publication of such report would—

(A) undermine existing United States anti-corruption efforts in one or more countries; or

(B) threaten the national interests of the United States; and

(2) provides a briefing to the appropriate congressional committees that identifies the countries described in subsection (a)(1) and paragraphs (2) and (3) of subsection (b), including a description of the methodology and data utilized in the assessment under subsection (a) and the reasons for such identifications.

SEC. 703. TRANSPARENCY AND ACCOUNTABILITY.

For each country identified under paragraphs (2) and (3) of section 702(b), the Secretary, in coordination with the Administrator of the United States Agency for International Development, as appropriate, shall—

(1) ensure that a corruption risk assessment and mitigation strategy is included in the integrated country strategy for such country; and

(2) utilize appropriate mechanisms to combat corruption in such countries, including by ensuring—

(A) the inclusion of anti-corruption clauses in contracts, grants, and cooperative agreements entered into by the Department or the Agency for or in such countries, which allow for the termination of such contracts, grants, or cooperative agreements, as the case may be, without penalty if credible indicators of public corruption are discovered;

(B) the inclusion of appropriate clawback or flowdown clauses within the procurement instruments of the Department and the Agency that provide for the recovery of funds misappropriated through corruption;

(C) the appropriate disclosure to the U.S. Government, in confidential form, if necessary, of the beneficial ownership of contractors, subcontractors, grantees, cooperative agreement participants, and other organizations implementing programs on behalf of the Department or Agency; and

(D) the establishment of mechanisms for investigating allegations of misappropriated resources and equipment.

SEC. 704. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.

(a) **IN GENERAL.**—The Secretary shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified under paragraphs (2) and (3) of section 702(b), or which the Secretary otherwise determines is in need of such a point of contact.

(b) **RESPONSIBILITIES.**—Each designated anti-corruption point of contact under subsection (a) shall be responsible for coordinating and overseeing implementation of a whole-of-government approach among the relevant Federal departments and agencies that operate programs that promote good governance in foreign countries and enhance such countries' ability to combat public corruption in order to accomplish such objectives in the country to which such point of contact is posted, including through the development and implementation of corruption risk assessment tools and mitigation strategies.

(c) **TRAINING.**—The Secretary shall implement appropriate training for designated anti-corruption points of contact under subsection (a).

SEC. 705. REPORTING REQUIREMENTS.

(a) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—The Secretary shall, for each of fiscal years 2020 through 2026, submit to the appropriate congressional committees a report on implementation of this title, including a description of the following:

(A) The offices within the Department and the United States Agency for International Development that are engaging in significant anti-corruption activities.

(B) The findings and actions of designated anti-corruption points of contact to develop and implement risk mitigation strategies and ensure compliance with section 703.

(C) The training implemented under section 704(c).

(D) Management of the whole-of-government effort referred to in section 704(b) to combat corruption within the countries identified in section 702 and efforts to improve coordination across Federal departments and agencies.

(E) The risk assessment tools and mitigation strategies utilized by the Department and the Agency.

(F) Other information determined by the Secretary to be necessary and appropriate.

(2) **FORM OF REPORT.**—Each report under this subsection shall be submitted in an unclassified format but may include a classified annex.

(b) **ONLINE PLATFORM.**—The Secretary shall consolidate existing reports with anti-corruption components into one online, public platform, which should—

(1) include—

- (A) the annual Country Reports on Human Rights Practices;
 - (B) the annual Fiscal Transparency Report;
 - (C) the annual Investment Climate Statements;
 - (D) the annual International Narcotics Control Strategy Report;
 - (E) the Country Scorecards of the Millennium Challenge Corporation; and
 - (F) any other relevant public reports; and
- (2) link to third-party indicators and compliance mechanisms used by the U.S. Government to inform policy and programming, such as—

- (A) the International Finance Corporation’s Doing Business surveys;
- (B) the International Budget Partnership’s Open Budget Index; and
- (C) multilateral peer review anti-corruption compliance mechanisms, such as the Organization for Economic Co-operation and Development’s Working Group on Bribery in International Business Transactions and the United Nations Convention Against Corruption, done at New York October 31, 2003, to further highlight expert international views on country challenges and country efforts.

(c) **TRAINING.**—The Secretary and the Administrator of the United States Agency for International Development shall incorporate anti-corruption components into existing Foreign Service and Civil Service training courses to—

- (1) increase the ability of Department and Agency personnel to support anti-corruption as a foreign policy priority; and
- (2) strengthen the ability of such personnel to design, implement, and evaluate more effective anti-corruption programming around the world, including enhancing skills to better evaluate and mitigate public corruption risks in assistance programs.

SEC. 706. FOREIGN INVESTMENTS AND NATIONAL SECURITY.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act and biennially thereafter for the following 6 years, the Secretary, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the heads of other agencies, as appropriate, shall submit to Congress an interagency strategy to work with foreign governments and multilateral institutions to guard against the risks of certain transactions involving foreign investments.

(b) **CONTENTS.**—Each interagency strategy under paragraph (1) shall include plans relating to the following:

- (1) Information sharing with foreign governments and multilateral institutions regarding risks associated with potential foreign investments.
- (2) Promoting American and other alternatives to foreign investments identified as presenting substantial risk to the national security or sovereignty of a country.
- (3) Providing technical assistance to foreign governments or multilateral institutions regarding screening foreign investments.
- (4) Designating points of contact at each United States mission to foreign governments and multilateral institutions, and in associated regional bureaus, to coordinate efforts described in this paragraph.

(c) **COORDINATION.**—If the Secretary determines such is appropriate, the designated points of contact referred to in subsection (b)(4) may be the same individual designated under section 704(a).

TITLE VIII—MATTERS RELATING TO INTERNATIONAL SECURITY

SEC. 801. SHORT TITLE.

This title may be cited as the “International Security Assistance Act of 2019”.

SEC. 802. SECURITY ASSISTANCE DEFINED.

In this title, the term “security assistance” means—

- (1) assistance under chapter 8 (relating to international narcotics control) of part I of the Foreign Assistance Act of 1961;
- (2) assistance under chapter 2 (military assistance), chapter 5 (international military education and training), chapter 6 (peacekeeping operations), chapter 8 (antiterrorism assistance), and chapter 9 (nonproliferation and export control assistance) of part II of the Foreign Assistance Act of 1961;
- (3) assistance under section 23 of the Arms Export Control Act (relating to the Foreign Military Financing program); and

(4) sales of defense articles or defense services, extensions of credits (including participations in credits), and guaranties of loans under the Arms Export Control Act.

Subtitle A—Reform Relating to Security Assistance

SEC. 811. ORGANIZATIONAL REFORM.

- (a) **WORKING GROUP.**—
- (1) **ESTABLISHMENT.**—The Secretary shall establish a Working Group on matters relating to security assistance (in this subtitle referred to as the “Working Group”).
- (2) **MEMBERSHIP.**—
- (A) **IN GENERAL.**—The Working Group shall be composed of—
- (i) the Deputy Secretary of State; and
 - (ii) each Under Secretary of State responsible for matters relating to security assistance.
- (B) **CHAIR.**—The Deputy Secretary shall serve as the chair of the Working Group.
- (3) **MEETINGS.**—The Working Group shall meet not later than 90 days after the date of the enactment of this Act and on a quarterly basis thereafter.
- (4) **DUTIES.**—The duties of the Working Group shall include—
- (A) within the Department and across United States diplomatic posts—
- (i) providing strategic policy guidance on objectives and priorities for security assistance;
 - (ii) ensuring strategic integration of budgets and planning for security assistance; and
 - (iii) advising the Secretary on all budgets, programs, and activities for security assistance; and
- (B) overseeing Department of State coordination with the Secretary of Defense, the Administrator of the United States Agency for International Development (USAID), and the heads of other relevant Federal departments and agencies on all matters relating to security assistance.
- (b) **OFFICE OF SECURITY ASSISTANCE.**—
- (1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall designate an existing office or establish a new office to be the Office of Security Assistance (in this subtitle referred to as the “Office”), which shall report to an Under Secretary who is a member of the Working Group.
- (2) **COORDINATOR.**—The head of the Office shall be the Coordinator for Security Assistance (in this subtitle referred to as the “Coordinator”), who shall be an individual of demonstrated competency in the fields of security assistance and international diplomacy.
- (3) **DUTIES.**—The duties of the Coordinator shall include—
- (A) within the Department and across United States diplomatic posts—
- (i) guiding and supporting security assistance;
 - (ii) advising the Working Group on all matters relating to security assistance;
 - (iii) establishing the framework described in section 813(a);
 - (iv) coordinating the assessment, monitoring, and evaluation program established under section 813(c); and
 - (v) maintaining the common data base described in section 814(a);
- and
- (B) acting as a Department of State point of contact with the Department of Defense, the United States Agency for International Development (USAID), and other relevant Federal departments and agencies on all matters relating to security assistance.
- (c) **COORDINATION WITHIN DEPARTMENT.**—
- (1) **DESIGNATION.**—Not later than 1 year after the date of the enactment of this Act, and subject to paragraph (2), the head of each bureau of the Department that is involved in directing or implementing security assistance shall designate an officer of such bureau to be responsible for coordinating the responsibilities of such bureau with respect to security assistance.
- (2) **NON-ELIGIBILITY.**—An officer of a bureau of the Department shall not be eligible to be designated pursuant to paragraph (1) if the officer is responsible for conducting human rights vetting pursuant to 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

(3) TRAINING.—Each individual designated pursuant to paragraph (1) shall successfully complete the training described in section 812.

(d) COORDINATION WITHIN UNITED STATES DIPLOMATIC POSTS.—

(1) DESIGNATION.—Not later than 1 year after the date of the enactment of this Act, the chief of mission of the United States in a foreign country that receives security assistance shall designate a senior diplomatic officer at the embassy or highest ranking diplomatic post if no embassy exists in the foreign country to be responsible for coordinating security assistance for the foreign country.

(2) DUTIES.—The senior diplomatic officer designated pursuant to paragraph (1) shall be responsible for—

(A) overseeing personnel and activities of Federal departments and agencies at the relevant embassy or diplomatic post with respect to the provision of security assistance for the country; and

(B) ensuring implementation of section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) and section 362 of title 10, United States Code, with respect to the country.

(3) TRAINING.—Each individual designated pursuant to paragraph (1) shall successfully complete the training described in section 812

(e) PLAN FOR ORGANIZATIONAL STRUCTURE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a plan for the organizational structure of the Department relating to security assistance programs.

(2) MATTERS TO BE INCLUDED.—The plan required under paragraph (1) shall include the following:

(A) An identification of each bureau and office of the Department that carries out functions relating to planning, coordination, integration, implementation, or evaluation of security assistance, a description of the organizational hierarchy and decisionmaking processes used to coordinate across such bureaus and offices and with United States diplomatic posts and other Federal departments and agencies, and a description of how the Working Group and the Coordinator will facilitate coordination among each such bureau and office.

(B) A description of—

(i) the reasons for—

(I) designating an existing office or establishing a new office to serve as the Office; and

(II) selecting the Under Secretary to which the Office will report;

(ii) the organizational structure of the Office;

(iii) the specific mechanisms through which the Working Group and Coordinator could improve coordination among bureaus and offices of the Department involved in the planning or implementation of security assistance programs and activities; and

(iv) the process by which the requirement for training described in section 812 will be fulfilled.

(C) The benefits, feasibility, and steps necessary to detail personnel—

(i) on a reimbursable basis from the relevant bureaus and offices of the Department to provide staff to the Office; and

(ii) from USAID, the Department of Defense, and other relevant Federal departments and agencies to provide staff to the Office.

(D) An identification of lessons learned from the Security Governance Initiative (SGI), an assessment of the utility of expanding the SGI or a similar initiative globally, and a description of where best to locate the SGI or similar initiative within the Department.

(E) An identification of an appropriate bureau or office of the Department, whose head does not report to the Under Secretary described in subsection (b)(1), to select and retain the independent research entity described in section 813(c)(4).

(F) A list of recommendations for any additional legislative measures necessary to improve the capacity and capabilities of the Department to plan and implement security assistance programs and activities.

(3) FORM.—The plan required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex if necessary.

(4) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the

Senate regarding the development and implementation of the plan required under paragraph (1).

SEC. 812. WORKFORCE DEVELOPMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall carry out the following:—

(1) Establish curriculum at the Department's Foreign Service Institute to provide employees of the Department of State with specialized training with respect to security assistance. The training should be aligned with the Security Cooperation Workforce Development Program and developed in coordination with the Defense Security Cooperation Agency, including through an agreement under section 1535(a) of title 31, United States Code (commonly referred to as the "Economy Act") or any other appropriate agency-specific authority. The training shall include the following:

(A) Awareness of the full range of agencies, offices, personnel, statutory authorities, funds, and programs involved in security assistance and transfers and the respective decisionmaking timelines.

(B) Familiarity with relevant military and police security force systems and structures and institutions at the time such training is occurring.

(C) Familiarity with security assistance reform, research regarding options for improvement, and United States interagency and external resources and experts.

(D) Familiarity with planning, implementation, and monitoring and evaluation for programmatic activities.

(E) Familiarity with implementation of—

(i) section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) and section 362 of title 10, United States Code;

(ii) arms transfer requirements under the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

(iii) best practices related to human rights and civilian protection.

(F) Awareness of common risks to effectiveness of security assistance, including corruption, political instability, and challenges relating to absorptive capacity, partner commitment, and transparency.

(2) Coordinate with the Secretary of Defense, to the extent feasible, to ensure that, in addition to the training described paragraph (1), individuals who serve in priority recipient countries or countries that do not meet baseline norms of governance, as determined by the Under Secretary for purposes of subsections (d)(1) and (d)(4) of section 813, obtain higher-level certification through the Defense Security Cooperation Agency's Defense Institute of Security Cooperation Studies or through a commensurate program developed at the Department's Foreign Service Institute prior to serving at the United States diplomatic post in such country.

SEC. 813. SECURITY ASSISTANCE PLANNING.

(a) **FRAMEWORK AND STANDARDS FOR SECURITY ASSISTANCE.**—Not later than 18 months after the date of the enactment of this Act, the Coordinator shall create and submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a framework to be used by relevant bureaus and diplomatic posts to guide regional and country-specific planning, such as joint regional strategies or integrated country strategies, with respect to security assistance. Such framework shall include the following:

(1) Identification and prioritization of overall goals and objectives for security assistance, in accordance with the relevant National Security Strategy.

(2) Criteria for—

(A) determining the commitment and political will of countries receiving assistance to use such assistance in a manner that achieves United States objectives;

(B) identifying opportunities and risks created by the provision of security assistance; and

(C) tailoring and sequencing such assistance accordingly.

(3) Guidance for—

(A) incorporating the assessment, monitoring, and evaluation program described in subsection (c) into the strategic planning cycle;

(B) increasing coordination, as appropriate, with other major international donors to maximize resources and unity of efforts;

(C) aligning the security assistance programs, projects, and activities of the Department with other United States goals of engagement with foreign countries, such as the promotion of democracy, human rights, governance, and economic growth, as well as with other United States assistance authorities, resources, programmatic capabilities, and activities; and

- (D) assessing the impact on Department security assistance objectives, programs, and activities of United States military activities in the country or region covered by country or regional strategy, including the number of United States forces deployed, the duration of deployment, the purpose for which they were deployed, and the authority under which they are operating.
- (4) Metrics for assessing the effectiveness of security assistance in—
- (A) increasing the operational access and influence of the United States;
 - (B) improving partner capacity and commitment to countering shared threats and increased burden sharing, including in ways that enable re-allocation of United States military deployments to other high priority missions;
 - (C) reducing the underlying drivers of State fragility; and
 - (D) contributing to the maintenance of existing peace treaties between recipients of assistance.
- (5) A process to ensure that transfers regulated by the Department that are outside the scope of security assistance, such as certain commercial sales, are factored into—
- (A) the implementation of the assessment, monitoring, and evaluation program described in subsection (c); and
 - (B) the planning process described in subsection (d).
- (b) DEFINITIONS PROMULGATED BY THE WORKING GROUP.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall—
- (1) in consultation with the Coordinator and bureaus and offices of the Department that are involved in the planning, coordination, integration, implementation, or evaluation of security assistance, develop and promulgate a definition of the level of security assistance programs, projects, or activities that mark a country as a recipient of “significant” security assistance to merit inclusion in the assessment, monitoring, and evaluation process described in subsection (c); and
 - (2) in consultation with the Coordinator, the Bureau of Democracy, Human Rights, and Labor, and the heads of other relevant bureaus of the Department, develop and promulgate a definition of baseline norms for governance and the rule of law, including a rubric to assess whether a recipient of security assistance is abiding by such baseline.
- (c) ASSESSMENT, MONITORING, AND EVALUATION.—
- (1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Coordinator shall develop an assessment, monitoring, and evaluation program to be conducted for any country receiving significant security assistance, as defined in accordance with subsection (b)(1).
 - (2) ELEMENTS.—The program described in paragraph (1) shall include each of the following elements:
 - (A) Baseline assessments that consider factors, including—
 - (i) recipient country threat perceptions and the manner in which such perceptions may inform the use of security assistance;
 - (ii) the recipient’s approach to governance and commitment to rule of law, including the transparency and accountability of security forces, and the manner in which such approach is likely to be influenced by security assistance;
 - (iii) the recipient’s capacity to absorb the security assistance given and to achieve the objectives of such assistance;
 - (iv) the human rights record of the recipient, including for purposes of section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) and section 362 of title 10, United States Code, and any relevant attempts by such recipient to remedy such record;
 - (v) country-or region-specific opportunities and risks that could enhance or impair the outcomes associated with providing security assistance; and
 - (vi) indicators of efficacy for security assistance programs, projects, and activities, for purposes of planning, monitoring, and evaluation.
 - (B) Monitoring implementation of security assistance programs, projects, and activities to measure progress toward achieving specific targets, metrics, or indicators, as well as desired outcomes.
 - (C) Evaluation of the efficiency and effectiveness of security assistance in achieving desired outcomes.
 - (D) Identification of lessons learned in carrying out security assistance and recommendations for improving future assistance.
 - (3) OVERSIGHT AND FRAMEWORK.—The Coordinator shall guide and support, in coordination with relevant regional and functional bureaus, the assessment

and monitoring described in paragraph (1) and shall create a common evaluation framework.

(4) INDEPENDENT RESEARCH ENTITY.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall enter into a contract with an independent research entity, such as a federally funded research and development center or other non-profit entity, that demonstrates appropriate expertise and analytical capability to evaluate the capacity of security assistance to achieve desired outcomes in accordance with the framework created pursuant to paragraph (3).

(5) SENSE OF CONGRESS.—It is the sense of Congress that the ability of the Department to measure and assess the effects of United States security assistance programs and activities on governance, rule of law, professionalism of recipient security forces, and institutional capacity weaknesses of recipient security forces would benefit from the increased availability of independent research and data.

(d) SECURITY ASSISTANCE PLANNING.—

(1) PRIORITIZATION.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Working Group shall develop a list of priority recipient countries to receive security assistance, on the basis of policy objectives determined by the Department, and submit such information in accordance with subsection (f).

(2) INCLUSION IN REGIONAL AND COUNTRY STRATEGIES.—Any comprehensive regional strategy, such as a joint regional strategy or its equivalent, and any country strategy, such as an integrated country strategy or its equivalent, that is produced on or after the date that is 2 years after the date of the enactment of this Act, and each successor strategy to such strategy, shall integrate security assistance planning in a manner that incorporates the elements of the framework created pursuant to subsection (a) and include an annex relating to security assistance, which shall include—

(A) the assessment, monitoring, and evaluation metrics described in subsection (c);

(B) requests to allocate security assistance with respect to the area covered by the strategy; and

(C) a description of the manner in which such resources will be used.

(3) COORDINATION OF RESOURCES.—In developing annexes relating to security assistance for inclusion in comprehensive regional strategies or country strategies in accordance with paragraph (2), the relevant bureau, office, or diplomatic post shall coordinate with—

(A) the Office;

(B) the Office of Foreign Assistance Resources, or an equivalent entity in the Department, regarding the allocation of resources in line with priorities of the Department of State for security assistance; and

(C) the Department of Defense and other Federal departments and agencies that provide security assistance, security cooperation, or other forms of foreign assistance.

(4) SECURITY ASSISTANCE, GOVERNANCE, AND RULE OF LAW.—Not later than 2 years after the date of the enactment of this Act, any annex relating to security assistance described in paragraph (2) that is included in a country strategy shall include an assessment by the Under Secretary responsible for civilian security, democracy, and human rights whether such country abides by baseline norms for governance and the rule of law using the rubric promulgated in accordance with subsection (b)(2). A security assistance annex developed in accordance with paragraph (2) for a country receiving a negative determination shall also include the following:

(A) Reforms the recipient could undertake, where practicable, to improve governance and rule of law in order to create more effective security.

(B) Conditions, which may also be included in the compacts described in subsection (e), under which the United States might—

(i) expand or increase security assistance upon verifiable progress made toward such reforms; and

(ii) restrict or end security assistance as a result of lack of progress toward such reforms or further deterioration of norms for governance or the rule of law.

(C) An assessment of the benefits and likelihood of reaching agreement with the recipient country to devote 1 percent of the total value of all security assistance to such country for training in-country civilian professionals on methods to evaluate the fiscal and functional effectiveness of the security institutions in such country.

(D) The manner in which security assistance will be used to improve governance, rule of law, and human rights reforms in such country.

(E) Steps to ensure consultation with the national legislature and with civil society groups that operate in such country on the provision of security assistance, including for the formulation of a compact in accordance with subsection (e)(2).

(e) SECURITY ASSISTANCE COMPACTS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall seek to enter into multi-year compacts where appropriate with the governments of countries that receive security assistance. Such compacts should include the following elements:

(A) A joint diagnosis of the strengths and challenges of the recipient country's security institutions, including priority capacity and capability requirements.

(B) A plan for bilateral security assistance and cooperation that includes—

(i) a commitment by the recipient specifying the manner in which security assistance will be used, within a defined timeframe;

(ii) plans for sustainment by the recipient of any capacity or capabilities built as a result of such assistance; and

(iii) mutually agreed oversight mechanisms for security assistance and metrics, to determine whether such assistance is accomplishing the agreed-upon objectives.

(2) SPECIAL PROVISIONS.—If the Under Secretary described in subsection (d)(3) assesses that a country is not abiding by baseline norms for governance or the rule of law, a compact under this subsection with such country should, where practicable, be formulated in consultation with the national legislature and domestic civil society groups and include mutually agreed upon reforms and conditions based on those established as a result of such determination in accordance with subsection (d)(4).

(f) REPORTING REQUIREMENTS.—Beginning 3 years after the date of the enactment of this Act and annually thereafter, the Secretary shall include with any materials submitted in support of the budget for that Fiscal Year that is submitted to Congress by the President under section 1105(a) of title 31 an unclassified report, that may include a classified annex, with the following:

(1) A list of priority security assistance recipients, along with descriptions of the policy objectives that the Secretary seeks to achieve by providing such assistance to such recipients, developed pursuant to subsection (d)(1).

(2) A description of the results of the evaluations conducted pursuant to subsection (c)(4).

(3) A description of the manner in which the Department will allocate, monitor, and evaluate all security assistance pursuant to the program described in subsection (c) and the planning process described in subsection (d).

(4) A description of any updates made during the previous year to the framework described in subsection (d)(1) and annex relating to security assistance required under subsection (d)(2).

(5) The status and impact on United States objectives of any compacts entered into in accordance with subsection (e) and of any ongoing efforts to enter into new compacts in accordance with such subsection.

SEC. 814. INTERAGENCY COORDINATION OF SECURITY ASSISTANCE, TRANSFERS, AND SECURITY COOPERATION.

(a) CREATION OF A COMMON DATA BASE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of Defense and other appropriate Federal departments and agencies, shall maintain a common data base of information to permit the identification of security assistance programs, funding, and transfers by recipient country.

(b) COORDINATION WITH THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of Defense, shall submit a report to the appropriate congressional committees that assesses existing mechanisms, including provisions under title 10, United States Code, that require the concurrence of the Secretary of State, and other applicable provisions of law that provide for coordination between security assistance programs, projects, and activities of the Department of State and security cooperation programs, projects, and activities of the Department of Defense that includes the following:

(A) An identification of existing coordination mechanisms for planning, executing, and overseeing security assistance and security cooperation pro-

grams, projects, and activities, the purpose of such mechanisms, and their efficacy in practice.

(B) An identification of additional measures that would improve the speed, simplicity, or agility of each identified mechanism, with a focus on mechanisms requiring the concurrence of the Secretary.

(C) An identification of any programs, authorities, or resources that do not require coordination under existing law.

(D) An identification of the specific mechanisms to improve coordination between Department of State bureaus and offices involved in planning, executing, or overseeing security assistance programs and activities and the United States combatant command or commands relevant to such bureaus and offices.

(E) An assessment of the advisability and feasibility of expanding existing mechanisms or establishing new mechanisms to detail employees from Department of State bureaus and offices involved in planning, executing, or overseeing security assistance programs and activities to United States combatant commands and from the Department of Defense to such Department of State bureaus and offices for the purpose of improving coordination on security assistance planning and implementation.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State and the Secretary of Defense should jointly establish a pilot program to evaluate the advisability and feasibility of a joint entity to conduct collaborative planning of security assistance and security cooperation. The pilot program should—

(1) establish one or more joint planning cells to conduct collaborative planning between the Department of State and the Department of Defense for security assistance and security cooperation programs, projects, and activities in a specific region or regions;

(2) assign personnel from relevant offices and agencies within each Department to staff the joint planning cell or cells; and

(3) assess the advantages and disadvantages of collaborative interagency planning of security assistance, and determine whether there are organizational, legal, policy, or resource barriers to broader adoption of such a model.

SEC. 815. RULE OF CONSTRUCTION.

Nothing in this subtitle shall affect the implementation of subsection (h) of section 36 of the Arms Export Control Act (22 U.S.C. 2776).

Subtitle B—Foreign Military Assistance

SEC. 821. STRATEGIC ALLOCATION OF EXCESS DEFENSE ARTICLES.

(a) IN GENERAL.—Section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), is amended—

(1) in subsection (b)—

(A) by striking “(1) The President” and inserting “The President”;

(B) by redesignating subparagraphs (A) through (F) as paragraphs (1) through (6), respectively, and moving the margins of each such paragraph two ems to the left;

(C) in paragraph (2), as redesignated, by inserting “except as provided in subsection (c)(3),” before “funds available”; and

(D) by striking “(2) Accordingly,” and all that follows through “1990.” ;

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

“(2) PRIORITY.—Notwithstanding any other provision of law, excess defense articles under this section shall be transferred in accordance with United States foreign policy, including national security priorities as jointly determined by the Secretary of State, in consultation with the Secretary of Defense, to the maximum extent feasible.”; and

(B) by adding at the end the following:

“(3) SUPPORTING COSTS.—Funds available to the Department of State for security assistance may be expended for the refurbishment or upgrade of excess defense articles transferred under the authority of this section and for training of

foreign security forces directly in relation to excess defense articles transferred under the authority of this section, if—

- “(A) such assistance is necessary to advance the national security objectives of the United States in relation to the recipient country or countries; and
- “(B) such costs do not exceed \$10 million in relation to a single transfer of excess defense articles under this section.”;
- (3) in subsection (f)(1), by striking “\$7,000,000” and inserting “\$25,000,000”; and
- (4) in subsection (g)(1), by striking “\$500,000,000” and inserting “\$600,000,000”.

SEC. 822. MODIFICATION OF PURPOSES FOR WHICH MILITARY SALES BY THE UNITED STATES ARE AUTHORIZED.

Section 4 of the Arms Export Control Act (22 U.S.C. 2754) is amended in the first sentence by striking “internal security” and inserting “legitimate internal security (including for anti-terrorism purposes)”.

SEC. 823. RETURN OF DEFENSE ARTICLES.

Section 21(m)(1)(B) of the Arms Export Control Act (22 U.S.C. 2761(m)(1)(B)) is amended—

- (1) by striking “(B) is not” and inserting “(B)(i) is not”;
- (2) by striking “; and” and inserting “; or”; and
- (3) by adding at the end the following:
 - “(ii) is significant military equipment (as defined in section 47(9) of this Act) and the Secretary of State has provided prior approval of the return of such defense article from the foreign country or international organization; and”.

SEC. 824. REQUIREMENTS RELATING TO EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS.

Section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)) is amended—

- (1) in the subsection heading—
 - (A) by striking “COUNTRY”; and
 - (B) by striking “TO FOREIGN COUNTRIES”;
- (2) in paragraph (1)(A)—
 - (A) in the matter preceding clause (i)—
 - (i) by striking “a foreign country” and inserting “the North Atlantic Treaty Organization, any member country of that Organization, the Republic of Korea, Australia, New Zealand, Japan, or Israel”;
 - (ii) by inserting “(except that the President may not so exempt such Organization, member country, or other country that is not eligible to acquire defense items under any other provision of law)” after “with respect to exports of defense items”; and
 - (iii) by striking “the foreign country” and inserting “such Organization, member country, or other country”; and
 - (B) in clause (ii)—
 - (i) by striking “the foreign country” and inserting “such Organization, member country, or other country”; and
 - (ii) by striking “under their domestic laws”;
- (3) in paragraph (2)—
 - (A) in subparagraph (A)—
 - (i) in the matter preceding clause (i)—
 - (I) by striking “, at a minimum,”;
 - (II) by striking “the foreign country” and inserting “the Organization, member country, or other country referred to in paragraph (1)”;
 - (III) by striking “to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations to establish” and inserting “to establish and maintain”;
 - (ii) in clause (i), by striking “the foreign country” and inserting “such Organization, member country, or other country”; and
 - (iii) in clause (ii), by striking “retransfer control commitments, including securing” and inserting “retransfer controls that secure”;
 - (B) in subparagraph (B)—
 - (i) in the matter preceding clause (i)—
 - (I) by striking “, at a minimum,”;
 - (II) by striking “the foreign country” and inserting “the Organization, member country, or other country referred to in paragraph (1)”;

- (III) by striking “to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations”; and
- (ii) in clause (iv), by striking “the foreign country” and inserting “the member country or other country”; and
- (4) in paragraph (3)—
 - (A) in the matter preceding subparagraph (A), by striking “a foreign country” and inserting “the Organization, member country, or other country referred to in paragraph (1)”;
 - (B) in subparagraph (A), by striking “that foreign country” and inserting “such Organization, member country, or other country”;
 - (C) in subparagraph (B)—
 - (i) by striking “the foreign country” and inserting “such Organization, member country, or other country”; and
 - (ii) by striking “has promulgated or enacted all necessary modifications to its laws and regulations to comply” and inserting “has taken such actions to comply”; and
 - (D) in subparagraph (C)—
 - (i) by striking “a foreign country” and inserting “such Organization, member country, or other country”; and
 - (ii) by striking “that country” and inserting “such Organization, member country, or other country”.

SEC. 825. AMENDMENT TO GENERAL PROVISIONS.

Section 42(a) of the Arms Export Control Act (22 U.S.C. 2791(a)) is amended in the first sentence by inserting “on a competitive basis” after “procurement in the United States”.

SEC. 826. TECHNICAL AMENDMENTS TO ARMS EXPORT CONTROL ACT.

Section 36(b)(6) of the Arms Export Control Act (22 U.S.C. 2776(b)(6)) is amended by inserting “the North Atlantic Treaty Organization or” before “a member country”.

SEC. 827. SENSE OF CONGRESS ON LICENSING UNDER UNITED STATES ARMS EXPORT CONTROL PROGRAMS.

It is the sense of Congress that, in implementing reforms of United States arms export licensing regimes, the President should prioritize the development of a new framework to improve and streamline licensing, including by seeking to revise the Special Comprehensive Export Authorizations for exports to the North Atlantic Treaty Organization, any member country of that Organization, Sweden, or any other country described in section 36(c)(2)(A) of the Arms Export Control Act (22 U.S.C. 2776(c)(2)(A)) under section 126.14 of title 15, Code of Federal Regulations (relating to the International Traffic in Arms Regulations).

SEC. 828. EXTENSION OF WAR RESERVE STOCKPILE AUTHORITY.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking “2020” and inserting “2021”.

(b) STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “and 2020” and inserting “2020, and 2021”.

SEC. 829. PEACEKEEPING OPERATIONS AND OTHER NATIONAL SECURITY PROGRAMS.

(a) AUTHORITY.—

(1) IN GENERAL.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended—

(A) in the first sentence, by striking “The President” and inserting “(a) The President”; and

(B) by adding at the end the following:

“(b) Funds authorized to be appropriated under this chapter may also be used to provide assistance to enhance the capacity of foreign civilian security forces (as such term is defined in section 841(c) of the International Security Assistance Act of 2019) to participate in peacekeeping and counterterrorism operations, and to promote greater participation of women in such peacekeeping operations.

“(c) Funds authorized to be appropriated under this chapter to provide assistance to friendly foreign countries for purposes other than support for multilateral peacekeeping operations shall be subject to the certification requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776).”.

(2) DISARMAMENT AND REINTEGRATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, funds authorized to be appropriated under any provision of law for peacekeeping operations may be made available to support programs to disarm, demobilize,

and reintegrate into civilian society former members of foreign terrorist organizations, and to promote greater participation of women in such programs.

(B) CONSULTATION.—The Secretary shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate prior to obligating funds described in subparagraph (A).

(C) DEFINITION.—In this paragraph, the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(b) NOTIFICATION.—The Secretary shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate at least 15 days prior to obligating funds under any provision of law for peacekeeping operations.

(c) CONFORMING AMENDMENT.—The heading for chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following: “AND OTHER NATIONAL SECURITY PROGRAMS”.

SEC. 830. OTHER AMENDMENTS TO MILITARY ASSISTANCE AUTHORITIES.

The Foreign Assistance Act of 1961 is amended as follows:

(1) In section 516 (22 U.S.C. 2321j)——

(A) in subsection (a), by striking “countries” and inserting “countries, regional organizations, and international organizations”;

(B) in subsection (b)(5), as redesignated by section 821(a)(1)(B), by striking “countries” and inserting “countries, regional organizations, and international organizations”;

(C) in subsection (c)(1), by striking “recipient country” and inserting “recipient country or organization”;

(D) in subsection (f)(2)——

(i) in subparagraph (A), by striking “country” each place it appears and inserting “country or organization”; and

(ii) in subparagraph (C), by striking “countries” and inserting “countries or organizations”; and

(E) in subsection (h), by striking “country” and inserting “country and organization”.

(2) In section 620M (22 U.S.C. 2378d)——

(A) in subsection (d)(7), by striking “to the maximum extent practicable” and inserting “unless such disclosure would endanger the safety of human sources or reveal sensitive intelligence sources and methods”; and

(B) by adding at the end the following:

“(e) REPORT.—

“(1) IN GENERAL.—Not later than January 31 of each year, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report on the vetting process of units of security forces of foreign countries established to comply with this section.

“(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

“(A) The total number of units submitted for vetting during the prior calendar year, and the number of such units that were approved, suspended, or rejected for human rights reasons.

“(B) The name of such units rejected during the prior calendar year and a description of the steps taken to assist the government of the foreign country in bringing the responsible members of such units to justice, in accordance with subsection (c).

“(C) An updated list of the units with respect to which no assistance is to be furnished pursuant to subsection (a).”.

(3) In section 622(c) (22 U.S.C. 2382(c)), by inserting “law enforcement and justice sector assistance,” before “military assistance.”.

(4) In section 656(a)(1) (22 U.S.C. 2416(a)(1)), by striking “January 31” and inserting “March 1”.

SEC. 831. REPEAL OF REPORTS.

(a) REPEAL OF ANNUAL REPORT ON WORLD MILITARY EXPENDITURES AND ARMS TRANSFERS.—Section 404 of the Arms Control and Disarmament Act (22 U.S.C. 2593b) is hereby repealed.

(b) REPEAL OF ANNUAL REPORT RELATING TO THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE.—Section 5 of Public Law 94–304 (22 U.S.C. 3005) is hereby repealed.

(c) REPEAL OF REPORT ON ASSISTANCE RELATING TO INTERNATIONAL TERRORISM.—Section 502 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-7) is amended—

- (1) by striking subsection (b); and
- (2) by redesignating subsection (c) as subsection (b).

SEC. 832. DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

- (1) in the first sentence—
 - (A) by inserting “defense trade controls” after “100 percent of the”; and
 - (B) by striking “the Office of Defense Trade Controls of”; and
- (2) in the second sentence—
 - (A) in the matter preceding paragraph (1), by inserting “management, licensing, compliance, and policy activities in the defense trade controls function, including” after “incurred for”;
 - (B) in paragraph (1), by striking “contract personnel to assist in”;
 - (C) in paragraph (2), by striking “and” at the end;
 - (D) in paragraph (3), by striking the period at the end and inserting a semicolon; and
 - (E) by adding at the end the following:
 - “(4) the facilitation of defense trade policy development and implementation, review of commodity jurisdiction determinations, public outreach to industry and foreign parties, and analysis of scientific and technological developments as they relate to the exercise of defense trade control authorities; and
 - “(5) contract personnel to assist in such activities.”

SEC. 833. WITHHOLDING OF ASSISTANCE TO UNITS OF FOREIGN SECURITY FORCES THAT ENGAGED IN SEXUAL EXPLOITATION OR ABUSE IN PEACEKEEPING OPERATIONS.

The Foreign Assistance Act of 1961 is amended by inserting after section 554 the following:

“SEC. 555. WITHHOLDING OF ASSISTANCE TO UNITS OF FOREIGN SECURITY FORCES THAT ENGAGED IN SEXUAL EXPLOITATION OR ABUSE IN PEACEKEEPING OPERATIONS.

“(a) IN GENERAL.—The Secretary of State should withhold assistance to any unit of the security forces of a foreign country if the Secretary has credible information that such unit has engaged in sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation, until the Secretary determines that the government of such country is taking effective steps to hold the responsible members of such unit accountable and to prevent future incidents.

“(b) NOTICE.—The Secretary of State—

- “(1) shall promptly notify the government of each country subject to any withholding of assistance pursuant to this section; and
- “(2) shall notify the appropriate congressional committees of such withholding not later than 10 days after a determination to withhold such assistance is made.

“(c) ASSISTANCE.—The Secretary of State shall, to the maximum extent practicable, assist the government of each country subject to any withholding of assistance pursuant to this section in bringing the responsible members of such unit of the security forces of the country to justice.

“(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

- “(1) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and
- “(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.”

SEC. 834. MODIFICATION TO LIMITATIONS ON ASSISTANCE RELATING TO HUMAN RIGHTS.

(a) MODIFICATION TO THE LIMITATION ON ASSISTANCE TO SECURITY FORCES.—Subsection (a) of section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) is amended—

- (1) by inserting “, including any combined security activities or operations with any such unit,” after “of a foreign country”; and
- (2) by inserting “, including any act that constitutes a war crime, as such term is defined in section 2441 of title 18, United States Code” after “gross violation of human rights”.

(b) MODIFICATION TO LIMITATION ON SECURITY ASSISTANCE.—Subsection (d)(1) of section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by inserting “any act that constitutes a war crime, as such term is defined in section 2441 of title 18, United States Code,” after “the abduction and clandestine detention of those persons,”.

Subtitle C—Studies on Authorities and Programs

SEC. 841. REQUIREMENT FOR STUDY BY BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary for the Bureau of International Narcotics and Law Enforcement, in consultation with the heads of other relevant bureaus of the Department, shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report detailing all existing programs, and their statutory authorities, that provide training, advice, equipment, and other support to eligible foreign civilian security forces and institutions.

(b) **MATTERS TO BE INCLUDED.**—Such a report shall assess the following:

(1) The benefits and costs of consolidating the number of such programs and expanding the scope of such programs, as appropriate.

(2) The prospects for improving coordination among such programs.

(3) The impact of repealing section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), including—

(A) the potential opportunities such repeal would create for expanding existing programs or establishing new programs to improve the capacity, capabilities, and professionalism of such civilian security forces and institutions, including with respect to pay and promotions, benefits, leadership, and administration; and

(B) the required elements necessary to ensure that any such program would enhance rule of law and safeguard human rights.

(c) **CIVILIAN SECURITY FORCES.**—In this section, the term “civilian security forces” includes non-military security forces at the national, State, district, or local level that are responsible for internal security, do not report to a defense ministry or similar or related defense or military entity of a foreign government, and are assigned responsibility for one or more of the following:

(1) Law enforcement.

(2) Border security.

(3) Maritime and port security.

(4) Customs law enforcement.

(5) Sanctions monitoring and enforcement.

(6) Counterterrorism.

(7) Counter-narcotics.

(8) Counterproliferation.

(9) Counter-transnational organized crime.

(10) Improving the administration of justice.

(11) Promoting respect for human rights.

(12) Promoting the rule of law.

SEC. 842. REQUIREMENT FOR INDEPENDENT STUDY OF EXISTING SECURITY ASSISTANCE AUTHORITIES.

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall enter into a contract with a federally funded research and development center with appropriate expertise and analytical capability to carry out the study described in subsection (b).

(b) **STUDY.**—The study required by subsection (a) shall provide for a comprehensive examination of—

(1) the history and evolution of existing security assistance authorities and the original intent of such authorities;

(2) areas in which—

(A) such authorities have deviated from such original intent and explanations why; and

(B) such authorities overlap or compete with one another; and

(3) recommendations for consolidating, replacing, or otherwise adapting such authorities, as well as for establishing new ones, to include recommendations for differentiating authorities based on the capacity and capabilities they build as opposed to by issue or purpose.

(c) **REPORT.**—

(1) **TO THE SECRETARY.**—Not later than 1 year after the date on which , the Secretary enters into a contract pursuant to subsection (a), the independent research entity that has entered into a contract with the Secretary shall submit to the Secretary a report containing—

(A) the results of the study required by subsection (a); and

(B) such recommendations to improve the effectiveness of existing security assistance authorities as the entity considers to be appropriate.

(2) TO CONGRESS.—Not later than 30 days after receipt of the report under paragraph (1), the Secretary shall submit such report, together with any additional views or recommendations of the Secretary, to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE IX—MISCELLANEOUS

SEC. 901. CASE-ZABLOCKI ACT REFORM.

Section 112b of title 1, United States Code, is amended—

(1) in subsection (a), by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”; and

(2) by amending subsection (b) to read as follows:

“(b) Each department or agency of the U.S. Government that enters into any international agreement described in subsection (a) on behalf of the United States, shall designate a Chief International Agreements Officer, who—

“(1) shall be a current employee of such department or agency;

“(2) shall serve concurrently as Chief International Agreements Officer; and

“(3) subject to the authority of the head of such department or agency, shall have department or agency-wide responsibility for efficient and appropriate compliance with subsection (a) to transmit the text of any international agreement to the Department of State not later than 20 days after such agreement has been signed.”.

SEC. 902. LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT.

Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking “No assistance” and inserting the following:

“(1) No assistance”;

(2) by inserting “the government of” before “any country”;

(3) by inserting “the government of” before “such country” each place it appears;

(4) by striking “determines” and all that follows and inserting “determines, after consultation with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, that assistance for such country is in the national interest of the United States.”; and

(5) by adding at the end the following:

“(2) No assistance shall be furnished under this Act, the Peace Corps Act, the Millennium Challenge Act of 2003, the African Development Foundation Act, the BUILD Act of 2018, section 504 of the FREEDOM Support Act, or section 23 of the Arms Export Control Act to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest or any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under such Act unless the President determines, following consultation with the congressional committees specified in paragraph (1), that assistance for such country is in the national interest of the United States.”.

SEC. 903. PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM.

(a) PROHIBITION.—Subsection (a) of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) is amended by striking “that the government of that country” and all that follows and inserting “that the government of that country—

“(1) has repeatedly provided support for acts of international terrorism;

“(2) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

“(3) otherwise supports international terrorism; or

“(4) is controlled by an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).”.

(b) RESCISSION.—Subsection (c) of such section is amended by striking “and the Chairman of the Committee on Foreign Relations of the Senate” and inserting “, the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate”.

(c) WAIVER.—Subsection (d)(2) of such section is amended by striking “and the chairman of the Committee on Foreign Relations of the Senate” and inserting “, the Committee on Foreign Affairs of the House of Representatives, the Committee on

Foreign Relations of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate”.

(d) PROHIBITION ON LETHAL MILITARY EQUIPMENT EXPORTS.—Such section, as so amended, is further amended by adding at the end the following:

“(e) PROHIBITION ON LETHAL MILITARY EQUIPMENT EXPORTS.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—The United States shall not provide any assistance under this Act or section 23 of the Arms Export Control Act to any foreign government that provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 1754(c) of the Export Control Reform Act of 2018.

“(B) TERMINATION.—The prohibition on assistance under subparagraph (A) with respect to a foreign government shall terminate 12 months after such government ceases to provide the lethal military equipment described in such subparagraph.

“(C) APPLICABILITY.—This subsection applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

“(2) WAIVER.—The President may waive the prohibition on assistance under paragraph (1) with respect to a foreign government if the President determines that to do so is important to the national interest of the United States.

“(3) REPORT.—Upon the exercise of the waiver authority pursuant to paragraph (2), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of assistance under the waiver authority, including—

“(A) a detailed explanation of the assistance to be provided;

“(B) the estimated dollar amount of such assistance; and

“(C) an explanation of how the assistance furthers the national interest of the United States.

“(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.”.

SEC. 904. ESTABLISHING A COORDINATOR FOR ISIS DETAINEE ISSUES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President, acting through the Secretary, may designate an existing official within the Department to serve as senior-level coordinator to coordinate, in conjunction with other relevant Federal departments and agencies, all matters for the U.S. Government relating to the long-term disposition of ISIS detainees, including all matters in connection with—

(1) repatriation, transfer, prosecution, and intelligence-gathering;

(2) coordinating a whole-of-government approach with other countries and international organizations, including INTERPOL, to ensure secure chains of custody and locations of ISIS detainees;

(3) coordinating the provision of technical and evidentiary assistance to foreign countries to aid in the successful prosecution of ISIS detainees; and

(4) all multilateral and international engagements led by the Department and other relevant Federal departments and agencies that are related to the current and future handling, detention, or prosecution of ISIS detainees.

(b) RETENTION OF EXISTING AUTHORITY.—The appointment of a senior-level coordinator pursuant to subsection (a) shall not deprive any Federal department or agency of any existing authority to independently perform the functions of that agency relating to ISIS detainees.

(c) ISIS DETAINEE DEFINED.—In this section, the term “ISIS detainee” means a captured individual—

(1) who allegedly fought for or supported the Islamic State of Iraq and Syria; and

(2) who is a national of a country other than Iraq or Syria.

SEC. 905. SEAN AND DAVID GOLDMAN CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2014 AMENDMENT.

Subsection (b) of section 101 of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9111; Public Law 113–150) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

- (i) by inserting “, respectively,” after “access cases”; and
- (ii) by inserting “and the number of children involved” before the semicolon at the end;
- (B) in subparagraph (D), by inserting “respectively, the number of children involved,” after “access cases,”;
- (2) in paragraph (7), by inserting “, and number of children involved in such cases” before the semicolon at the end;
- (3) in paragraph (8), by striking “and” after the semicolon at the end;
- (4) in paragraph (9), by striking the period at the end and inserting “, and”;
- and
- (5) by adding at the end the following new paragraph:

“(10) the total number of pending cases the Department of State has assigned to case officers and number of children involved for each country and as a total for all countries.”.

SEC. 906. MODIFICATION OF AUTHORITIES OF COMMISSION FOR THE PRESERVATION OF AMERICA’S HERITAGE ABROAD.

(a) IN GENERAL.—Chapter 3123 of title 54, United States Code, is amended as follows:

- (1) In section 312302, by inserting “, and unimpeded access to those sites,” after “and historic buildings”.
- (2) In section 312304(a)—
 - (A) in paragraph (2)—
 - (i) by striking “and historic buildings” and inserting “and historic buildings, and unimpeded access to those sites”; and
 - (ii) by striking “and protected” and inserting “, protected, and made accessible”; and
 - (B) in paragraph (3), by striking “and protecting” and inserting “, protecting, and making accessible”.
- (3) In section 312305, by inserting “and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate” after “President”.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commission for the Preservation of America’s Heritage Abroad shall submit to the President and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains an evaluation of the extent to which the Commission is prepared to continue its activities and accomplishments with respect to the foreign heritage of United States citizens from eastern and central Europe, were the Commission’s duties and powers extended to include other regions, including the Middle East and North Africa, and any additional resources or personnel the Commission would require.

PURPOSE AND SUMMARY

The State Department Authorization Act of 2019 (H.R. 3352) contains various provisions to strengthen the management and operations of the Department of State, including to recruit and retain a diverse work force, bolster embassy and information security, and improve the Department’s capacity to carry out public diplomacy, anti-corruption activities, and security assistance, among other provisions. The bill authorizes activities and positions in a number of key Department bureaus and offices, and authorizes funding for Embassy Security, Construction, and Maintenance account. Among other things, this bill also streamlines and improves the Department’s management structure, providing cost saving measures in embassy construction while maintaining security and eliminating duplicative programs and outdated reports. Additionally, it ensures the efficiency of various programs by mandating rigorous planning processes and evaluation metrics.

BACKGROUND AND NEED FOR LEGISLATION

As part of the annual budget cycle, the House Committee on Foreign Affairs is responsible for providing legislative authority and funding for agency operations. However, it has been 17 years since

a State Department authorization was signed into law—the Foreign Relations Authorization Act for Fiscal Year 2003 (H.R. 1646 in the 107th Congress) became Public Law 107–228 in September 2002. Subsequently, the last State Department authorization bill to be adopted by the House Foreign Affairs Committee was in September 2013.

Diplomacy and development are critical tools for advancing American foreign policy and national security. H.R. 3352 puts the Committee back on the right track to strengthen and support the important work that America’s diplomats carry out every day on behalf of the United States. This bipartisan bill represents an important step in making State Department reauthorization a regular part of Committee business again, thereby reasserting the Constitutional authority to provide direction to the Department of State and to ensure its employees have the tools they need to best advance U.S. foreign policy.

HEARINGS

On February 27, 2019, the Full Committee held a hearing entitled “The Trump Administration’s Foreign Policy: A Mid-Term Assessment.” The hearing witness was The Honorable Madeleine K. Albright, Former U.S. Secretary of State.

On March 27, 2019, the Full Committee held a hearing entitled “The State Department’s Foreign Policy Strategy and Fiscal Year Budget Request.” The hearing witness was The Honorable Michael R. Pompeo, Secretary, United States Department of State.

On February 27, 2019 the Subcommittee on Oversight and Investigations held a hearing entitled “America’s Global Leadership: Why Diplomacy and Development Matter.” Witnesses included The Honorable Heather Higginbottom, Chief Operating Office, CARE USA, and Former Deputy Secretary of State for Management and Resources, and The Honorable Andrew S. Natsios, Director of the Scowcroft Institute of International Affairs and Executive Professor, George H.W. Bush School of Government and Public Service at Texas A&M University and Former Administrator of the United States Agency for International Development.

These hearings were used to consider H.R. 3352.

COMMITTEE CONSIDERATION

On June 26, 2019, the Committee marked up H.R. 3352, Department of State Authorization Act of 2019 (Engel) pursuant to notice, in open session. By unanimous consent, the Chair called up the measure and the following amendments, previously provided to Members, to be considered en bloc:

- Bera amendment #36 to H.R. 3352: An amendment to require every 180 days, and on the same basis for 5 years thereafter, a report to Congress indicating changes that have been made to the Foreign Affairs Manual.

AMENDMENT TO H.R. 3352

OFFERED BY MR. BERA OF CALIFORNIA

Add at the end of title III the following:

SEC. 3 ____ . FOREIGN AFFAIRS MANUAL AND FOREIGN AFFAIRS HANDBOOK CHANGES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter for five years, the Secretary shall submit to the appropriate congressional committees and the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report detailing all changes made to the Foreign Affairs Manual or the Foreign Affairs Handbook.

(b) **COVERED PERIODS.**—The first report required under subsection (a) shall cover the five year period preceding the submission of such report. Each subsequent report shall cover the 180 day period preceding submission.

(c) **CONTENTS.**—Each report required under subsection (a) shall contain the following:

(1) The location within the Foreign Affairs Manual or the Foreign Affairs Handbook where a change has been made.

(2) The statutory basis for each such change.

(3) A side-by-side comparison of the Foreign Affairs Manual or Foreign Affairs Handbook before and after such change.

(4) A summary of such changes displayed in spreadsheet form.

• Connolly amendment #47 to H.R. 3352: An amendment to reward and recognize efforts to promote diversity and inclusion at the Department and expand professional development and career advancement opportunities.

AMENDMENT TO H.R. 3352

OFFERED BY MR. CONNOLLY OF VIRGINIA

In section 404(c)(1)(B)(i), strike “and” after the semicolon.

In section 404(c)(1)(B)(ii), strike the period and insert “; and”.

In section 404(c)(1)(B), add at the end the following:

(iii) any other individual determined by the Department who needs such training based on analysis by the Department or OPM analysis.

Insert after section 404 the following:

SEC. 405. LEADERSHIP ENGAGEMENT AND ACCOUNTABILITY.

(a) **REWARD AND RECOGNIZE EFFORTS TO PROMOTE DIVERSITY AND INCLUSION.**—

(1) **IN GENERAL.**—The Secretary shall implement performance and advancement requirements that reward and recognize the efforts of individuals in senior positions and supervisors in the Department in fostering an inclusive environment and cultivating talent consistent with merit system principles, such as through participation in mentoring programs or sponsorship initiatives, recruitment events, and other similar opportunities.

(2) **OUTREACH EVENTS.**—The Secretary shall create opportunities for individuals in senior positions and supervisors in the Department to participate in outreach events and to discuss issues relating to diversity and inclusion with the workforce on a regular basis, including with employee resource groups.

(b) **EXTERNAL ADVISORY COMMITTEES AND BOARDS.**—For each external advisory committee or board to which individuals in senior

positions in the Department appoint members, the Secretary is strongly encouraged by Congress to ensure such external advisory committee or board is developed, reviewed, and carried out by qualified teams that represent the diversity of the organization.

SEC. 406. PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOOLS.

(a) **EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—**

(1) **IN GENERAL.—**The Secretary is authorized to expand professional development opportunities that support the mission needs of the Department, such as—

- (A) academic programs;
- (B) private-public exchanges; and
- (C) detail assignments to relevant positions in—
 - (i) private or international organizations;
 - (ii) State, local, and Tribal governments;
 - (iii) other branches of the Federal Government; or
 - (iv) professional schools of international affairs.

(2) **TRAINING FOR SENIOR POSITIONS.—**

(A) **IN GENERAL.—**The Secretary shall offer, or sponsor members of the workforce to participate in, a Senior Executive Service candidate development program or other program that trains members on the skills required for appointment to senior positions in the Department.

(B) **REQUIREMENTS.—**In determining which members of the workforce are granted professional development or career advancement opportunities under subparagraph (A), the Secretary shall—

- (i) ensure any program offered or sponsored by the Department under such subparagraph comports with the requirements of subpart C of part 412 of title 5, Code of Federal Regulations, or any successor thereto, including merit staffing and assessment requirements;
- (ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;
- (iii) understand how participation in any program offered or sponsored by the Department under such subparagraph differs by gender, race, national origin, disability status, or other demographic categories; and
- (iv) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

- Engel amendment #72 to H.R. 3352: A manager’s amendment with technical and other minor fixes to H.R. 3352.

**AMENDMENT TO H.R. 3352
OFFERED BY MR. ENGEL OF NEW YORK**

Page 13, beginning line 10, strike “human trafficking, arms trafficking, wildlife trafficking, trafficking in cultural property” and insert “in human beings, arms, wildlife, and cultural property”.

Page 17, beginning line 12, strike “The Secretary should establish” and insert “There should be established”.

Page 39, line 6, strike “enactment of this Act” and insert “submission of the Comptroller General’s report under subsection (b)”.

Page 41, line 12, strike “Standard Embassy Design” and insert “standardization in construction”.

Page 43, line 3, strike “quarterly” and insert “biannual”.

Page 43, line 9, strike “90” and insert “180”.

Page 45, line 14, insert “for those contractors engaged in construction of new embassy or new consulate compounds” before “by”.

Page 46, line 18, strike “rate” and insert “comment on”.

Page 46, beginning line 25, strike “the Office of Management Policy, Rightsizing, and Innovation of”.

Page 48, beginning line 15, strike “Long-Range Overseas Buildings Plan (LROBP)” and insert “plan”.

Page 49, beginning line 7, strike “known as a Long-Range Overseas Maintenance Plan (LROMP),”.

Page 50, beginning line 24, strike “the each LROBP and the LROMP,” and insert “each plan required under subsection (a)”.

Page 51, beginning line 9, strike “outlined in the LROBP and LROMP” and insert “required under subsection (a)”.

Page 51, line 18, insert “embassy or” before “consulate”.

Insert after section 212 the following:

SEC. 213. STATEMENT OF POLICY.

It is the policy of the United States that the Bureau of Overseas Building Operations of the Department or its successor office shall continue to balance functionality and security with accessibility, as defined by guidelines established by the United States Access Board in constructing embassies and consulates, and shall ensure compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) to the fullest extent possible.

Page 72, line 12, insert “and” after “post”.

Page 87, line 6, strike “Each agency” and insert “The Department”.

Page 108, beginning line 22, strike “, particularly grand corruption”.

Page 110, beginning line 8, strike “, including grand corruption and petty corruption;”.

Page 110, line 20, strike “grand” and insert “serious, significant”.

Page 110, line 23, strike “petty” and insert “significant”.

Page 112, line 9, strike “grand” and insert “serious, significant”.

• Guest amendment #7 to H.R. 3352: An amendment to promote coordination of resources among relevant Department bureaus, offices, and posts, on the provision of security assistance.

AMENDMENT TO H.R.

OFFERED BY MR. GUEST OF MISSISSIPPI

In section 813(d)—

(1) redesignate paragraph (3) as paragraph (4) (and make appropriate technical and conforming amendments); and

(2) insert after paragraph (2) the following:

(3) COORDINATION OF RESOURCES.—In developing annexes relating to security assistance for inclusion in comprehensive regional strategies or country strategies in accordance with paragraph (2), the relevant bureau, office, or diplomatic post shall coordinate with—

(A) the Office;

(B) the Office of Foreign Assistance Resources, or an equivalent entity in the Department, regarding the allocation of resources in line with priorities of the Department of State for security assistance; and

(C) the Department of Defense and other Federal departments and agencies that provide security assistance, security cooperation, or other forms of foreign assistance.

- Houlahan amendment #27 to H.R. 3352: An amendment to permit the Secretary to waive individual occupational requirements in hiring for GS-0130 civil service positions for individuals possessing significant scientific, technological, engineering, or mathematical expertise.

AMENDMENT TO H.R. 3352

OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

At the appropriate place in title III, insert the following:

SEC. 3 ____ . WAIVER AUTHORITY FOR INDIVIDUAL OCCUPATIONAL REQUIREMENTS OF CERTAIN POSITIONS.

The Secretary of State may waive any or all of the individual occupational requirements with respect to an employee or prospective employee of the Department of State for a civilian position categorized under the GS-0130 occupational series if the Secretary determines that the individual possesses significant scientific, technological, engineering, or mathematical expertise that is integral to performing the duties of the applicable position, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document that is transmitted to the Director of the Office of Personnel Management the rationale for the decision of the Secretary to waive such requirements.

- Houlahan amendment #32 to H.R. 3352: An amendment to standardize the Department's policy for flexible use of parental leave.

AMENDMENT TO H.R. 3352

OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

At the end of title III, add the following:

SEC. ____ . STANDARDIZING DEPARTMENT PARENTAL LEAVE POLICIES.

(a) **PURPOSE.**—The purpose of this section is to—

(1) afford every employee at the Department equal access to leave and workplace flexibilities for childbirth, adoption, and foster care;

(2) encourage the Department to work towards a parental leave policy that will help recruit and retain a dynamic, multi-talented, and diverse workforce capable of meeting the national security and foreign policy goals of the United States; and

(3) determine the impacts of flexible leave policies on recruitment and retention rates.

(b) **ESTABLISHING STANDARD PARENTAL LEAVE POLICIES.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall establish and implement a standard parental leave policy applicable to Depart-

ment employees across all bureaus and offices within the Department and Missions abroad. Nothing in this section shall be construed to provide any new category of leave not otherwise provided by law.

(2) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report describing—

(A) the steps taken to implement the policy required under paragraph (1) across all bureaus and offices within the Department and Missions abroad; and

(B) any costs associated with such policy.

- Keating amendment #25 to H.R. 3352: An amendment to assess the degree to which foreign governments hold private sector representatives accountable for corruption, address threats to civil society monitoring corruption, and coordinate with the U.S. to prevent, prohibit, and punish public corruption.

AMENDMENT TO H.R. 3352

OFFERED BY MR. KEATING OF MASSACHUSETTS

In section 702(a)(2)(F), strike “and” after the semicolon at the end.

In section 702(a)(2)(G), strike “and” after the semicolon at the end.

In section 702(a)(2), add at the end the following:

(H) holds private sector representatives accountable for their role in public corruption; and

(I) addresses threats for civil society to monitor anti-corruption efforts; and

In section 702(a)(3), insert after subparagraph (C) the following:

(D) the extent to which such government cooperates meaningfully with the United States to strengthen government and judicial institutions and the rule of law to prevent, prohibit, and punish public corruption;

- Keating amendment #29 to H.R. 3352: An amendment to require a biennial report, to sunset after 6 years, on an interagency strategy to work with foreign governments and multilateral institutions to address the national security risks of certain transactions involving foreign investments.

AMENDMENT TO H.R. 3352

OFFERED BY MR. KEATING OF MASSACHUSETTS

At the end of title VII, add the following:

SEC. 706. FOREIGN INVESTMENTS AND NATIONAL SECURITY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and biennially thereafter for the following six years, the Secretary, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the heads of other agencies, as appropriate, shall submit to Congress an interagency strategy to work with foreign governments and multilateral institutions to guard against the risks of certain transactions involving foreign investments.

(b) CONTENTS.—Each interagency strategy under paragraph (1) shall include plans relating to the following:

(1) Information sharing with foreign governments and multilateral institutions regarding risks associated with potential foreign investments.

(2) Promoting American and other alternatives to foreign investments identified as presenting substantial risk to the national security or sovereignty of a country.

(3) Providing technical assistance to foreign governments or multilateral institutions regarding screening foreign investments.

(4) Designating points of contact at each United States mission to foreign governments and multilateral institutions, and in associated regional bureaus, to coordinate efforts described in this paragraph.

(c) COORDINATION.—If the Secretary determines such is appropriate, the designated points of contact referred to in subsection (b)(4) may be the same individual designated under section 704(a).

- Keating amendment #30 to H.R. 3352: An amendment to promote greater participation of women in peacekeeping operations.

AMENDMENT TO H.R. 3352

OFFERED BY MR. KEATING OF MASSACHUSETTS

Page 154, line 21, insert “, and to promote greater participation of women in such peacekeeping operations” before the period.

Page 155, line 10, insert “, and to promote greater participation of women in such programs” before the period.

- Keating amendment #33 to H.R. 3352: An amendment to extend the 5 U.S.C. 3161 hiring authority for appointing employees to the Global Engagement Center.

AMENDMENT TO H.R. 3352

OFFERED BY MR. KEATING OF MASSACHUSETTS

At the end of title III, add the following:

SEC. 318. APPOINTMENT OF EMPLOYEES TO THE GLOBAL ENGAGEMENT CENTER.

The Secretary may appoint, for a three year period that may be extended for up to an additional two years, solely to carry out the functions of the Global Engagement Center, employees of the Department without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title.

- Keating amendment #35 to H.R. 3352 An amendment to permit the designation of an existing senior-level Department official to coordinate on the dispensation of ISIS foreign terrorist fighter detainees.

AMENDMENT TO H.R. 3352

OFFERED BY MR. KEATING OF MASSACHUSETTS

At the end of title IX, add the following:

SEC. 9 __. ESTABLISHING A COORDINATOR FOR ISIS DETAINEE ISSUES.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President, acting through the Secretary, may designate an existing official within the Department to serve as senior-level coordinator to coordinate, in conjunction with other relevant Federal departments and agencies, all matters for the United States Government relating to the long-term disposition of ISIS detainees, including all matters in connection with—

(1) repatriation, transfer, prosecution, and intelligence-gathering;

(2) coordinating a whole-of-government approach with other countries and international organizations, including INTERPOL, to ensure secure chains of custody and locations of ISIS detainees;

(3) coordinating the provision of technical and evidentiary assistance to foreign countries to aid in the successful prosecution of ISIS detainees; and

(4) all multilateral and international engagements led by the Department and other relevant Federal departments and agencies that are related to the current and future handling, detention, or prosecution of ISIS detainees.

(b) **RETENTION OF EXISTING AUTHORITY.**—The appointment of a senior-level coordinator pursuant to subsection (a) shall not deprive any Federal department or agency of any existing authority to independently perform the functions of that agency relating to ISIS detainees.

(c) **ISIS DETAINEE DEFINED.**—In this section, the term “ISIS detainee” means a captured individual—

(1) who allegedly fought for or supported the Islamic State of Iraq and Syria; and

(2) who is a national of a country other than Iraq or Syria.

• Keating amendment #36 to H.R. 3352: An amendment to enhance DRL activities to promote civil society and women’s equal participation and INL activities to address corruption, tackle the licit use of financial systems for malign purposes, and engage with multilateral organizations on anti-corruption.

AMENDMENT TO H.R. 3352

OFFERED BY MR. KEATING OF MASSACHUSETTS

Page 9, strike lines 7 through 8 and insert the following:

“(iii) strengthen, empower, and protect civil society representatives, programs, and organizations, and facilitate their ability to engage in dialogue with governments and other civil society entities;

“(iv) work with regional bureaus to ensure adequate personnel at diplomatic posts are assigned responsibilities relating to advancing democracy, human rights, labor rights, women’s equal participation in society, and the rule of law, with particular attention paid to adequate oversight and engagement on such issues by senior officials at such posts;”.

Page 13, line 2, insert “and women’s participation” before “issues”.

Page 13, line 5, strike “, and the heads of appropriate regional bureaus” and insert “, and other senior officials in regional and thematic bureaus and offices”.

Page 13, line 13, insert “corruption,” before “money laundering”.

Page 13, line 14, insert “the licit use of financial systems for malign purposes,” after “bulk cash,”.

Page 13, line 20, insert before the period the following: “and engaging with multilateral organizations responsible for monitoring and supporting foreign governments’ anti-corruption efforts”.

- Lieu amendment #63 to H.R. 3352: An amendment to establish a Bug Bounty pilot program and to require a Vulnerability Disclosure Process to improve Department cyber-security, with annual reporting on the process for 6 years.

AMENDMENT TO H.R. 3352
OFFERED BY MR. TED LIEU OF CALIFORNIA

At the end of title V, add the following:

SEC. 506. DEFINITIONS.

(a) DEFINITIONS.—In this section:

(1) BUG BOUNTY PROGRAM.—The term “bug bounty program” means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of internet-facing information technology of the Department in exchange for compensation.

(2) DEPARTMENT.—The term “Department” means the Department of State.

(3) INFORMATION TECHNOLOGY.—The term “information technology” has the meaning given such term in section 11101 of title 40, United States Code.

(4) SECRETARY.—The term “Secretary” means the Secretary of State.

(b) DEPARTMENT OF STATE VULNERABILITY DISCLOSURE PROCESS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall design, establish, and make publicly known a Vulnerability Disclosure Process (VDP) to improve Department cybersecurity by—

(A) providing security researchers with clear guidelines for—

(i) conducting vulnerability discovery activities directed at Department information technology; and

(ii) submitting discovered security vulnerabilities to the Department; and

(B) creating Department procedures and infrastructure to receive and fix discovered vulnerabilities.

(2) REQUIREMENTS.—In establishing the VDP pursuant to paragraph (1), the Secretary shall—

(A) identify which Department information technology should be included in the process;

(B) determine whether the process should differentiate among and specify the types of security vulnerabilities that may be targeted;

(C) provide a readily available means of reporting discovered security vulnerabilities and the form in which such vulnerabilities should be reported;

(D) identify which Department offices and positions will be responsible for receiving, prioritizing, and addressing security vulnerability disclosure reports;

(E) consult with the Attorney General regarding how to ensure that individuals, organizations, and companies that comply with the requirements of the process are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under the process;

(F) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 Vulnerability Disclosure Program, “Hack the Pentagon”, and subsequent Department of Defense bug bounty programs;

(G) engage qualified interested persons, including non-governmental sector representatives, about the structure of the process as constructive and to the extent practicable; and

(H) award contracts to entities, as necessary, to manage the process and implement the remediation of discovered security vulnerabilities.

(3) ANNUAL REPORTS.—Not later than 180 days after the establishment of the VDP under paragraph (1) and annually thereafter for the next six years, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the VDP, including information relating to the following:

(A) The number and severity, in accordance with the National Vulnerabilities Database of the National Institute of Standards and Technology, of security vulnerabilities reported.

(B) The number of previously unidentified security vulnerabilities remediated as a result.

(C) The current number of outstanding previously unidentified security vulnerabilities and Department of State remediation plans.

(D) The average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities.

(E) The resources, surge staffing, roles, and responsibilities within the Department used to implement the VDP and complete security vulnerability remediation.

(F) Any other information the Secretary determines relevant.

(c) DEPARTMENT OF STATE BUG BOUNTY PILOT PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall establish a bug bounty pilot program to minimize security vulnerabilities of internet-facing information technology of the Department.

(2) REQUIREMENTS.—In establishing the pilot program described in paragraph (1), the Secretary shall—

(A) provide compensation for reports of previously unidentified security vulnerabilities within the websites, applications, and other internet-facing information technology of the Department that are accessible to the public;

(B) award contracts to entities, as necessary, to manage such pilot program and for executing the remediation of security vulnerabilities identified pursuant to subparagraph (A);

(C) identify which Department information technology should be included in such pilot program;

(D) consult with the Attorney General on how to ensure that individuals, organizations, or companies that comply with the requirements of such pilot program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under such pilot program;

(E) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 “Hack the Pentagon” pilot program and subsequent Department of Defense bug bounty programs;

(F) develop a process by which an approved individual, organization, or company can register with the entity referred to in subparagraph (B), submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in such pilot program;

(G) engage qualified interested persons, including non-governmental sector representatives, about the structure of such pilot program as constructive and to the extent practicable; and

(H) consult with relevant United States Government officials to ensure that such pilot program complements persistent network and vulnerability scans of the Department of State’s internet-accessible systems, such as the scans conducted pursuant to Binding Operational Directive BOD-15-01.

(3) DURATION.—The pilot program established under paragraph (1) should be short-term in duration and not last longer than one year.

(4) REPORT.—Not later than 180 days after the date on which the bug bounty pilot program under subsection (a) is completed, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on such pilot program, including information relating to—

(A) the number of approved individuals, organizations, or companies involved in such pilot program, broken down by the number of approved individuals, organizations, or companies that—

(i) registered;

(ii) were approved;

(iii) submitted security vulnerabilities; and

(iv) received compensation;

(B) the number and severity, in accordance with the National Vulnerabilities Database of the National Institute of

Standards and Technology, of security vulnerabilities reported as part of such pilot program;

(C) the number of previously unidentified security vulnerabilities remediated as a result of such pilot program;

(D) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans;

(E) the average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities;

(F) the types of compensation provided under such pilot program; and

(G) the lessons learned from such pilot program.

- Malinowski amendment #27 to H.R. 3352: An amendment modifying existing “Leahy Law” provisions to include acts that constitute a war crime.

AMENDMENT TO H.R. 3352

OFFERED BY MR. MALINOWSKI OF NEW JERSEY

At the end of subtitle B of title VIII, insert the following:

SEC. 8 __. MODIFICATION TO LIMITATIONS ON ASSISTANCE RELATING TO HUMAN RIGHTS.

(a) MODIFICATION TO THE LIMITATION ON ASSISTANCE TO SECURITY FORCES.—Subsection (a) of section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) is amended—

(1) by inserting “, including any combined security activities or operations with any such unit,” after “of a foreign country”; and

(2) by inserting “, including any act that constitutes a war crime, as such term is defined in section 2441 of title 18, United States Code” after “gross violation of human rights”.

(b) MODIFICATION TO LIMITATION ON SECURITY ASSISTANCE.—Subsection (d) of section 520B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by inserting “any act that constitutes a war crime, as such term is defined in section 2441 of title 18, United States Code,” after “the abduction and clandestine detention of those persons,”.

- Malinowski amendment #30 to H.R. 3352: An amendment to include on the list required in Sec. 503 contractors who knowingly assist or facilitate cyber surveillance on peaceful civil society activists and to require the Department to submit this to Congress for 5 years after the first iteration is produced.

AMENDMENT TO H.R. 3352

OFFERED BY MR. MALINOWSKI OF NEW JERSEY

In section 503(a), add at the end the following: “Not later than 30 days after the initial development of the list under this subsection, any update thereto, and annually thereafter for five years after such initial 30 day period, the Secretary shall submit to the appropriate congressional committees a copy of such list.”.

In section 503, amend subsection (e) to read as follows:

(e) COVERED CONTRACTOR DEFINED.—In this section, the term “covered contractor” means a provider of telecommunications, telecommunications equipment, or information technology equipment, including hardware, software, or services, that has knowingly assisted or facilitated a cyber attack or conducted surveillance, including passive or active monitoring, carried out against—

(1) the United States by, or on behalf of, any government, or persons associated with such government, listed as a cyber threat actor in the intelligence community’s 2017 assessment of worldwide threats to United States national security or any subsequent worldwide threat assessment of the intelligence community; or

(2) individuals, including activists, journalists, opposition politicians, or other individuals for the purposes of suppressing dissent or intimidating critics, on behalf of a country included in the annual country reports on human rights practices of the Department for systematic acts of political repression, including arbitrary arrest or detention, torture, extrajudicial or politically motivated killing, or other gross violations of human rights.

• Omar amendment #44 to H.R. 3352: An amendment to permissively authorize the Office of Global Criminal Justice at the State Department, to be headed by an ambassador-at-large, and enumerating duties of the office.

AMENDMENT TO H.R. 3352
OFFERED BY MS. OMAR OF MINNESOTA

Add at the end of title I the following:

SEC. 119. OFFICE OF GLOBAL CRIMINAL JUSTICE.

(a) IN GENERAL.—There should be established within the Department an Office of Global Criminal Justice (referred to in this section as the “Office”), which may be placed within the organizational structure of the Department at the discretion of the Secretary.

(b) DUTIES.—The Office should carry out the following:

(1) Advise the Secretary and other relevant senior officials on issues related to war crimes, crimes against humanity, and genocide.

(2) Assist in formulating United States policy on the prevention of, responses to, and accountability for mass atrocities.

(3) Coordinate United States Government positions relating to the international and hybrid courts currently prosecuting persons responsible for genocide, war crimes, and crimes against humanity anywhere in the world.

(4) Work with other governments, international organizations, and nongovernmental organizations, as appropriate, to establish and assist international and domestic commissions of inquiry, fact-finding missions, and tribunals to investigate, document, and prosecute atrocities in every region of the globe.

(5) Coordinate the deployment of diplomatic, legal, economic, military, and other tools to help expose the truth, judge those responsible, protect and assist victims, enable reconciliation, deter atrocities, and build the rule of law.

(6) Provide advice and expertise on transitional justice to United States personnel operating in conflict and post-conflict environments.

(7) Act as a point of contact for international, hybrid, and mixed tribunals exercising jurisdiction over war crimes, crimes against humanity, and genocide committed around the world.

(8) Represent the Department on any interagency whole-of-government coordinating entities addressing genocide and other mass atrocities.

(9) Perform any additional duties and exercise such powers as the Secretary of State may prescribe.

(c) SUPERVISION.—The Office should be led by an Ambassador-at-Large for Global Criminal Justice.

- Phillips amendment #15 to H.R. 3352: An amendment to require a report regarding the causes and effects of Foreign Service and civil service staffing shortages at the Department, and a plan for implementing GAO recommendations to address them.

AMENDMENT TO H.R. 3352

OFFERED BY MR. PHILLIPS OF MINNESOTA

In section 313(a)(1), insert “, including all shortages in bureaus described in GAO report GAO-19-220,” after “workforce data”.

In section 313(a)(2), strike “offices” and insert “officers”.

In section 313, add at the end the following:

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report regarding root causes of Foreign Service and civil service shortages, the effect of such shortages on national security objectives, and the Department’s plan to implement recommendations described in GAO-19-220.

- Reschenthaler amendment #1 to H.R. 3352: An amendment to expand and standardize with the Department of Defense the amount of administrative leave the Department can grant to individuals serving in overseas posts presenting security or operational challenges.

AMENDMENT TO H.R. 3352

OFFERED BY MR. RESCHENTHALER

At the end of title III, add the following:

SEC. ____ . REST AND RECUPERATION AND OVERSEAS OPERATIONS LEAVE FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following new sections:

“§ 6329d. Rest and recuperation leave

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’ means an Executive agency (as that term is defined in section 105), but does not include the Government Accountability Office;

“(2) the term ‘combat zone’ means a geographic area designated by an Executive Order of the President as an area in which the Armed Forces are engaging or have engaged in com-

bat, an area designated by law to be treated as a combat zone, or a location the Department of Defense has certified for combat zone tax benefits due to its direct support of military operations;

“(3) the term ‘employee’ has the meaning given that term in section 6301;

“(4) the term ‘high risk, high threat post’ has the meaning given that term in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4803); and

“(5) the term ‘leave year’ means the period beginning on the first day of the first complete pay period in a calendar year and ending on the day immediately before the first day of the first complete pay period in the following calendar year.

“(b) LEAVE FOR REST AND RECUPERATION.—The head of an agency may prescribe regulations to grant up to 20 days of paid leave, per leave year, for the purposes of rest and recuperation to an employee of the agency serving in a combat zone, any other high risk, high threat post, or any other location presenting significant security or operational challenges.

“(c) DISCRETIONARY AUTHORITY OF AGENCY HEAD.—Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

“(d) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

“§ 6329e. Overseas operations leave

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’ means an Executive agency (as that term is defined in section 105), but does not include the Government Accountability Office;

“(2) the term ‘employee’ has the meaning given that term in section 6301; and

“(3) the term ‘leave year’ means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

“(b) LEAVE FOR OVERSEAS OPERATIONS.—The head of an agency may prescribe regulations to grant up to 10 days of paid leave, per leave year, to an employee of the agency serving abroad where the conduct of business could pose potential security or safety related risks or would be inconsistent with host-country practice. Such regulations may provide that additional leave days may be granted during such leave year if the head of the agency determines that to do so is necessary to advance the national security or foreign policy interests of the United States.

“(c) DISCRETIONARY AUTHORITY OF AGENCY HEAD.—Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

“(d) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.”

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6329c the following new items:

“6329d. Rest and recuperation leave.
“6329e. Overseas operations leave.”

- Smith amendment #163 to H.R. 3352: An amendment to amend the Sean and David Goldman Child Abduction Prevention and Return Act of 2014.

AMENDMENT TO H.R. 3352

OFFERED BY MR. SMITH OF NEW JERSEY

Add at the end of title IX the following:

SEC. 903. SEAN AND DAVID GOLDMAN CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2014 AMENDMENT.

Subsection (b) of section 101 of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9111; Public Law 113–150) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting “, respectively,” after “access cases”;
and

(ii) by inserting “and the number of children involved” before the semicolon at the end;

(B) in subparagraph (D), by inserting “respectively, the number of children involved,” after “access cases”;

(2) in paragraph (7), by inserting “, and number of children involved in such cases” before the semicolon at the end;

(3) in paragraph (8), by striking “and” after the semicolon at the end;

(4) in paragraph (9), by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following new paragraph:

“(10) the total number of pending cases the Department of State has assigned to case officers and number of children involved for each country and as a total for all countries.”

- Spanberger amendment #13 to H.R. 3352: An amendment to enhance coordination between Main State, diplomatic posts, and other Federal departments and agencies on security assistance planning.

AMENDMENT TO H.R. 3352

OFFERED BY MS. SPANBERGER OF VIRGINIA

In section 811(e)(2)(A), insert “and with United States diplomatic posts and other Federal departments and agencies” after “such bureaus and offices”.

- Spanberger amendment #14 to H.R. 3352: An amendment to incorporate assessments of the impact of U.S. forces in a country or region into security assistance planning and to create metrics for assessing the effectiveness of such assistance for enabling the re-allocation of forces other high priority missions.

AMENDMENT TO H.R. 3352

OFFERED BY MS. SPANBERGER OF VIRGINIA

At the end of section 813(a)(3), add the following (and make appropriate technical and conforming amendments):

(D) assessing the impact on Department security assistance objectives, programs, and activities of United States military activities in the country or region covered by country or regional strategy, including the number of United States forces deployed, the duration of deployment, the purpose for which they were deployed, and the authority under which they are operating.

In section 813(a)(4)(B), strike “counter shared threats” and insert “countering shared threats and increased burden sharing, including in ways that enable reallocation of United States military deployments to other high priority missions”.

- Spanberger amendment #15 to H.R. 3352: An amendment to improve coordination between the Department and U.S. combatant commands on the planning and implementation of security assistance.

AMENDMENT TO H.R. 3352

OFFERED BY MS. SPANBERGER OF VIRGINIA

In section 814(b)(1), add at the end the following:

(D) An identification of the specific mechanisms to improve coordination between Department of State bureaus and offices involved in planning, executing, or overseeing security assistance programs and activities and the United States combatant command or commands relevant to such bureaus and offices.

(E) An assessment of the advisability and feasibility of expanding existing mechanisms or establishing new mechanisms to detail employees from Department of State bureaus and offices involved in planning, executing, or overseeing security assistance programs and activities to United States combatant commands and from the Department of Defense to such Department of State bureaus and offices for the purpose of improving coordination on security assistance planning and implementation.

- Spanberger amendment #16 to H.R. 3352: An amendment to include policies relating to sexual assault prevention and response in Department training and to protect against retaliation for individuals reporting sexual harassment or sexual assault in the Department.

AMENDMENT TO H.R. 3352

OFFERED BY MS. SPANBERGER OF VIRGINIA

In the matter preceding paragraph (1) of subsection (d) of section 402, insert “and assess the effectiveness of” before “the efforts of the Department”.

In paragraph (2) of such subsection (d), insert “, both domestically and at posts overseas” before the semicolon at the end.

In paragraph (4) of such subsection (d), insert “or for reporting sexual harassment or sexual assault” before the semicolon at the end.

Insert before paragraph (1)(A) of subsection (c) of section 404 the following new subparagraph (and redesignate accordingly):

(A) ensure the provision of training on anti-harassment and anti-discrimination information and policies to all individuals in the workforce;

In paragraph (1)(B) of such subsection (c) (as so redesignated), insert “, including policies relating to sexual assault prevention and response” before the semicolon.

- Titus amendment #22 to H.R. 3352: An amendment to expand the duties of, and urge consultation by Department officials with, the permissively authorized Office of International Disability Rights.

AMENDMENT TO H.R. 3352

OFFERED BY MS. TITUS OF NEVADA

In section 105(b)(2), strike “and” after the semicolon at the end. In section 105(b)(3), strike the period at the end and insert “; and”.

In section 105(b), add at the end the following:

(4) represent the United States in diplomatic and multilateral fora on matters relevant to the rights of persons with disabilities, and work to raise the profile of disability across a broader range of organizations contributing to international development efforts;

(5) conduct regular consultation with civil society organizations working to advance international disability rights and empower persons with disabilities internationally;

(6) consult with other relevant offices at the Department that are responsible for drafting annual reports documenting progress on human rights, including, wherever applicable, references to instances of discrimination, prejudice, or abuses of persons with disabilities;

(7) advise the Bureau of Human Resources Development of the Department regarding the hiring and recruitment and overseas practices of civil service employees and Foreign Service officers with disabilities and their family members with chronic medical conditions or disabilities.

In section 105, add at the end the following:

(d) CONSULTATION.—The Secretary should direct Ambassadors at Large, Representatives, Special Envoys, and coordinators working on human rights to consult with the Office to promote the human rights and full participation in international development activities of all persons with disabilities.

- Zeldin amendment #48 to H.R. 3352: An amendment modifying the authorities of the Commission for the Preservation of America’s Heritage Abroad and requiring a report on the extent to which the Commission is able to continue its activities, including if the Commission’s duties and powers were extended to additional regions.

AMENDMENT TO H.R. 3352

OFFERED BY MR. ZELDIN OF NEW YORK

At the end of title IX, add the following:

SEC. __. MODIFICATION OF AUTHORITIES OF COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD.

(a) IN GENERAL.—Chapter 3123 of title 54, United States Code, is amended as follows:

(1) In section 312302, by inserting “, and unimpeded access to those sites,” after “and historic buildings”.

(2) In section 312304(a)—

(A) in paragraph (2)—

(i) by striking “and historic buildings” and inserting “and historic buildings, and unimpeded access to those sites”; and

(ii) by striking “and protected” and inserting “, protected, and made accessible”; and

(B) in paragraph (3), by striking “and protecting” and inserting “, protecting, and making accessible”.

(3) In section 312305, by inserting “and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate” after “President”.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commission for the Preservation of America's Heritage Abroad shall submit to the President and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains an evaluation of the extent to which the Commission is prepared to continue its activities and accomplishments with respect to the foreign heritage of United States citizens from eastern and central Europe, were the Commission's duties and powers extended to include other regions, including the Middle East and North Africa, and any additional resources or personnel the Commission would require.

The measure and amendments considered en bloc were agreed to by voice vote, a quorum being present.

By unanimous consent, the measure was ordered favorably reported, as amended.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of Rules of the House of Representatives, the committee reports that findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of House Rule X, are incorporated in the descriptive portions of this report, particularly in the “Background and Need for Legislation” section.

NEW BUDGET AUTHORITY, TAX EXPENDITURES, AND FEDERAL MANDATES

The Committee has requested but not yet received a Congressional Budget Office Score for H.R. 3352.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The Committee has requested but not yet received a Congressional Budget Office score for H.R. 3352.

NON-DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House Rule XIII, the committee States that no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

PERFORMANCE GOALS AND OBJECTIVES

As explained with greater specificity in the “Purpose and Summary” and “Section-by-Section Analysis” sections of this report, the general goal of H.R. 3352 is to provide for certain authorities of the Department of State. This includes provisions related to the organization and operations of the Department, embassy security, personnel, recruiting and retaining a diverse work force, information security, countering public corruption, administering security assistance, and other items.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 3352 does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

NEW ADVISORY COMMITTEES

H.R. 3352 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

H.R. 3352 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of House Rule XXI.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title; Table of Contents.

Section 2. Definitions. Defines relevant terms that appear throughout this Act.

TITLE I — ORGANIZATION AND OPERATION OF THE DEPARTMENT OF STATE

Section 101. Sense of Congress on Importance of the Department of State’s Work. Sense of Congress on the importance of the work of the State Department and the U.S. Agency for International Development (“USAID”) as agencies that promote U.S. national security and prosperity.

Section 102. Bureau of Democracy, Human Rights, and Labor. Places any special envoys, Ambassadors-at-large, and coordinators within the Bureau of Democracy, Human Rights, and Labor (DRL) under the supervision of the Assistant Secretary of

DRL. Codifies the authorities of the Assistant Secretary and existing DRL Bureau.

Section 103. Assistant Secretary for International Narcotics and Law Enforcement Affairs. Amends the State Department Basic Authorities Act to codify the existing Assistant Secretary for International Narcotics and Law Enforcement Affairs. Delineates areas of responsibility and identifies certain duties for the Assistant Secretary. It also modifies the annual International Narcotics Control Strategy Report to add a requirement related to partner vetting.

Section 104. Bureau of Consular Affairs; Bureau of Population, Refugees, and Migration. Codifies the existence of two longstanding Bureaus in the Department: the Bureau of Consular Affairs; and the Bureau of Population, Refugees, and Migration.

Section 105. Office of International Disability Rights. Permissively authorizes the activities of an Office of International Disability Rights, to be supervised by a senior official at the Department's discretion.

Section 106. Office of Global Women's Issues. Permissively authorizes the activities of the existing Office of Global Women's Issues, to be supervised by an ambassador-at-Large, and mandates a report on the implementation of the duties of the office.

Section 107. Special Appointments. Requires the State Department to report to Congress on recommendations for keeping or eliminating existing administratively created special envoys. Eliminates administratively created special envoys and offices that are not presented for Senate advice and consent within 90 days of submitting that report and allows for the establishment or re-establishment of any special envoys if presented for advice and consent within 90 days of appointment. Allows the appointment of temporary special envoys after notification to Congress that the described envoy will not exercise significant authority. Eliminates the Special Representative for Burma in light of the 2012 appointment of an ambassador to Burma.

Section 108. Anti-Piracy Information Sharing. Improves the ability of the United States to share and receive information to combat piracy and armed robbery against ships in Asia by authorizing continued U.S. participation in the anti-Piracy Information Center in Singapore.

Section 109. Importance of Foreign Affairs Training to National Security. Expresses the sense of Congress that effective training of State Department personnel is essential to the national security of the United States.

Section 110. Authorization for Receipt of Private Funding for Diplomatic Studies and Training. Authorizes the Foreign Service Institute to accept private contributions to assist with the training of State Department personnel. Requires the names of donors be made available to Congress.

Section 111. Classification and Assignment of Foreign Service Officers. Permits the State Department to temporarily fill Foreign Service designated positions that have been vacant for more than 365 days with persons who are not members of the Foreign Service.

Section 112. Energy Diplomacy and Security. Replaces the Coordinator for International Energy Affairs with an authorization

for an Assistant Secretary for Energy Resources and a requirement that there be personnel dedicated to energy matters within the Department responsible for various energy policy priorities enumerated in this section.

Section 113. Passport fees. Permanently authorizes surcharge authority under the Western Hemisphere Travel Initiative (an authority that expired in 2010 and has been reinstated on an annual basis in appropriations bills).

Section 114. United States Diplomacy Center. Authorizes the Department to recover costs through fees generated for the use of center facilities and regulates the disposition of artifacts in the Center's control.

Section 115. Extension of period for reimbursement of commercial fishermen for costs incurred from the illegal seizure and detention of US-flag fishing vessels by foreign governments. Permanently authorizes the Department to reimburse fishermen for fines and direct costs incurred from illegal seizure of U.S.-flag fishing vessels as a result of a claim of jurisdiction not recognized by the U.S. (permanently authorizing what has previously been authorized in annual appropriations bills).

Section 116. Art in embassies. Requires consultation with and notification to Congress prior to purchase of any individual piece of art in excess of \$50,000 for the next two years and mandates a one-time report on prior costs of the Art in Embassies program.

Section 117. Admendment or repeal of reporting requirements. Eliminates or reduces and revises reporting requirements no longer relevant for Congress and the Department.

Section 118. Reporting on Implementation of GAO Recommendations. Requires the State Department to report on and justify unimplemented GAO recommendations.

Section 119. Office of Global Criminal Justice. Permissively authorizes an Office of Global Criminal Justice to be located within the Department at the Secretary's discretion, and describes the duties of the position, with emphasis on forums for accountability for crimes against humanity.

TITLE II — EMBASSY CONSTRUCTION

Section 201. Embassy Construction, Security, and Maintenance. Authorization of funds for Embassy security, construction, and maintenance for Fiscal Year 2020 at Fiscal Year House appropriated level.

Section 202. Standardization in Capital Construction. A Sense of Congress that the Department should give due consideration to standardization in design of new embassy compounds and keep customization to a minimum.

Section 203. Capital Construction Transparency. Requires the State Department to report to Congress quarterly instead of annually on all ongoing capital construction projects, including information on budget, schedule, and contractor claims for the next four years.

Section 204. Contractor Performance Information. Requires the State Department to complete contractor performance evaluations required by the Federal Acquisition Regulation, brief Congress, and develop a prioritization system for clearing its current backlog of evaluations.

Section 205. Growth Projections for New Embassies and Consulates. Requires the State Department to base growth projections for new embassies and consulates on available data (rather than assuming 10 percent growth for all projects).

Section 206. Long-Range Planning Process. Requires the State Department to re-start its long-term planning process for building and maintaining new diplomatic posts and reexamining America's overseas diplomatic "footprint" for the next five years.

Section 207. Value Engineering and Risk Assessment. Requires the State Department to confirm to Congress that it has met standing requirements to conduct value engineering and risk assessment studies on major capital construction projects, and to make the results of those studies available to Congress if requested.

Section 208. Business Volume. Clarifies existing statute that requires bidders on capital construction projects to have achieved business volume equal to the project they're bidding on over the course of three years out of the previous five.

Section 209. Embassy Security Requests and Deficiencies. Requires the State Department to make available to Congress information on security deficiencies at posts abroad.

Section 210. Overseas Security Briefings. Requires the State Department to revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all U.S. Government personnel traveling overseas on official business—prior to their arrival, to the extent practicable.

Sec. 211. Contracting Methods in Capital Construction. Requires the State Department to use design-build contracts for capital construction, unless the Secretary justifies use of another method to the appropriate congressional committees.

Sec. 212. Competition in Embassy Construction. Requires the State Department to report to the appropriate congressional committees on efforts to increase competition in embassy construction contracts.

Sec. 213. Statement of Policy. Expresses that it is the policy of the United States that the State Department's Overseas Building Office should balance functionality and security with accessibility in the construction of U.S. embassies and consulates.

Sec. 214. Definitions. Defines "design-build" and "non-standard design."

TITLE III — PERSONNEL ISSUES

Section 301. Defense Base Act Insurance Waivers. Requires State to apply for waivers to a law requiring foreign contractors to have workers compensation insurance if contractors are already covered domestically. State used to have waiver authority, but now has to get waivers from Department of Labor and has not done so for all countries in which contractors are covered domestically.

Section 302. Study on Foreign Service Allowances. Requires the Secretary to submit a report to Congress analyzing the effect of overseas allowances on the foreign assignment of Foreign Service Officers (FSOs), and particularly how such allowances incentivize FSOs to bid on certain assignments, to be conducted by a federally funded research and development center with appropriate expertise in labor economics and military compensation.

Section 303. Science and Technology Fellowships. Authorizes the State Department to make grants or enter into cooperative agreements, not to exceed \$500k per fiscal year, related to Department science and technology fellowship programs. This includes the Jefferson Science Fellows Program, which brings distinguished science and technology university professors into the State Department as unpaid consultants for one to 2 years. These fellows receive salary and benefits from their universities and work on issues that include nuclear programs, export controls, and energy. This authority would facilitate recruitment and coverage of travel and other appropriate expenses of fellows.

Section 304. Travel for Separated Families. Allows a Foreign Service Officer's child whose other parent is in a different location to transfer their State Department-paid airline ticket (allowed for in statute for the child to visit the other parent) to the other parent.

Section 305. Home Leave Travel for Separated Families. Allows a Foreign Service Officer at an unaccompanied post to take their home leave travel wherever their family is residing if they are not residing in the United States.

Section 306. Sense of Congress Regarding Certain Fellowship Programs. States that it is the sense of Congress that the State Department and USAID should fulfill their obligations to each Rangel, Pickering, and Payne fellow as defined in their original contractual agreements.

Section 307. Technical Correction. Clarifies that certain prerequisites for promotion into the Senior Foreign Service as carried in the Department of State Authorities Act for Fiscal Year (P.L. 114-323) only apply to Foreign Service Officer generalists (and not specialists).

Section 308. Foreign Service Awards. Amends the Foreign Service Act of 1980 to clarify that members of the Civil Service may be awarded Department Awards.

Section 309. Diplomatic Programs. Encourages the Department to continue recruiting and training personnel at a rate consistent with prior years. Requires that the Secretary notify and report to Congress on the Department's strategic staffing plan prior to pursuing a reduction-in-force or "buyouts" of personnel.

Section 310. Sense of Congress Regarding Veterans Employment at the Department of State

Encourages the Department to continue to promote the employment of veterans and recognizes their significant contributions.

Section 311. Employee Assignment Restrictions and Preclusions

Amends the Foreign Service Act of 1980 to expressly grant an employee subjected to an assignment restriction or preclusion the same appeal rights available regarding denial or revocation of security clearance and instructs the Secretary to inform employees of this right by updating the Foreign Affairs Manual accordingly.

Section 312. Recall and Reemployment of Career Members

Amends the Foreign Service Act of 1980 to clarify that former career tenured Foreign Service Officers who separated from the Department for other than cause during the prior 3 years may be reemployed and shall not be required to take a directed first assignment upon reappointment. Also requires the Department and

USAID to make public all employment and promotion opportunities, including those offered under merit promotion procedures which shall expressly State that former employees eligible for reinstatement may apply, to help former civil service employees eligible for reemployment identify such opportunities.

Section 313. Strategic Staffing Plan for the Department

Requires the Secretary to develop a comprehensive 5-year strategic staffing plan for the Department that is aligned with the objectives of the National Security Strategy, including data on current and projected work force needs. Requires a one-time report on root causes and effects of Foreign Service and civil service staffing shortages and the Department's plan to implement related U.S. Government Accountability Office recommendations.

Section 314. Consulting services. Makes permanent a requirement previously carried in appropriations bills for the State Department to publicize any contract for consulting services, which otherwise may not have been required to be made public.

Section 315. Incentives for critical posts. Makes the permissive authority for incentive payments to hardship posts permanent.

Section 316. Extension of Authority for Certain Accountability Review Boards. The requirement for an "Accountability Review Board" for incidents involving serious injury or significant destruction of property at U.S. missions has been waived for Afghanistan and Iraq since 2005, due to the difficulty and danger of conducting such reviews in areas of active combat. This provision deletes Iraq from the waiver and extends the waiver for Afghanistan, Syria, and Yemen until September 30, 2022.

Section 317. Foreign Service suspension without pay. Enables indefinite suspension without pay if FSOs are reasonably believed to have committed an imprisonable crime. For FSOs who have had their security clearance suspended, the provision allows for suspension of duties without pay only after the initial adjudication of their security clearance suspension is completed, and requires congressional notification if the adjudication process endures beyond one calendar year.

Section 318. Foreign Affairs Manual and Foreign Affairs Handbook changes. Requires quarterly reports to Congress on changes made to the Foreign Affairs Manual or the Foreign Affairs handbook; the requirement sunsets in 5 years.

Section 319. Waiver authority for individual occupational requirements of certain positions. Authorizes the Secretary to waive occupational requirements for a civil service position under the GS-0130 (foreign affairs) occupational series based on the individual's technical expertise, based on demonstrated job performance and qualifying experience. Waivers under this authority must be submitted to the Director of the Office of Personnel Management.

Section 320. Standardizing Department parental leave policies. Requires the Secretary to establish and implement a standard parental leave policy applicable to all employees.

Section 321. Appointment of employees to the Global Engagement Center. Authorizes non-competitive temporary appointment for 3 years, with a 2-year extension, of staff for the Global Engagement Center.

Section 322. Rest and recuperation and overseas operations leave for Federal employees. Authorizes up to 20 days of paid leave for rest and recuperation per year for civil service employees to align leave policy with that of other federal agencies.

TITLE IV — A DIVERSE WORKFORCE: RECRUITMENT, RETENTION,
AND PROMOTION

Section 401. Definitions. Defines relevant terms that appear throughout this title.

Section 402. Collection, Analysis, and Dissemination of Workforce Data. Requires the State Department to report on demographic data related to its work force and diversity efforts—including enforcing anti-harassment and anti-discrimination policies, preventing unlawful discrimination or retaliation, providing reasonable accommodation, and recruiting a diverse work force—in a substantial first report and annual updates for five years.

Section 403. Exit Interviews for work force. Requires the Director General of the Foreign Service to offer departing employees the opportunity for an exit interview and analyze the results for diversity impacts. Encourages periodic interviews with retained staff. Requires the State Department to track demographic data on participation in professional development programs and encourage participation from underrepresented groups.

Section 404. Recruitment and retention. Encourages the State Department to recruit a diverse work force by preparing a diversity recruitment plan, recruiting at minority-serving institutions and job fairs in urban and rural communities, and providing opportunities through leadership programs and international affairs organizations dedicated to shared diversity goals. Expands anti-harassment and anti-discrimination training and makes such expanded training mandatory for senior/supervisory officials and officials with personnel-related responsibilities.

Section 405. Leadership engagement and accountability. Requires the Secretary to implement performance and advancement requirements that reward and recognize senior management efforts to promote diversity and inclusion. Urges senior management to ensure that appointments to external advisory committees or boards represent the diversity of the Department.

Section 406. Professional development opportunities and tools. Authorizes the Secretary to approve additional external career advancement opportunities, including participation in academic programs; private-public exchanges; and details to outside organizations, such as private or international organizations, State and local governments, and other branches of the Federal Government. Also requires the Secretary to sponsor members of the work force to participate in a Senior Executive Service candidate development program or similar programs.

Section 407. Examination and oral assessment for the Foreign Service. Requires the oral assessment to be offered in not fewer than three time zones per year, in cities on a rotating basis.

Section 408. Payne Fellowship Authorization. Authorizes the existing Donald M. Payne fellowship program to conduct outreach to help attract outstanding students from diverse ethnic and socioeconomic backgrounds to Foreign Service careers.

Section 409. Voluntary Participation. Clarifies that all the data collected under Title 4 is voluntary and subject to relevant privacy protections.

TITLE V — INFORMATION SECURITY

Section 501. Definitions. Defines relevant terms that appear throughout this title.

Section 502. Information System Security. Requires the Secretary to regularly consult appropriate departments or agencies regarding the security of the State Department's information systems. Also requires a regular report on penetrations and compromises of the Department's systems and networks, including an assessment of the source of the breach, the risk it poses across U.S. networks, and what actions the Department is taking to prevent future attacks.

Section 503. Prohibition on Contracting with Certain Telecommunications Providers. Requires the State Department to develop and maintain a list in coordination with the Office of the Director of National Intelligence (ODNI), a copy of which shall be submitted annually to the relevant congressional committees for 5 years, of contractors that have knowingly participated in a cyberattack or surveillance against the U.S. on behalf of a cyber threat actor, or against individuals for the purposes of suppressing dissent on behalf of a country included in the annual country reports on human rights practices for systematic acts of political repression. Prohibits the State Department from contracting with contractors on the list.

Section 504. Preserving records of electronic communications conducted related to official duties of positions in the public trust of the American people. Sense of Congress and requirement to clarify in the Foreign Affairs Manual that records preservation law applies to communications on electronic messaging systems, software, and applications.

Section 505. Foreign Relations of the United States (FRUS) series and declassification. Lowers the timeframe to automatically declassify Department historical records.

Section 506. Vulnerability Disclosure Policy and Bug Bounty Pilot Program. Requires the Secretary to establish a Vulnerability Disclosure Process (VDP) through which to engage with security researchers toward discovering Department cyber vulnerabilities. Also requires the Secretary to establish a bug bounty pilot program to register and incentivize private individuals and organizations to conduct research to detect such vulnerabilities.

TITLE VI — PUBLIC DIPLOMACY

Section 601. Short title.

Section 602. Avoiding duplication of programs and efforts. Emphasizes the need for the State Department's Under Secretary for Public Affairs to increase coordination and efficiency, and to eliminate duplicative functions.

Section 603. Improving Research and Evaluation of Public Diplomacy. Directs the Secretary to conduct regular research and evaluation of public diplomacy programs. Establishes a Director of Research and Evaluation, without increasing overall positions in

the Department, and with budget authority and responsibility for directing and coordinating all State Department public diplomacy research and evaluation activities. Recommends allocating increased public diplomacy program funds for research and evaluation. Exempts data collection and its usage from the Paperwork Reduction and Privacy Acts. Establishes a subcommittee for research and evaluation in the Advisory Commission on Public Diplomacy to evaluate the Department's public diplomacy research and evaluation efforts.

Section 604. Permanent reauthorization of the United States Advisory Commission on Public Diplomacy.

Section 605. Streamlining of support functions. Requires a report from a working group established by the Department to look at streamlining executive and administrative functions in the family of bureaus under the Undersecretary for Public Diplomacy and Public Affairs.

Section 606. Guidance for closure of public diplomacy facilities. Requires collecting, analyzing, and disseminating information on the impact on public diplomacy activities in the construction of new embassy compounds that will result in the closure of an American Space.

Section 607. Definitions.

TITLE VII — COMBATING PUBLIC CORRUPTION

Section 701. Sense of Congress. Expresses the Sense of Congress that it is in the foreign policy interest of the United States to help other countries promote good governance and combat public corruption, and that the State Department should promote greater coordination among the Federal departments and agencies implementing programs toward that end.

Section 702. Annual Assessment. Requires the Secretary for each of the fiscal years 2020 through 2026 to utilize independent, third party indicators and other considerations to assess the capacity and commitment of foreign countries to combat public corruption. Upon completing the assessment, the Secretary is required to provide to the appropriate congressional committees and make publicly available a report that identifies those countries that are: (1) meeting minimum standards to combat public corruption; (2) not meeting minimum standards but making significant efforts to do so; or (3) are neither meeting minimum standards nor making significant efforts to do so. The Secretary may provide a briefing to the appropriate committee in lieu of a report if the Secretary determines that publishing such report would undermine existing U.S. anti-corruption efforts or threaten U.S. national interests.

Section 703. Transparency and Accountability. Requires the Secretary, in coordination with the USAID Administrator, to ensure that a corruption risk assessment and mitigation strategy is included in the integrated country strategy for each country identified as either “not meeting minimum standards but making significant efforts to do so,” or “neither meeting minimum standards nor making significant efforts.” Further requires the Secretary, in coordination with the Administrator, to utilize appropriate mechanisms to combat corruption in such countries.

Section 704. Designation of Embassy Anti-Corruption Points of Contact. Requires the Secretary to designate an

anticorruption point of contact at the U.S. mission to each country identified in section 702. Points of contact shall be responsible for coordinating and overseeing a whole-of-government approach to combatting public corruption in their posted countries.

Section 705. Reporting Requirements. Requires an annual report on implementation of this anti-corruption title. Further requires the Secretary to make available existing reports relating to foreign corruption on a single, public, online platform. Requires the incorporation of anti-corruption training into existing Foreign Service and Civil Service training courses.

Section 706. Foreign investments and national security. Requires the Secretary, in consultation with the Secretary of the Treasury, the Director of National Intelligence, and the heads of other agencies, as appropriate to develop an interagency strategy to work with foreign governments and multilateral institutions to guard against the risks of certain transactions involving foreign investments. Requires a biannual report on the strategy over the next 6 years.

TITLE VIII — MATTERS RELATING TO INTERNATIONAL SECURITY

Section 801. Short title.

Section 802. Security Assistance Defined. Defines “security assistance” for purposes of this title.

Subtitle A — Reforms Relating to Security Assistance

Section 811. Organizational Reform. Requires the Secretary of State to designate a working group on security assistance within Department senior management, mandates establishment of an Office of Security Assistance within the designated Under Secretary’s bureau, and calls for an organization plan and designates officers to coordinate security assistance in relevant offices and diplomatic posts. Requires a report to Congress on the above within 180 days of passage of this Act.

Section 812. Workforce Development. Requires the Secretary to establish a security assistance curriculum for training to be provided at the Department’s Foreign Service Institute.

Section 813. Security Assistance Planning. Requires the Office of Security Assistance established in section 811 to create a Global Framework for security assistance planning to be used by relevant bureaus and diplomatic posts for regional and country-specific planning —with identification of priority countries as part of Department-level planning. Requires the Office to coordinate development of definitions for different levels of security assistance, including specifically a definition for “significant” security assistance; and requires the office to coordinate with the DRL Bureau to define baseline norms of governance and rule of law. Outlines elements to be used in assessment, monitoring, and evaluation of security assistance in countries receiving “significant” security assistance and requires coordination of security assistance resources. Directs the Secretary, in consultation with the Secretary of Defense, to establish multi-year compacts with governments of countries that receive security assistance. Establishes an annual reporting requirement on security assistance planning and implementation.

Section 814. Interagency Coordination of Security Assistance, Transfers, and Security Cooperation. Calls for creation of a central common data base, in coordination with the Secretary of Defense and other appropriate agencies, focused on security assistance. Requires a report to appropriate congressional committees assessing coordination between the Department of State security assistance programs and the Department of Defense security cooperation programs.

Section 815. Rule of Construction. Noting in this title shall affect implementation of subsection (h) of section 36 of the Arms Export Control Act, which ensures that arms sales or export shall not adversely affect Israel's qualitative military edge.

Subtitle B — Foreign Military Assistance

Section 821. Strategic Allocation of Excess Defense Articles. Clarifies that the Secretary, in consultation with the Secretary of Defense, shall allocate—distinct from actual delivery of excess defense articles (EDA) in accordance with national security priorities. Authorizes use of security assistance funds to refurbish and upgrade such EDA. Increases the threshold for congressional notification of EDA from \$7 million to \$25 million (consistent with inflation since the former threshold was established in 1961). Increases the annual cap on EDA transfers from \$500 million to \$600 million.

Section 822. Modification of Purposes for which Military Sales by the United States are Authorized. Expressly States that anti-terrorism is an “internal security” purpose for which military sales are authorized.

Section 823. Return of Defense Articles. Amends Section 21 of the Arms Export Control Act to authorize the Secretary to accept return of “significant military equipment” from a country or international organization.

Section 824. Requirements Relating to Exemptions for Licensing of Defense Items. Amends Section 38(j) of the Arms Export Control Act to expressly include the North Atlantic Treaty Organization as an entity eligible for exemptions for licensing of defense items.

Section 825. Amendment to General Provisions. Amends Section 42(a) of the Arms Export Control Act to expressly State that procurements made under that Act outside the United States shall be made on a competitive basis.

Section 826. Technical amendments to the Arms Export Control Act. Amends Section 36 of the Act to add direct reference to the North Atlantic Treaty Organization.

Section 827. Sense of Congress on Licensing under United States Arms Export Control Programs. Encourages the President to develop a new framework for licensing under arms export control programs.

Section 828. Extension of War Reserve Stockpile Authority. Extends existing authorities through 2021.

Section 829. Peacekeeping Operations and Other National Security Programs. Amends Section 551 of the Foreign Assistance Act of 1961 to authorize assistance to enhance the capacity of foreign civilian security forces to participate in peacekeeping and counterterrorism operations. Provides notwithstanding authority to

use any funds appropriated for peacekeeping operations to be used to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations. Also encourages promotion of greater participation of women in such peacekeeping operations. Establishes a notification requirement prior to obligation of funds for peacekeeping operations purposes.

Section 830. Other Amendments to Military Assistance Authorities. Amends the Foreign Assistance Act of 1961 to expressly include regional and international organizations as eligible recipients. Amends Section 620M of the Foreign Assistance Act of 1961 to clarify that public reporting may only be limited if disclosure would endanger the safety of human resources or reveal sensitive intelligence sources and methods, and to require an annual report on a vetting process for security forces of foreign countries to receive assistance.

Section 831. Repeal of Reports. Repeals Annual Report on World Military Expenditures and Arms Transfers; Annual Report relating to the Commission on Security and Cooperation in Europe; and Report on Assistance relating to International Terrorism.

Section 832. Defense trade controls registration fees. Permits the Department to use registration fees to support management, licensing, compliance, and policy activities related to defense trade controls.

Section 833. Withholding of assistance to units of foreign security forces that engaged in sexual exploitation or abuse in peacekeeping operations. Makes permanent an annual authorization withholding funds from government units credibly alleged to have engaged in such activities.

Section 834. Modification to limitations on assistance relating to human rights. Amends the restriction in Section 620M of the Foreign Assistance Act of 1961 on assistance to security forces of a foreign country if the Secretary has credible information that such unit has committed a gross violation of human rights; expands the restriction to any joint operation involving such unit, and expands its application to include any act constituting a war crime as defined in section 2441 of Title 18 of U.S. Code.

Subtitle C — Studies on Authorities and Programs

Section 841. Requirement for Study by Bureau of International Narcotics and Law Enforcement Affairs. Requires the INL Bureau to submit to Congress a report on all existing programs, and their statutory authorities, that provide training, advice, equipment, and other support to eligible foreign civilian security forces and institutions.

Section 842. Requirement for Independent Study of Existing Security Assistance Authorities. Requires the Secretary to use an independent research entity to study the history, evolution, and original intent of existing security sector authorities, and to provide recommendations for updating those authorities.

TITLE IX — MISCELLANEOUS

Section 901. Case-Zablocki Act Reform. Requires each department or agency that enters into international agreements on behalf of the United States to designate an officer responsible for

transmitting the text of those agreements to the State Department within 20 days of signing.

Section 902. Limitation on assistance to countries in default. Makes permanent long-standing limitation previously included in annual appropriations acts regarding types of assistance that can be provided to countries in default.

Section 903. Prohibition on assistance to governments supporting international terrorism. Makes permanent a long-standing prohibition previously included in annual appropriations acts on assistance to governments that support international terrorism.

Section 904. Establishing a coordinator for ISIS detainee issues. Permits the President to designate an existing State Department official to serve as senior-level coordinator on ISIS detainee issues within the US Government and with other countries and international organizations.

Section 905. Sean and David Goldman Child Abduction Prevention and Return Act of 2014 amendment. Adds metrics—specifically, the number of children involved in cases and the number of pending cases—to an annual report the Secretary is required to provide to Congress pursuant to the Sean and David Goldman Child Abduction Prevention and Return Act.

Section 906. Modification of authorities of Commission for the Reservation of America’s Heritage abroad. Amends an authority to advocate for and fund preservation of sites of historical significance to American’s heritage abroad to add the purpose of seeking unimpeded access to those sites. Establishes the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate as recipients of the Commission’s regular reporting and requires a one-time report from the Commission evaluating its capacity to continue its current activities in the event the geographic mandate of the commission were to be expanded.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

* * * * *

TITLE I—BASIC AUTHORITIES GENERALLY

ORGANIZATION OF THE DEPARTMENT OF STATE

SECTION 1. (a) SECRETARY OF STATE.—

(1) The Department of State shall be administered, in accordance with this Act and other provisions of law, under the supervision and direction of the Secretary of State (hereinafter referred to as the “Secretary”).

(2) The Secretary, the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources shall be appointed by the President, by and with the advice and consent of the Senate.

(3)(A) Notwithstanding any other provision of law and except as provided in this section, the Secretary shall have and exercise any authority vested by law in any office or official of the Department of State. The Secretary shall administer, coordinate, and direct the Foreign Service of the United States and the personnel of the Department of State, except where authority is inherent in or vested in the President.

(B)(i) The Secretary shall not have the authority of the Inspector General or the Chief Financial Officer.

(ii) The Secretary shall not have any authority given expressly to diplomatic or consular officers.

(4) The Secretary is authorized to promulgate such rules and regulations as may be necessary to carry out the functions of the Secretary of State and the Department of State. Unless otherwise specified in law, the Secretary may delegate authority to perform any of the functions of the Secretary or the Department to officers and employees under the direction and supervision of the Secretary. The Secretary may delegate the authority to redelegate any such functions.

(b) UNDER SECRETARIES.—

(1) IN GENERAL.—There shall be in the Department of State not more than 6 Under Secretaries of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as Senior Advisor to the President and the Secretary of State on Arms Control and Nonproliferation Matters.

(3) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting. The Under Secretary for Public Diplomacy shall—

(A) prepare an annual strategic plan for public diplomacy in collaboration with overseas posts and in consultation with the regional and functional bureaus of the Department;

(B) ensure the design and implementation of appropriate program evaluation methodologies;

(C) provide guidance to Department personnel in the United States and overseas who conduct or implement public diplomacy policies, programs, and activities;

(D) assist the United States Agency for International Development and the Broadcasting Board of Governors to present the policies of the United States clearly and effectively; and

(E) submit statements of United States policy and editorial material to the Broadcasting Board of Governors for broadcast consideration.

(4) NOMINATION OF UNDER SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.

(c) ASSISTANT SECRETARIES.—

(1) IN GENERAL.—There shall be in the Department of State not more than 24 Assistant Secretaries of State who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5. Each Assistant Secretary of State shall be appointed by the President, by and with the advice and consent of the Senate, except that the appointments of the Assistant Secretary for Public Affairs and the Assistant Secretary for Administration shall not be subject to the advice and consent of the Senate.

(2) ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.—(A) There shall be in the Department of State an Assistant Secretary of State for Democracy, Human Rights, and Labor who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to prisoners of war and members of the United States Armed Forces missing in action) in the conduct of foreign policy and such other related duties as the Secretary may from time to time designate. The Secretary of State shall carry out the Secretary's responsibility under section 502B of the Foreign Assistance Act of 1961 through the Assistant Secretary. *All special envoys, ambassadors, and coordinators located within the Bureau of Democracy, Human Rights, and Labor shall report directly to the Assistant Secretary.*

(B) The Assistant Secretary of State for Democracy, Human Rights, and Labor shall maintain continuous observation and review all matters pertaining to human rights and humanitarian affairs (including matters relating to prisoners of war and members of the United States Armed Forces missing in action) in the conduct of foreign policy including the following:

(i) Gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each country to which requirements of sections 116 and 502B of the Foreign Assistance Act of 1961 are relevant.

(ii) Preparing the statements and reports to Congress required under [section] *sections 116 and 502B* of the Foreign Assistance Act of 1961 (*commonly referred to as the annual "Country Reports on Human Rights Practices"*).

(iii) Making recommendations to the Secretary of State and the Administrator of the Agency for International Development regarding compliance with sections 116 and 502B of the Foreign Assistance Act of 1961, and as part of the Assistant Secretary's overall policy responsibility for the creation of United States Government human rights policy, advising the Administrator of the Agency for International Development on the policy framework under which section 116(e) projects are developed and consulting with the Administrator on the selection and implementation of such projects.

(iv) Performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.

(C) *AUTHORITIES.*—*In addition to the duties, functions, and responsibilities specified in this paragraph, the Assistant Secretary of State for Democracy, Human Rights, and Labor is authorized to—*

(i) *promote democracy and actively support human rights throughout the world;*

(ii) *promote the rule of law and good governance throughout the world;*

(iii) *strengthen, empower, and protect civil society representatives, programs, and organizations, and facilitate their ability to engage in dialogue with governments and other civil society entities;*

(iv) *work with regional bureaus to ensure adequate personnel at diplomatic posts are assigned responsibilities relating to advancing democracy, human rights, labor rights, women's equal participation in society, and the rule of law, with particular attention paid to adequate oversight and engagement on such issues by senior officials at such posts;*

(v) *review and, as appropriate, make recommendations to the Secretary of State regarding the proposed transfer of—*

(I) *defense articles and defense services authorized under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.); and*

(II) *military items listed on the "600 series" of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;*

(vi) *coordinate programs and activities that protect and advance the exercise of human rights and internet freedom in cyberspace; and*

(vii) *implement other relevant policies and provisions of law.*

(D) *EFFICIENCY.*—*The Assistant Secretary for Democracy, Human Rights, and Labor shall take whatever actions may be necessary to minimize the duplication of efforts within the Bureau of Democracy, Human Rights, and Labor.*

(E) *LOCAL OVERSIGHT.*—United States missions, to the extent practicable, should assist in exercising oversight authority and coordinate with the Bureau of Democracy, Human Rights, and Labor to ensure that funds are appropriately used and comply with anti-corruption practices.

(3) *ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.*—

(A) *IN GENERAL.*—There is authorized to be in the Department of State an Assistant Secretary for International Narcotics and Law Enforcement Affairs, who shall be responsible to the Secretary of State for all matters, programs, and related activities pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy by the Department, including, as appropriate, leading the coordination of programs carried out by United States Government agencies abroad, and such other related duties as the Secretary may from time to time designate.

(B) *AREAS OF RESPONSIBILITY.*—The Assistant Secretary for International Narcotics and Law Enforcement Affairs shall maintain continuous observation and coordination of all matters pertaining to international narcotics, anti-crime, and law enforcement affairs in the conduct of foreign policy, including programs carried out by other United States Government agencies when such programs pertain to the following matters:

(i) Combating international narcotics production and trafficking.

(ii) Strengthening foreign justice systems, including judicial and prosecutorial capacity, appeals systems, law enforcement agencies, prison systems, and the sharing of recovered assets.

(iii) Training and equipping foreign police, border control, other government officials, and other civilian law enforcement authorities for anti-crime purposes, including ensuring that no foreign security unit or member of such unit shall receive such assistance from the United States Government absent appropriate vetting.

(iv) Ensuring the inclusion of human rights and women's participation issues in law enforcement programs, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, and other senior officials in regional and thematic bureaus and offices.

(v) Combating, in conjunction with other relevant bureaus of the Department, all forms of transnational organized crime, including illicit trafficking in human beings, arms, wildlife, and cultural property, migrant smuggling, corruption, money laundering, the illicit smuggling of bulk cash, the licit use of financial systems for malign purposes, and other new and emerging forms of crime.

(vi) Identifying and responding to global corruption, including strengthening the capacity of foreign government institutions responsible for addressing financial

crimes and engaging with multilateral organizations responsible for monitoring and supporting foreign governments' anti-corruption efforts.

(C) *ADDITIONAL DUTIES.—In addition to the responsibilities specified in subparagraph (B), the Assistant Secretary for International Narcotics and Law Enforcement Affairs shall also—*

(i) carry out timely and substantive consultation with chiefs of mission and, as appropriate, the heads of other United States Government agencies to ensure effective coordination of all international narcotics and law enforcement programs carried out overseas by the Department and such other agencies;

(ii) coordinate with the Office of National Drug Control Policy to ensure lessons learned from other United States Government agencies are available to the Bureau of International Narcotics and Law Enforcement Affairs of the Department;

(iii) develop standard requirements for monitoring and evaluation of Bureau programs, including metrics for success that do not rely solely on the amounts of illegal drugs that are produced or seized;

(iv) in coordination with the Secretary of State, annually certify in writing to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that United States law enforcement personnel posted abroad whose activities are funded to any extent by the Bureau of International Narcotics and Law Enforcement Affairs are complying with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927); and

(v) carry out such other relevant duties as the Secretary may assign.

(4) *ENERGY RESOURCES.—*

(A) AUTHORIZATION FOR ASSISTANT SECRETARY.—Subject to the numerical limitation specified in paragraph (1), there is authorized to be established in the Department of State an Assistant Secretary of State for Energy Resources.

(B) PERSONNEL.—The Secretary of State shall ensure that there are sufficient personnel dedicated to energy matters within the Department of State whose responsibilities shall include—

(i) formulating and implementing international policies aimed at protecting and advancing United States energy security interests by effectively managing United States bilateral and multilateral relations;

(ii) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decision making process within the Department;

(iii) incorporating energy security priorities into the activities of the Department;

(iv) coordinating energy activities of the Department with relevant Federal departments and agencies; and

(v) working internationally to—

(I) support the development of energy resources and the distribution of such resources for the benefit of the United States and United States allies and trading partners for their energy security and economic development needs;

(II) promote availability of diversified energy supplies and a well-functioning global market for energy resources, technologies, and expertise for the benefit of the United States and United States allies and trading partners;

(III) resolve international disputes regarding the exploration, development, production, or distribution of energy resources;

(IV) support the economic and commercial interests of United States persons operating in the energy markets of foreign countries;

(V) support and coordinate international efforts to alleviate energy poverty;

(VI) leading the United States commitment to the Extractive Industries Transparency Initiative;

(VII) coordinating within the Department and with relevant Federal departments and agencies on developing and implementing international energy-related sanctions; and

(VIII) coordinating energy security and other relevant functions within the Department currently undertaken by—

(aa) the Bureau of Economic and Business Affairs;

(bb) the Bureau of Oceans and International Environmental and Scientific Affairs; and

(cc) other offices within the Department of State.

[(3)] (5) NOMINATION OF ASSISTANT SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.

(d) OTHER SENIOR OFFICIALS.—In addition to officials of the Department of State who are otherwise authorized to be appointed by the President, by and with the advice and consent of the Senate, and to be compensated at level IV of the Executive Schedule of section 5315 of title 5, United States Code, four other such appointments are authorized.

(e) COORDINATOR FOR COUNTERTERRORISM.—

(1) IN GENERAL.—There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the “Coordinator”) who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) DUTIES.—

(A) IN GENERAL.—The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

(B) DUTIES DESCRIBED.—The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

(3) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.

(f) HIV/AIDS RESPONSE COORDINATOR.—

(1) IN GENERAL.—There shall be established within the Department of State in the immediate office of the Secretary of State a Coordinator of United States Government Activities to Combat HIV/AIDS Globally, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

(2) AUTHORITIES AND DUTIES; DEFINITIONS.—

(A) AUTHORITIES.—The Coordinator, acting through such nongovernmental organizations (including faith-based and community-based organizations), partner country finance, health, and other relevant ministries, and relevant executive branch agencies as may be necessary and appropriate to effect the purposes of this section, is authorized—

(i) to operate internationally to carry out prevention, care, treatment, support, capacity development, and other activities for combatting HIV/AIDS;

(ii) to transfer and allocate funds to relevant executive branch agencies; and

(iii) to provide grants to, and enter into contracts with, nongovernmental organizations (including faith-based and community-based organizations), partner country finance, health, and other relevant ministries, to carry out the purposes of section.

(B) DUTIES.—

(i) IN GENERAL.—The Coordinator shall have primary responsibility for the oversight and coordination of all resources and international activities of the United States Government to combat the HIV/AIDS pandemic, including all programs, projects, and activities of the United States Government relating to the HIV/AIDS pandemic under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 or any amendment made by that Act.

(ii) SPECIFIC DUTIES.—The duties of the Coordinator shall specifically include the following:

(I) Ensuring program and policy coordination among the relevant executive branch agencies and nongovernmental organizations, including auditing, monitoring, and evaluation of all such programs.

(II) Ensuring that each relevant executive branch agency undertakes programs primarily in those areas where the agency has the greatest ex-

expertise, technical capabilities, and potential for success.

(III) Avoiding duplication of effort.

(IV) Establishing an interagency working group on HIV/AIDS headed by the Global AIDS Coordinator and comprised of representatives from the United States Agency for International Development and the Department of Health and Human Services, for the purposes of coordination of activities relating to HIV/AIDS, including—

(aa) meeting regularly to review progress in partner countries toward HIV/AIDS prevention, treatment, and care objectives;

(bb) participating in the process of identifying countries to consider for increased assistance based on the epidemiology of HIV/AIDS in those countries, including clear evidence of a public health threat, as well as government commitment to address the HIV/AIDS problem, relative need, and coordination and joint planning with other significant actors;

(cc) assisting the Coordinator in the evaluation, execution, and oversight of country operational plans;

(dd) reviewing policies that may be obstacles to reaching targets set forth for HIV/AIDS prevention, treatment, and care; and

(ee) consulting with representatives from additional relevant agencies, including the National Institutes of Health, the Health Resources and Services Administration, the Department of Labor, the Department of Agriculture, the Millennium Challenge Corporation, the Peace Corps, and the Department of Defense.

(V) Coordinating overall United States HIV/AIDS policy and programs, including ensuring the coordination of relevant executive branch agency activities in the field, with efforts led by partner countries, and with the assistance provided by other relevant bilateral and multilateral aid agencies and other donor institutions to promote harmonization with other programs aimed at preventing and treating HIV/AIDS and other health challenges, improving primary health, addressing food security, promoting education and development, and strengthening health care systems.

(VI) Resolving policy, program, and funding disputes among the relevant executive branch agencies.

(VII) Holding annual consultations with non-governmental organizations in partner countries that provide services to improve health, and advocating on behalf of the individuals with HIV/AIDS

and those at particular risk of contracting HIV/AIDS, including organizations with members who are living with HIV/AIDS.

(VIII) Ensuring, through interagency and international coordination, that HIV/AIDS programs of the United States are coordinated with, and complementary to, the delivery of related global health, food security, development, and education.

(IX) Directly approving all activities of the United States (including funding) relating to combatting HIV/AIDS in each of Botswana, Cote d'Ivoire, Ethiopia, Guyana, Haiti, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Tanzania, Uganda, Vietnam, Zambia, and other countries designated by the President, which other designated countries may include those countries in which the United States is implementing HIV/AIDS programs as of the date of the enactment of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 and other countries in which the United States is implementing HIV/AIDS programs as part of its foreign assistance program. In designating additional countries under this subparagraph, the President shall give priority to those countries in which there is a high prevalence of HIV or risk of significantly increasing incidence of HIV within the general population and inadequate financial means within the country.

(X) Working with partner countries in which the HIV/AIDS epidemic is prevalent among injection drug users to establish, as a national priority, national HIV/AIDS prevention programs.

(XI) Working with partner countries in which the HIV/AIDS epidemic is prevalent among individuals involved in commercial sex acts to establish, as a national priority, national prevention programs, including education, voluntary testing, and counseling, and referral systems that link HIV/AIDS programs with programs to eradicate trafficking in persons and support alternatives to prostitution.

(XII) Establishing due diligence criteria for all recipients of funds appropriated for HIV/AIDS assistance pursuant to the authorization of appropriations under section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671) and all activities subject to the coordination and appropriate monitoring, evaluation, and audits carried out by the Coordinator necessary to assess the measurable outcomes of such activities.

(XIII) Publicizing updated drug pricing data to inform the purchasing decisions of pharmaceutical procurement partners.

(C) DEFINITIONS.—In this paragraph:

(i) AIDS.—The term “AIDS” means acquired immune deficiency syndrome.

(ii) HIV.—The term “HIV” means the human immunodeficiency virus, the pathogen that causes AIDS.

(iii) HIV/AIDS.—The term “HIV/AIDS” means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(iv) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term “relevant executive branch agencies” means the Department of State, the United States Agency for International Development, the Department of Health and Human Services (including the Public Health Service), and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or this Act.

(g) BUREAU OF CONSULAR AFFAIRS.—*There is in the Department of State the Bureau of Consular Affairs, which shall be headed by the Assistant Secretary of State for Consular Affairs*

(h) BUREAU OF POPULATION, REFUGEES, AND MIGRATION.—*There is in the Department of State the Bureau of Population, Refugees, and Migration, which shall be headed by the Assistant Secretary of State for Population, Refugees, and Migration.*

[(g)] (i) QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.—

(1) OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary with respect to matters relating to personnel in the Department of State, or that officer’s principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.

(2) OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary with respect to diplomatic security, or that officer’s principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security.

(3) OFFICER HAVING PRIMARY RESPONSIBILITY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary with respect to international narcotics and law enforcement, or that officer’s principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) law enforcement or international narcotics policy.

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DEFENSE TRADE CONTROLS REGISTRATION FEES

SEC. 45. For each fiscal year, 100 percent of the *defense trade controls* registration fees collected by [the Office of Defense Trade Controls of] the Department of State shall be credited to a Depart-

ment of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for payment of expenses incurred for *management, licensing, compliance, and policy activities in the defense trade controls function, including—*

(1) **[contract personnel to assist in]** the evaluation of defense trade controls license applications, reduction in processing time for license applications, and improved monitoring of compliance with the terms of licenses;

(2) the automation of defense trade control functions, including compliance and enforcement activities, and the processing of defense trade control license applications, including the development, procurement, and utilization of computer equipment and related software; **[and]**

(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls**[.]**;

(4) *the facilitation of defense trade policy development and implementation, review of commodity jurisdiction determinations, public outreach to industry and foreign parties, and analysis of scientific and technological developments as they relate to the exercise of defense trade control authorities; and*

(5) *contract personnel to assist in such activities.*

* * * * *

SEC. 64. UNITED STATES DIPLOMACY CENTER.

(a) **ACTIVITIES.**—

(1) **SUPPORT AUTHORIZED.**—*The Secretary of State is authorized to provide, by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services and related events, including organizing programs and conference activities, museum shop services and food services in the public exhibition and related space utilized by the center for United States diplomacy.*

(2) **RECOVERY OF COSTS.**—*The Secretary of State is authorized to recover any revenues generated under the authority of paragraph (1) for visitor and outreach services and related events referred to in such paragraph, including fees for use of facilities at a center for United States diplomacy. Any such revenues may be retained as a recovery of the costs of operating the Center.*

(b) **DISPOSITION OF UNITED STATES DIPLOMACY CENTER DOCUMENTS, ARTIFACTS, AND OTHER ARTICLES.**—

(1) **PROPERTY.**—*All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary of State to be suitable for display by the center for United States diplomacy shall be considered to be the property of the United States Government and shall be subject to disposition solely in accordance with this subsection.*

(2) **SALE, TRADE, OR TRANSFER.**—*Whenever the Secretary of State makes the determination described in paragraph (3) with*

respect to a document, artifact, or other article under paragraph (1), the Secretary may sell at fair market value, trade, or transfer such document, artifact, or other article without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the mission of the center for United States diplomacy and may not be used for any purpose other than the acquisition and direct care of the collections of the center.

(3) DETERMINATIONS PRIOR TO SALE, TRADE, OR TRANSFER.—The determination described in this paragraph with respect to a document, artifact, or other article under paragraph (1), is a determination that—

(A) such document, artifact, or other article no longer serves to further the purposes of the center for United States diplomacy as set forth in the collections management policy of the center;

(B) the sale, trade, or transfer of such document, artifact, or other article would serve to maintain the standards of the collection of the center; or

(C) sale, trade, or transfer of such document, artifact, or other article would be in the best interests of the United States.

(4) LOANS.—In addition to the authorization under paragraph (2) relating to the sale, trade, or transfer of documents, artifacts, or other articles under paragraph (1), the Secretary of State may loan such documents, artifacts, or other articles, when not needed for use or display by the center for United States diplomacy to the Smithsonian Institution or a similar institution for repair, study, or exhibition.

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TITLE IV—FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES

SEC. 401. GENERAL AUTHORITY AND CONTENTS OF PUBLICATION.

(a) CHARTER OF THE PUBLICATION.—The Department of State shall continue to publish the “Foreign Relations of the United States historical series” (hereafter in this title referred to as the “FRUS series”), which shall be a thorough, accurate, and reliable documentary record of major United States foreign policy decisions and significant United States diplomatic activity. Volumes of this publication shall include all records needed to provide a comprehensive documentation of the major foreign policy decisions and actions of the United States Government, including the facts which contributed to the formulation of policies and records providing supporting and alternative views to the policy position ultimately adopted.

(b) EDITING PRINCIPLES.—The editing of records for preparation of the FRUS series shall be guided by the principles of historical objectivity and accuracy. Records shall not be altered and deletions shall not be made without indicating in the published text that a deletion has been made. The published record shall omit no facts

which were of major importance in reaching a decision, and nothing shall be omitted for the purpose of concealing a defect of policy.

(c) **DEADLINE FOR PUBLICATION OF RECORDS.**—The Secretary of State shall ensure that the FRUS series shall be published not more than **[30]** 25 years after the events recorded.

SEC. 402. RESPONSIBILITY FOR PREPARATION OF THE FRUS SERIES.

(a) **IN GENERAL.**—

(1)(A) The Historian of the Department of State shall be responsible for the preparation of the FRUS series, including the selection of records, in accordance with the provisions of this title.

(B) The Advisory Committee on Historical Diplomatic Documentation shall review records, and shall advise and make recommendations to the Historian concerning all aspects of preparation and publication of the FRUS series, including, in accordance with the procedures contained in section 403, the review and selection of records for inclusion in volumes of the series.

(2) Other departments, agencies, and other entities of the United States Government shall cooperate with the Office of the Historian by providing full and complete access to the records pertinent to United States foreign policy decisions and actions and by providing copies of selected records in accordance with the procedures developed under section 403, except that no access to any record, and no provision of any copy of a record, shall be required in the case of any record that was prepared less than **[26]** 20 years before the date of a request for such access or copy made by the Office of the Historian.

(b) **NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.**—Notwithstanding any other provision of this title, the requirement for the National Archives and Records Administration to provide access to, and copies of, records to the Department of State for the FRUS series shall be governed by chapter 21 of title 44, United States Code, by any agreement concluded between the Department of State and the National Archives and Records Administration, and, in the case of Presidential records, by section 2204 of such title.

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SEC. 404. DECLASSIFICATION OF STATE DEPARTMENT RECORDS.

(a) **DEADLINE FOR DECLASSIFICATION.**—

(1) Except as provided in subsection (b), each classified record of permanent historical value (as determined by the Secretary of State and the Archivist of the United States) which was published, issued, or otherwise prepared by the Department of State (or any officer or employee thereof acting in an official capacity) shall be declassified not later than **[30]** 25 years after the record was prepared, shall be transferred to the National Archives and Records Administration, and shall be made available at the National Archives for public inspection and copying.

(2) Nothing in this subsection may be construed to require the declassification of a record wholly prepared by a foreign government.

(b) **EXEMPTED RECORDS.**—Subsection (a) shall not apply to any record (or portion thereof) the publication of which the Secretary of

State, in coordination with any agency that originated information in the records, determines—

(1) would compromise weapons technology important to the national defense of the United States or reveal sensitive information relating to the design of United States or foreign military equipment or relating to United States cryptologic systems or activities;

(2) would disclose the names or identities of living persons who provided confidential information to the United States and would pose a substantial risk of harm to such persons;

(3) would demonstrably impede current diplomatic negotiations or other ongoing official activities of the United States Government or would demonstrably impair the national security of the United States; or

(4) would disclose matters that are related solely to the internal personnel rules and practices of the Department of State or are contained in personnel, medical, or similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(c) REVIEW.—

(1) The Advisory Committee shall review—

(A) the State Department's declassification procedures,

(B) all guidelines used in declassification, including those guidelines provided to the National Archives and Records Administration which are in effect on the date of enactment of this title, and

(C) by random sampling, records representative of all Department of State records published, issued, or otherwise prepared by the Department of State that remain classified after ~~30~~ 25 years.

(2) In the event that the Secretary of State considers it necessary to deny access to records under paragraph (1)(C), the Secretary shall notify the Advisory Committee in writing, describing the nature of the records in question and the justification for withholding them.

(d) ANNUAL REPORTS BY THE ADVISORY COMMITTEE.—The Advisory Committee shall annually submit to the Secretary of State and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report setting forth its findings from the review conducted under subsection (c).

(e) ANNUAL REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the compliance of the Department of State with the provisions of this title, including—

(A) the volumes published in the previous calendar year;

(B) the degree to which the Department is not in compliance with the deadline set forth in section 401(c); and

(C) the factors relevant to the inability of the Department to comply with the provisions of this title, including section 401(c).

(2) FORM OF REPORTS.—Each report required to be submitted by paragraph (1) shall be submitted in unclassified form, together with a classified annex if necessary.

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FOREIGN ASSISTANCE ACT OF 1961

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TITLE XII—FAMINE PREVENTION AND FREEDOM FROM HUNGER

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CHAPTER 8—INTERNATIONAL NARCOTICS CONTROL

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SEC. 489. REPORTING REQUIREMENTS.

(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Not later than March 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report containing the following:

(1) For each country that received assistance under this chapter for either of the 2 preceding fiscal years, a report on the extent to which the country has—

(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport, and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement; and

(C) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

(2)(A) A description of the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including appropriate information on the status of negotiations between the United States and other countries on updated extradition treaties, mutual legal assistance treaties, precursor chemical controls, money laundering, and agreements pursuant to section 2015 of the International Narcotics Act of 1986 (relating to interdiction procedures for vessels of foreign registry).

(B) Information on multilateral and bilateral strategies with respect to money laundering pursued by the Department of

State, the Department of Justice, the Department of the Treasury, and other relevant United States Government agencies, either collectively or individually, to ensure the cooperation of foreign governments with respect to narcotics-related money laundering and to demonstrate that all United States Government agencies are pursuing a common strategy with respect to major money laundering countries. The report shall include specific detail to demonstrate that all United States Government agencies are pursuing a common strategy with respect to achieving international cooperation against money laundering and are pursuing a common strategy with respect to major money laundering countries, including a summary of United States objectives on a country-by-country basis.

(3) The identity of those countries which are—

(A) major illicit drug producing countries or major drug-transit countries as determined under section 490(h);

(B) major sources of precursor chemicals used in the production of illicit narcotics; or

(C) major money laundering countries.

(4) In addition, for each country identified pursuant to paragraph (3), the following:

(A) A description of the plans, programs, and timetables adopted by such country, including efforts to meet the objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with those plans.

(B) Whether as a matter of government policy or practice, such country encourages or facilitates the illicit production or distribution of narcotic or psychotropic drugs or other controlled substances or the laundering of proceeds from illegal drug transactions; and whether any senior official of the government of such country engages in, encourages, or facilitates the illicit production or distribution of such drugs or substances, or the laundering of proceeds from illegal drug transactions.

(5) In addition, for each country identified pursuant to paragraph (3)(A) or (3)(B), a detailed status report, with such information as can be reliably obtained, on the narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

(6) In addition, for those countries identified pursuant to paragraph (3)(C)—

(A) which countries are parties to international agreements on a method for maintaining records of transactions of an established list of precursor and essential chemicals;

(B) which countries have established a procedure by which such records may be made available to United States law enforcement authorities; and

(C) which countries have enacted national chemical control legislation which would impose specific recordkeeping

and reporting requirements for listed chemicals, establish a system of permits or declarations for imports and exports of listed chemicals, and authorize government officials to seize or suspend shipments of listed chemicals.

(7) In addition, for those countries identified pursuant to paragraph (3)(D) the following:

(A)(i) Which countries have financial institutions engaging in currency transactions involving international narcotics trafficking proceeds that include significant amounts of United States currency or currency derived from illegal drug sales in the United States or that otherwise significantly affect the United States;

(ii) which countries identified pursuant to clause (i) have not reached agreement with the United States authorities on a mechanism for exchanging adequate records in connection with narcotics investigations and proceedings; and

(iii) which countries identified pursuant to clause (ii)—

(I) are negotiating in good faith with the United States to establish such a record-exchange mechanism, or

(II) have adopted laws or regulations that ensure the availability to appropriate United States Government personnel and those of other governments of adequate records in connection with narcotics investigations and proceedings.

(B) Which countries—

(i) have ratified the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and are taking steps to implement that Convention and other applicable agreements and conventions such as the recommendations of the Financial Action Task Force, the policy directive of the European Community, the legislative guidelines of the Organization of American States, and other similar declarations; and

(ii) have entered into bilateral agreements for the exchange of information on money-laundering with countries other than the United States.

(C) Findings on each country's adoption of law and regulations considered essential to prevent narcotics-related money laundering. Such findings shall include whether a country has—

(i) criminalized narcotics money laundering;

(ii) required banks and other financial institutions to know and record the identity of customers engaging in significant transactions, including the recording of large currency transactions at thresholds appropriate to that country's economic situation;

(iii) required banks and other financial institutions to maintain, for an adequate time, records necessary to reconstruct significant transactions through financial institutions in order to be able to respond quickly to information requests from appropriate government authorities in narcotics-related money laundering cases;

(iv) required or allowed financial institutions to report suspicious transactions;

(v) established systems for identifying, tracing, freezing, seizing, and forfeiting narcotics-related assets;

(vi) enacted laws for the sharing of seized narcotics assets with other governments;

(vii) cooperated, when requested, with appropriate law enforcement agencies of other governments investigating financial crimes related to narcotics; and

(viii) addressed the problem on international transportation of illegal-source currency and monetary instruments.

The report shall also detail instances of refusals to cooperate with foreign governments, and any actions taken by the United States Government and any international organization to address such obstacles, including the imposition of sanctions or penalties.

(8)(A) A separate section that contains the following:

(i) An identification of the five countries that exported the largest amount of pseudoephedrine, ephedrine, and phenylpropanolamine (including the salts, optical isomers, or salts of optical isomers of such chemicals, and also including any products or substances containing such chemicals) during the preceding calendar year.

(ii) An identification of the five countries that imported the largest amount of the chemicals described in clause (i) during the preceding calendar year and have the highest rate of diversion of such chemicals for use in the illicit production of methamphetamine (either in that country or in another country).

(iii) An economic analysis of the total worldwide production of the chemicals described in clause (i) as compared to the legitimate demand for such chemicals worldwide.

(B) The identification of countries that imported the largest amount of chemicals under subparagraph (A)(ii) shall be based on the following:

(i) An economic analysis that estimates the legitimate demand for such chemicals in such countries as compared to the actual or estimated amount of such chemicals that is imported into such countries.

(ii) The best available data and other information regarding the production of methamphetamine in such countries and the diversion of such chemicals for use in the production of methamphetamine.

(9) *A separate section that contains an identification of all United States Government-supported units funded by the Bureau of International Narcotics and Law Enforcement Affairs and any Bureau-funded operations by such units in which United States law enforcement personnel have been physically present.*

(b) ANNUAL REPORTS ON ASSISTANCE.—

(1) IN GENERAL.—At the time that the report required by subsection (a) is submitted each year, the Secretary of State, in consultation with appropriate United States Government

agencies, shall report to the appropriate committees of the Congress on the assistance provided or proposed to be provided by the United States Government during the preceding fiscal year, the current fiscal year, and the next fiscal year to support international efforts to combat illicit narcotics production or trafficking.

(2) INFORMATION TO BE INCLUDED.—Each report pursuant to this subsection shall—

(A) specify the amount and nature of the assistance provided or to be provided;

(B) include, for each country identified in subsection (a)(3)(A), information from the Drug Enforcement Administration, the Customs Service, and the Coast Guard describing in detail—

(i) the assistance provided or to be provided to such country by that agency, and

(ii) the assistance provided or to be provided to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year; and

(C) list all transfers, which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

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PART II

CHAPTER 1—POLICY

* * * * *

SEC. 502B. HUMAN RIGHTS.—(a)(1) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

(2) Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979 for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President

certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979), that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses. Assistance may not be provided under chapter 5 of this part to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.

(3) In furtherance of paragraphs (1) and (2), the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(4) In determining whether the government of a country engages in a consistent pattern of gross violations of internationally recognized human rights, the President shall give particular consideration to whether the government—

(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987). Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998). Wherever applicable, such report shall include a de-

scription of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, including the descriptions of such acts required under section 116(d)(8). Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country. Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year. Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement. Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State. In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(c)(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor, with respect to the country designated in such request, setting forth—

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term “certification”, as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term “certification”, as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(d) For the purposes of this section—

(1) the term “gross violations of internationally recognized human rights” includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, *any act that constitutes a war crime, as such term is defined in section 2441 of title 18, United States Code*, and other flagrant denial of the right to life, liberty, or the security of person;

(2) the term “security assistance” means—

(A) assistance under chapter 2 (military assistance) or chapter 4 (economic support fund) or chapter 5 (military education and training) or chapter 6 (peacekeeping operations) or chapter 8 (antiterrorism assistance) of this part;

(B) sales of defense articles or services, extensions of credits (including participations in credits), and guaranties of loans under the Arms Export Control Act; or

(C) any license in effect with respect to the export to or for the armed forces, police, intelligence, or other internal security forces of a foreign country of—

(i) defense articles or defense services under section 38 of the Armed Export Control Act (22 U.S.C. 2778); or

(ii) items listed under the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;

(e) Notwithstanding any other provision of law, funds authorized to be appropriated under part I of this Act may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.

(f) In allowing the funds authorized to be appropriated by this Act and the Arms Export Control Act, the President shall take into account significant improvements in the human rights records of recipient countries, except that such allocations may not contravene any other provision of law.

(g) Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.

(h)(1) The report required by subsection (b) shall include the following:

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

(ii) Which government authorities in that country are involved in activities to combat such trafficking.

(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.

(i) The report required by subsection (b) shall include, wherever applicable—

(1) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

(2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

(3) in countries where there are particularly severe violations of freedom of the press—

(A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.

(i) CHILD MARRIAGE STATUS.—

(1) IN GENERAL.—The report required under subsection (b) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country.

(2) DEFINED TERM.—In this subsection, the term “child marriage” means the marriage of a girl or boy who is—

(A) younger than the minimum age for marriage under the laws of the country in which such girl or boy is a resident; or

(B) younger than 18 years of age, if no such law exists.

CHAPTER 2—MILITARY ASSISTANCE

* * * * *

SEC. 514. STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.—(a) No defense article in the inventory of the Department of Defense which is set aside, reserved, or in any way earmarked or intended for future use by any foreign country may be made available to or for use by any foreign country unless such transfer is authorized under this Act or the Arms Export Control Act, or any subsequent corresponding legislation, and the value of such transfer is charged against funds authorized under such legislation or against the limitations specified in such legislation, as appropriate, for the fiscal period in which such defense article is transferred. For purposes of this subsection, “value” means the acquisition cost plus crating, packing, handling, and transportation costs incurred in carrying out this section.

(b)(1) The value of defense articles to be set aside, earmarked, reserved, or intended for use as war reserve stocks for allied or other foreign countries (other than for purposes of the North Atlantic Treaty Organization or in the implementation of agreements with Israel) in stockpiles located in foreign countries may not exceed in any fiscal year an amount that is specified in security assistance authorizing legislation for that fiscal year.

(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed \$200,000,000 for each of fiscal years 2013, 2014, 2015, 2016, 2017, 2018, 2019, [and 2020] 2020, and 2021.

(B) Of the amount specified in subparagraph (A) for a fiscal year, not more than \$200,000,000 may be made available for stockpiles in the State of Israel.

(c) LOCATION OF STOCKPILES OF DEFENSE ARTICLES.—

(1) LIMITATION.—Except as provided in paragraph (2), no stockpile of defense articles may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to stockpiles of defense articles located in the Republic of Korea, Thailand, any country that is a member of the North Atlantic Treaty Organization, any country that is a major non-NATO ally, or any other country the President may designate. At least 15 days before designating a country pursuant to the last clause of the preceding sentence, the President shall notify the congressional committees specified in section 634A(a) in accordance with the procedures applicable to reprogramming notifications under that section.

(d) No defense article transferred from any stockpile which is made available to or for use by any foreign country may be considered an excess defense article for the purpose of determining the value thereof.

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SEC. 516. AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

(a) **AUTHORIZATION.**—The President is authorized to transfer excess defense articles under this section to **[countries]** *countries, regional organizations, and international organizations* for which receipt of such articles was justified pursuant to the annual congressional presentation documents for military assistance programs, or for programs under chapter 8 of part I of this Act, submitted under section 634 of this Act, or for which receipt of such articles was separately justified to the Congress, for the fiscal year in which the transfer is authorized.

(b) **LIMITATIONS ON TRANSFERS.**—**[(1) The President]** *The President* may transfer excess defense articles under this section only if—

[(A)] (1) such articles are drawn from existing stocks of the Department of Defense;

[(B)] (2) *except as provided in subsection (c)(3)*, funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer;

[(C)] (3) the transfer of such articles will not have an adverse impact on the military readiness of the United States;

[(D)] (4) with respect to a proposed transfer of such articles on a grant basis, such a transfer is preferable to a transfer on a sales basis, after taking into account the potential proceeds from, and likelihood of, such sales, and the comparative foreign policy benefits that may accrue to the United States as the result of a transfer on either a grant or sales basis;

[(E)] (5) the President determines that the transfer of such articles will not have an adverse impact on the national technology and industrial base and, particularly, will not reduce the opportunities of entities in the national technology and industrial base to sell new or used equipment to the **[countries]** *countries, regional organizations, and international organizations* to which such articles are transferred; and

[(F)] (6) the transfer of such articles is consistent with the policy framework for the Eastern Mediterranean established under section 620C of this Act.

[(2) Accordingly, for the four-year period beginning on October 1, 1996, and thereafter for the four-year period beginning on October 1, 2000, the President shall ensure that excess defense articles offered to Greece and Turkey under this section will be made available consistent with the manner in which the President made available such excess defense articles during the four-year period that began on October 1, 1992, pursuant to section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990.]

(c) **TERMS OF TRANSFERS.**—

(1) NO COST TO RECIPIENT COUNTRY.—Excess defense articles may be transferred under this section without cost to the [recipient country] *recipient country or organization*.

[(2) PRIORITY.—Notwithstanding any other provision of law, the delivery of excess defense articles under this section to member countries of the North Atlantic Treaty Organization (NATO) on the southern and southeastern flank of NATO, to major non-NATO allies on such southern and southeastern flank, and to the Philippines shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.]

(2) PRIORITY.—*Notwithstanding any other provision of law, excess defense articles under this section shall be transferred in accordance with United States foreign policy, including national security priorities as jointly determined by the Secretary of State, in consultation with the Secretary of Defense, to the maximum extent feasible.*

(3) SUPPORTING COSTS.—*Funds available to the Department of State for security assistance may be expended for the refurbishment or upgrade of excess defense articles transferred under the authority of this section and for training of foreign security forces directly in relation to excess defense articles transferred under the authority of this section, if—*

(A) *such assistance is necessary to advance the national security objectives of the United States in relation to the recipient country or countries; and*

(B) *such costs do not exceed \$10 million in relation to a single transfer of excess defense articles under this section.*

(d) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DEPARTMENT OF DEFENSE EXPENSES.—Section 632(d) shall not apply with respect to transfers of excess defense articles (including transportation and related costs) under this section.

(e) TRANSPORTATION AND RELATED COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), funds available to the Department of Defense may not be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of this section.

(2) EXCEPTION.—The President may provide for the transportation of excess defense articles without charge to a country for the costs of such transportation if—

(A) it is determined that it is in the national interest of the United States to do so;

(B) the recipient is a developing country receiving less than \$10,000,000 of assistance under chapter 5 of this part of this Act (relating to international military education and training) or section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) in the fiscal year in which the transportation is provided;

(C) the total weight of the transfer does not exceed 50,000 pounds; and

(D) such transportation is accomplished on a space available basis.

(f) ADVANCE NOTIFICATION TO CONGRESS FOR TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.—

(1) IN GENERAL.—The President may not transfer excess defense articles that are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or excess defense articles valued (in terms of original acquisition cost) at **[\$7,000,000]** *\$25,000,000* or more, under this section or under the Arms Export Control Act (22 U.S.C. 2751 et seq.) until 30 days after the date on which the President has provided notice of the proposed transfer to the congressional committees specified in section 634A(a) in accordance with procedures applicable to reprogramming notifications under that section.

(2) CONTENTS.—Such notification shall include—

(A) a statement outlining the purposes for which the article is being provided to the **[country]** *country or organization*, including whether such article has been previously provided to such **[country]** *country or organization*;

(B) an assessment of the impact of the transfer on the military readiness of the United States;

(C) an assessment of the impact of the transfer on the national technology and industrial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the **[countries]** *countries or organizations* to which such articles are to be transferred; and

(D) a statement describing the current value of such article and the value of such article at acquisition.

(g) AGGREGATE ANNUAL LIMITATION.—

(1) IN GENERAL.—The aggregate value of excess defense articles transferred to countries under this section in any fiscal year may not exceed **[\$500,000,000]** *\$600,000,000*.

(2) EFFECTIVE DATE.—The limitation contained in paragraph (1) shall apply only with respect to fiscal years beginning after fiscal year 1996.

(h) CONGRESSIONAL PRESENTATION DOCUMENTS.—Documents described in subsection (a) justifying the transfer of excess defense articles shall include an explanation of the general purposes of providing excess defense articles as well as a table which provides an aggregate annual total of transfers of excess defense articles in the preceding year by **[country]** *country and organization* in terms of offers and actual deliveries and in terms of acquisition cost and current value. Such table shall indicate whether such excess defense articles were provided on a grant or sale basis.

(i) EXCESS COAST GUARD PROPERTY.—For purposes of this section, the term “excess defense articles” shall be deemed to include excess property of the Coast Guard, and the term “Department of Defense” shall be deemed, with respect to such excess property, to include the Coast Guard.

* * * * *

CHAPTER 6—PEACEKEEPING OPERATIONS

SEC. 551. GENERAL AUTHORITY.—**[The President]** (a) *The President* is authorized to furnish assistance to friendly countries and international organizations, on such terms and conditions as he may determine, for peacekeeping operations and other programs carried out in furtherance of the national security interests of the

United States. Such assistance may include reimbursement to the Department of Defense for expenses incurred pursuant to section 7 of the United Nations Participation Act of 1945, except that such reimbursements may not exceed \$5,000,000 in any fiscal year unless a greater amount is specifically authorized by this section.

(b) *Funds authorized to be appropriated under this chapter may also be used to provide assistance to enhance the capacity of foreign civilian security forces (as such term is defined in section 841(c) of the International Security Assistance Act of 2019) to participate in peacekeeping and counterterrorism operations, and to promote greater participation of women in such peacekeeping operations.*

(c) *Funds authorized to be appropriated under this chapter to provide assistance to friendly foreign countries for purposes other than support for multilateral peacekeeping operations shall be subject to the certification requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776).*

* * * * *

SEC. 555. WITHHOLDING OF ASSISTANCE TO UNITS OF FOREIGN SECURITY FORCES THAT ENGAGED IN SEXUAL EXPLOITATION OR ABUSE IN PEACEKEEPING OPERATIONS.

(a) *IN GENERAL.—The Secretary of State should withhold assistance to any unit of the security forces of a foreign country if the Secretary has credible information that such unit has engaged in sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation, until the Secretary determines that the government of such country is taking effective steps to hold the responsible members of such unit accountable and to prevent future incidents.*

(b) *NOTICE.—The Secretary of State—*

(1) shall promptly notify the government of each country subject to any withholding of assistance pursuant to this section; and

(2) shall notify the appropriate congressional committees of such withholding not later than 10 days after a determination to withhold such assistance is made.

(c) *ASSISTANCE.—The Secretary of State shall, to the maximum extent practicable, assist the government of each country subject to any withholding of assistance pursuant to this section in bringing the responsible members of such unit of the security forces of the country to justice.*

(d) *APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—*

(1) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

* * * * *

CHAPTER 1—GENERAL PROVISIONS

* * * * *

SEC. 620. PROHIBITIONS AGAINST FURNISHING ASSISTANCE.—

(a)(1) No assistance shall be furnished under this Act to the present government of Cuba. As an additional means of implementing and carrying into effect the policy of the preceding sen-

tence, the President is authorized to establish and maintain a total embargo upon all trade between the United States and Cuba.

(2) Except as may be deemed necessary by the President in the interest of the United States, no assistance shall be furnished under this Act to any government of Cuba, nor shall Cuba be entitled to receive any quota authorizing the importation of Cuban sugar into the United States or to receive any other benefit under any law of the United States, until the President determines that such government has taken appropriate steps according to international law standards to return to United States citizens, and to entities not less than 50 per centum beneficially owned by United States citizens, or to provide equitable compensation to such citizens and entities for property taken from such citizens and entities on or after January 1, 1959, by the Government of Cuba.

(c) No assistance shall be provided under this Act to the government of any country which is indebted to any United States citizen or person for goods or services furnished or ordered where (i) such citizen or person has exhausted available legal remedies, which shall include arbitration, or (ii) the debt is not denied or contested by such government, or (iii) such indebtedness arises under an unconditional guaranty of payment given by such government, or any predecessor government, directly or indirectly, through any controlled entity: *Provided*, That the President does not find such action contrary to the national security.

(d) No assistance shall be furnished on a loan basis under chapter 1 of part I of this Act for construction or operation of any productive enterprise in any country where such enterprise will compete with United States enterprise unless such country has agreed that it will establish appropriate procedures to prevent the exportation for use or consumption in the United States of more than 20 per centum of the annual production of such facility during the life of the loan. In case of failure to implement such agreement by the other contracting party, the President is authorized to establish necessary import controls to effectuate the agreement. The restrictions imposed by or pursuant to this subsection may be waived by the President where he determines that such waiver is in the national security interest.

(e)(1) The President shall suspend assistance to the government of any country to which assistance is provided under this or any other Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

(A) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(B) has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(C) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and the provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress.

Upon request of the President (within seventy days after such action referred to in subparagraphs (A), (B), or (C) of paragraph (1) of this section), the Foreign Claims Settlement Commission of the United States (established pursuant to Reorganization Plan No. 1 of 1954, 68 Stat. 1279) is hereby authorized to evaluate expropriated property, determining the full value of any property nationalized, expropriated, or seized, or subject to discriminatory or other actions as aforesaid, for purposes of this subsection and to render an advisory report to the President within ninety days after such request. Unless authorized by the President, the Commission shall not publish its advisory report except to the citizen or entity owning such property. There is hereby authorized to be appropriated such amount, to remain available until expended, as may be necessary from time to time to enable the Commission to carry out expeditiously its functions under this subsection.

(2) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which claim of title or other right to property is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: *Provided*, That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.

(f)(1) No assistance shall be furnished under this Act, as amended (except section 214(b)), to any Communist country. This restriction may not be waived pursuant to any authority contained in this Act unless the President finds and promptly reports to Congress that: (A) such assistance is vital to the security of the United States; (B) the recipient country is not controlled by the international Communist conspiracy; and (C) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" includes specifically, but is not limited to, the following countries:

Democratic People's Republic of Korea.
People's Republic of China.
Republic of Cuba.
Socialist Republic of Vietnam.
Tibet.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection, one of the factors to be weighed, among others, is whether the country in question is giving evidence of fostering the establishment of a genuinely democratic system, with respect for internationally recognized human rights.

(g) Notwithstanding any other provision of law, no monetary assistance shall be made available under this Act to any government or political subdivision or agency of such government which will be used to compensate owners for expropriated or nationalized property and, upon finding by the President that such assistance has been used by any government for such purpose, no further assistance under this Act shall be furnished to such government until appropriate reimbursement is made to the United States for sums so diverted. This prohibition shall not apply to monetary assistance made available for use by a government (or a political subdivision or agency of a government) to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.

(h) The President shall adopt regulations and establish procedures to insure that United States foreign aid is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of any country that is a Communist country for purposes of subsection (f).

(j) The President shall consider terminating assistance under this or any other Act to any country which permits, or fails to take adequate measures to prevent, the damage or destruction by mob action of United States property within such country, and fails to take appropriate measures to prevent a recurrence thereof and to provide adequate compensation for such damage or destruction.

(k) Without the express approval of Congress, no assistance shall be furnished under this Act to any country for construction of any

productive enterprise with respect to which the aggregate value of assistance to be furnished by the United States will exceed \$100,000,000, except that this sentence does not apply with respect to assistance for construction of any productive enterprise in Egypt which is described in the presentation materials to Congress. Except as otherwise provided in section 506, no military assistance to be furnished beginning July 1, 1966, by the United States will exceed \$100,000,000 unless such program has been included in the presentation to the Congress during its consideration of authorizations for appropriations under this Act or of appropriations pursuant to authorizations contained in this Act. No provision of this or any other Act shall be construed to authorize the President to waive the provisions of this subsection.

(l) The President shall consider denying assistance under this Act to the government of any less developed country which, after December 31, 1966, has failed to enter into an agreement with the President to institute the investment guaranty program under section 234(a)(1) of this Act, providing protection against the specific risks of inconvertibility under subparagraph (A), and expropriation or confiscation under subparagraph (B), of such section 234(a)(1).

(o) In determining whether or not to furnish assistance under this Act, consideration shall be given to excluding from such assistance any country which hereafter seizes, or imposes any penalty or sanction against, any United States fishing vessel on account of its fishing activities in international waters. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.

(q) **[No assistance]**

(1) *No assistance shall be furnished under this Act to the government of any country which is in default, during a period in excess of six calendar months, in payment to the United States of principal or interest on any loan made to the government of such country under this Act, unless the government of such country meets its obligations under the loan or unless the President [determines that assistance to such country is in the national interest and notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination.] determines, after consultation with the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, that assistance for the government of such country is in the national interest of the United States.*

(2) *No assistance shall be furnished under this Act, the Peace Corps Act, the Millennium Challenge Act of 2003, the African Development Foundation Act, the BUILD Act of 2018, section 504 of the FREEDOM Support Act, or section 23 of the Arms Export Control Act to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest or any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under such Act unless the President determines, following consultation with the congressional committees specified in paragraph (1),*

that assistance for such country is in the national interest of the United States.

(r) No recipient of a loan made under the authority of this Act, any part of which is outstanding on or after the date of enactment of this subsection, shall be relieved of liability for the repayment of any part of the principal of or interest on such loan.

(s)(1) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this Act, and before making sales under the Food for Peace Act, as amended:

(A) the percentage of the recipient or purchasing country's budget which is devoted to military purposes; and

(B) the degree to which the recipient or purchasing country is using its foreign exchange or other resources to acquire military equipment.

(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision.

(t) No assistance shall be furnished under this or any other Act and no sales shall be made under the Food for Peace Act, in or to any country which has severed or hereafter severs diplomatic relations with the United States or with which the United States has severed or hereafter severs diplomatic relations, unless (1) diplomatic relations have been resumed with such country and (2) agreements for the furnishing of such assistance or the making of such sales, as the case may be, have been negotiated and entered into after the resumption of diplomatic relations with such country.

(u) In any decision to provide or continue to provide any program of assistance to any country under the Foreign Assistance Act of 1961, as amended, there shall be taken into account the status of the country with respect to its dues, assessments, and other obligations to the United Nations; and where such country is delinquent with respect to any such obligations for the purposes of the first sentence of Article 19 of the United Nations Charter, the President shall furnish the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report setting forth the assurance given by the government of the country concerned of paying all of its arrearages and of placing its payments of such obligations on a current basis, or a full explanation of the unusual or exceptional circumstances which render it economically incapable of giving such assurance.

(x)(1) All military assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Turkey, shall be suspended on the date of enactment of this subsection unless and until the President determines and certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus: *Provided*, That

for the fiscal year 1978 the President may suspend the provisions of this subsection and of section 3(c) of the Arms Export Control Act with respect to cash sales and extensions of credits and guaranties under such Act for the procurement of such defense articles and defense services as the President determines are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization, except that during the fiscal year 1978 the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed \$175,000,000. Any such suspension shall be effective only so long as Turkey observes the cease-fire on Cyprus, does not increase its military forces or its civilian population on Cyprus, and does not transfer to Cyprus any United States supplied arms, ammunition, or implements of war. The determination required by the proviso in the first sentence of this paragraph shall be made, on a case-by-case basis, with respect to each cash sale, each approval for use of credits, and each approval for use of a guaranty for Turkey. Each such determination shall be reported to the Congress and shall be accompanied by a full and complete statement of the reasons supporting the President's determination and a statement containing the information specified in clauses (A) through (D) of section 2(c)(4) of the Act of October 6, 1975 (Public Law 94-104). In any case involving the sale of significant combat equipment on the United States Munitions List in which the congressional review provisions of section 36(b) of the Arms Export Control Act do not apply, the President may not issue the letter of offer or approve the use of the credits or guaranty, as the case may be, until the end of the thirty-day period beginning on the date on which the report required by the preceding sentence is submitted to the Congress.

(2) The President shall submit to the Congress within 60 days after the enactment of this paragraph and at the end of such succeeding sixty-day period, a report on progress made during such period toward the conclusion of a negotiated solution of the Cyprus conflict.

(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelco, and Cuba is in compliance with the requirements of either such Treaty;

(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any

country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.

SEC. 620A. PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM.

(a) PROHIBITION.—The United States shall not provide any assistance under this Act, the Food for Peace Act, the Peace Corps Act, or the Export-Import Bank Act of 1945 to any country if the Secretary of State determines **[**that the government of that country has repeatedly provided support for acts of international terrorism.**]** *that the government of that country—*

(1) *has repeatedly provided support for acts of international terrorism;*

(2) *grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;*

(3) *otherwise supports international terrorism; or*

(4) *is controlled by an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).*

(b) PUBLICATION OF DETERMINATIONS.—Each determination of the Secretary of State under subsection (a), including each determination in effect on the date of the enactment of the Antiterrorism and Arms Export Amendments Act of 1989, shall be published in the Federal Register.

(c) RESCISSION.—A determination made by the Secretary of State under subsection (a) may not be rescinded unless the President submits to the Speaker of the House of Representatives **[**and the Chairman of the Committee on Foreign Relations of the Senate**]**, *the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate—*

(1) before the proposed rescission would take effect, a report certifying that—

(A) there has been a fundamental change in the leadership and policies of the government of the country concerned;

(B) that government is not supporting acts of international terrorism;

(C) that government has provided assurances that it will not support acts of international terrorism in the future; or

(2) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(A) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and

(B) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

(d) WAIVER.—Assistance prohibited by subsection (a) may be provided to a country described in that subsection if—

(1) the President determines that national security interests or humanitarian reasons justify a waiver of subsection (a), except that humanitarian reasons may not be used to justify as-

sistance under part II of this Act (including chapter 4, chapter 6, and chapter 8), or the Export-Import Bank Act of 1945; and

(2) at least 15 days before the waiver takes effect, the President consults with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the proposed waiver and submits a report to the Speaker of the House of Representatives [and the chairman of the Committee on Foreign Relations of the Senate], *the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate* containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons which require the waiver;

(C) the type and amount of and the justification for the assistance to be provided pursuant to the waiver; and

(D) the period of time during which such waiver will be effective.

The waiver authority granted in this subsection may not be used to provide any assistance under the Foreign Assistance Act of 1961 which is also prohibited by section 40 of the Arms Export Control Act.

(e) *PROHIBITION ON LETHAL MILITARY EQUIPMENT EXPORTS.—*

(1) *PROHIBITION.—*

(A) *IN GENERAL.—The United States shall not provide any assistance under this Act or section 23 of the Arms Export Control Act to any foreign government that provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 1754(c) of the Export Control Reform Act of 2018.*

(B) *TERMINATION.—The prohibition on assistance under subparagraph (A) with respect to a foreign government shall terminate 12 months after such government ceases to provide the lethal military equipment described in such subparagraph.*

(C) *APPLICABILITY.—This subsection applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.*

(2) *WAIVER.—The President may waive the prohibition on assistance under paragraph (1) with respect to a foreign government if the President determines that to do so is important to the national interest of the United States.*

(3) *REPORT.—Upon the exercise of the waiver authority pursuant to paragraph (2), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of assistance under the waiver authority, including—*

(A) *a detailed explanation of the assistance to be provided;*

(B) *the estimated dollar amount of such assistance; and*

(C) *an explanation of how the assistance furthers the national interest of the United States.*

(4) *APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.*—In this subsection, the term “appropriate congressional committees” means—

(A) *the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and*

(B) *the Committee on Foreign Relations and the Committee on Appropriations of the Senate.*

* * * * *

SEC. 620M. LIMITATION ON ASSISTANCE TO SECURITY FORCES.

(a) **IN GENERAL.**—No assistance shall be furnished under this Act or the Arms Export Control Act to any unit of the security forces of a foreign country, *including any combined security activities or operations with any such unit*, if the Secretary of State has credible information that such unit has committed a gross violation of human rights, *including any act that constitutes a war crime, as such term is defined in section 2441 of title 18, United States Code*

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply if the Secretary determines and reports to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations that the government of such country is taking effective steps to bring the responsible members of the security forces unit to justice.

(c) **DUTY TO INFORM.**—In the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

(d) **CREDIBLE INFORMATION.**—The Secretary shall establish, and periodically update, procedures to—

(1) ensure that for each country the Department of State has a current list of all security force units receiving United States training, equipment, or other types of assistance;

(2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside the United States Government about gross violations of human rights by security force units;

(3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;

(4) ensure that such information is evaluated and preserved;

(5) ensure that when an individual is designated to receive United States training, equipment, or other types of assistance the individual’s unit is vetted as well as the individual;

(6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and

(7) make publicly available, **[to the maximum extent practicable]** *unless such disclosure would endanger the safety of human sources or reveal sensitive intelligence sources and methods*, the identity of those units for which no assistance shall be furnished pursuant to subsection (a).

(e) **REPORT.**—

(1) *IN GENERAL.*—Not later than January 31 of each year, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report on the vetting process of units of security forces of foreign countries established to comply with this section.

(2) *MATTERS TO BE INCLUDED.*—The report required under paragraph (1) shall include the following:

(A) The total number of units submitted for vetting during the prior calendar year, and the number of such units that were approved, suspended, or rejected for human rights reasons.

(B) The name of such units rejected during the prior calendar year and a description of the steps taken to assist the government of the foreign country in bringing the responsible members of such units to justice, in accordance with subsection (c).

(C) An updated list of the units with respect to which no assistance is to be furnished pursuant to subsection (a).

CHAPTER 2—ADMINISTRATIVE PROVISIONS

* * * * *

SEC. 622. COORDINATION WITH FOREIGN POLICY.—(a) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the Diplomatic Mission shall make sure that recommendations of such representatives pertaining to military assistance (including civic action) and military education and training programs are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

(c) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, *law enforcement and justice sector assistance*, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

* * * * *

CHAPTER 3—MISCELLANEOUS PROVISIONS

* * * * *

SEC. 656. ANNUAL FOREIGN MILITARY TRAINING REPORT.

(a) ANNUAL REPORT.—

(1) *IN GENERAL.*—Not later than **[January 31]** *March 1* of each year, the Secretary of Defense and the Secretary of State

shall jointly prepare and submit to the appropriate congressional committees a report on all military training provided to foreign military personnel by the Department of Defense and the Department of State during the previous fiscal year and all such training proposed for the current fiscal year.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—Paragraph (1) does not apply to any NATO member, Australia, Japan, or New Zealand, unless one of the appropriate congressional committees has specifically requested, in writing, inclusion of such country in the report. Such request shall be made not later than 90 calendar days prior to the date on which the report is required to be transmitted.

(b) CONTENTS.—The report described in subsection (a) shall include the following:

(1) For each military training activity, the foreign policy justification and purpose for the activity, the number of foreign military personnel provided training and their units of operation, and the location of the training.

(2) For each country, the aggregate number of students trained and the aggregate cost of the military training activities.

(3) With respect to United States personnel, the operational benefits to United States forces derived from each military training activity and the United States military units involved in each activity.

(c) FORM.—The report described in subsection (a) shall be in unclassified form but may include a classified annex.

(d) AVAILABILITY ON INTERNET.—All unclassified portions of the report described in subsection (a) shall be made available to the public on the Internet through the Department of State.

(e) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

* * * * *

SECTION 7 OF THE TOM LANTOS BLOCK BURMESE JADE (JUNTA’S ANTI-DEMOCRATIC EFFORTS) ACT OF 2008

[(SEC. 7. SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

[(a) UNITED STATES SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.—The President shall appoint a Special Representative and Policy Coordinator for Burma, by and with the advice and consent of the Senate.

[(b) RANK.—The Special Representative and Policy Coordinator for Burma appointed under subsection (a) shall have the rank of ambassador and shall hold the office at the pleasure of the President. Except for the position of United States Ambassador to the Association of Southeast Asian Nations, the Special Representative and Policy Coordinator may not simultaneously hold a separate position within the executive branch, including the Assistant Sec-

retary of State, the Deputy Assistant Secretary of State, the United States Ambassador to Burma, or the Charge d'affairs to Burma.

[(c) DUTIES AND RESPONSIBILITIES.—The Special Representative and Policy Coordinator for Burma shall—

[(1) promote a comprehensive international effort, including multilateral sanctions, direct dialogue with the SPDC and democracy advocates, and support for nongovernmental organizations operating in Burma and neighboring countries, designed to restore civilian democratic rule to Burma and address the urgent humanitarian needs of the Burmese people;

[(2) consult broadly, including with the Governments of the People's Republic of China, India, Thailand, and Japan, and the member states of ASEAN and the European Union to coordinate policies toward Burma;

[(3) assist efforts by the United Nations Special Envoy to secure the release of all political prisoners in Burma and to promote dialogue between the SPDC and leaders of Burma's democracy movement, including Aung San Suu Kyi;

[(4) consult with Congress on policies relevant to Burma and the future and welfare of all the Burmese people, including refugees; and

[(5) coordinate the imposition of Burma sanctions within the United States Government and with the relevant international financial institutions.]

FOREIGN SERVICE ACT OF 1980

* * * * *

SEC. 2. TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title.
* * * * *

CHAPTER 6—PROMOTION AND RETENTION

Sec. 601. Promotions.
* * * * *

[Sec. 614. Foreign Service awards.]
Sec. 614. Department awards.
* * * * *

TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

* * * * *

CHAPTER 3—APPOINTMENTS

SEC. 301. GENERAL PROVISIONS RELATING TO APPOINTMENTS.—(a) Only citizens of the United States may be appointed to the Service, other than for service abroad as a consular agent or as a foreign national employee.

(b) [The Secretary] (1) *The Secretary* shall prescribe, as appropriate, written, oral, physical, foreign language, and other examinations for appointment to the Service (other than as a chief of mission or ambassador at large).

(2) *The Secretary shall ensure that the Board of Examiners for the Foreign Service annually offers the oral assessment examinations described in paragraph (1) in cities, chosen on a rotating basis, located in at least three different time zones across the United States.*

(c) The fact that an applicant for appointment as a Foreign Service officer candidate is a veteran or disabled veteran shall be considered an affirmative factor in making such appointments. As used in this subsection, the term “veteran or disabled veteran” means an individual who is a preference eligible under subparagraph (A), (B), or (C) of section 2108(3) of title 5, United States Code.

(d)(1) Members of the Service serving under career appointments are career members of the Service. Members of the Service serving under limited appointments are either career candidates or non-career members of the Service.

(2) Chiefs of mission, ambassadors at large, and ministers serve at the pleasure of the President.

(3) An appointment as a Foreign Service officer is a career appointment. Foreign Service employees serving as career candidates or career members of the Service shall not represent to the income tax authorities of the District of Columbia or any other State or locality that they are exempt from income taxation on the basis of holding a Presidential appointment subject to Senate confirmation or that they are exempt on the basis of serving in an appointment whose tenure is at the pleasure of the President.

* * * * *

SEC. 308. RECALL AND REEMPLOYMENT OF CAREER MEMBERS.—

[(a) Whenever the Secretary determines that the needs of the Service so require, the Secretary may recall any retired career member of the Service for active duty in the same personnel category as that member was serving at the time of retirement. A retired career member may be recalled under this section to any appropriate salary class or rate, except that a retired career member of the Senior Foreign Service may not be recalled to a salary class higher than the one in which the member was serving at the time of retirement unless appointed to such higher class by the President, by and with the advice and consent of the Senate.] *(a) Whenever the Secretary determines that the needs of the Department so require, the Secretary may recall any retired or voluntarily separated career member of the Service, or any retired or voluntarily separated career employee of the civil service (within the meaning of section 315.201 of title 5, Code of Federal Regulations (or successor section)), for active duty in the same personnel category as such member or employee was serving at the time of retirement or voluntary separation. A recalled retired or voluntarily separated career member of the Service or retired or voluntarily separated career employee of the civil service may not be recalled to a salary class higher than the one in which such member or employee was serving at the time of retirement or voluntary separation, unless appointed to such higher class by the President, by and with the advice and consent of the Senate.*

(b) Former career members of the Service may be reappointed under section 302(a)(1) or 303, without regard to section 306, in a salary class which is appropriate in light of the qualifications and

experience of the individual being reappointed. *Former career tenured members of the Service seeking reappointment, if separated for other than cause for up to three years prior to the date of the enactment of this sentence, shall be eligible to participate in the regular assignment bidding process without restriction and shall not be required to accept a directed first assignment upon reappointment.*

* * * * *

CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

SEC. 501. CLASSIFICATION OF POSITIONS.—The Secretary shall designate and classify positions in the Department and at Foreign Service posts which are to be occupied by members of the Service (other than by chiefs of mission and ambassadors at large). Positions designated under this section are excepted from the competitive service. *If a position designated under this section is unfilled for more than 365 calendar days, such position may be filled, as appropriate, on a temporary basis, in accordance with section 309.* Position classifications under this section shall be established, without regard to chapter 51 of title 5, United States Code, in relation to the salaries established under chapter 4. In classifying positions at Foreign Service posts abroad, the Secretary shall give appropriate weight to job factors relating to service abroad and to the compensation practices applicable to United States citizens employed abroad by United States corporations.

SEC. 502. ASSIGNMENTS TO FOREIGN SERVICE POSITIONS.—(a)(1) The Secretary (with the concurrence of the agency concerned) may assign a member of the Service to any position classified under section 501 in which that member is eligible to serve (other than as chief of mission or ambassador at large), and may assign a member from one such position to another such position as the needs of the Service may require.

(2) In making assignments under paragraph (1), the Secretary shall assure that a member of the Service is not assigned to or prohibited from being assigned to a position at a post in a particular geographic area, *or domestically, in a position working on issues relating to a particular country or geographic area*, on the basis of the race, ethnicity, or religion of that member. *Any employee subjected to an assignment restriction or preclusion shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance. Any such appeal shall be resolved not later than 60 days after such appeal is filed.*

(b) Positions designated as Foreign Service positions normally shall be filled by the assignment of members of the Service to those positions. Subject to that limitation—

(1) Foreign Service positions may be filled by the assignment for specified tours of duty of employees of the Department and, under interagency agreements, employees of other agencies; and

(2) Senior Foreign Service positions may also be filled by other members of the Service.

(c) The President may assign a career member of the Service to serve as chargé d'affaires or otherwise as the head of a mission (or as the head of a United States office abroad which is designated

under section 102(a)(3) by the Secretary of State as diplomatic in nature) for such period as the public interest may require.

(d) The Secretary of State, in conjunction with the heads of the other agencies utilizing the Foreign Service personnel system, shall implement policies and procedures to insure that Foreign Service officers and members of the Senior Foreign Service of all agencies are able to compete for chief of mission positions and have opportunities on an equal basis to compete for assignments outside their areas of specialization.

* * * * *

CHAPTER 6—PROMOTION AND RETENTION

SEC. 601. PROMOTIONS.—(a) Career members of the Senior Foreign Service are promoted by appointment under section 302(a) to a higher salary class in the Senior Foreign Service. Members of the Senior Foreign Service serving under career candidate appointments or noncareer appointments are promoted by appointment under section 303 to a higher salary class in the Senior Foreign Service. Foreign Service officers, and Foreign Service personnel who are assigned to a class in the Foreign Service Schedule, are promoted by appointment under section 302(a) as career members of the Senior Foreign Service or by assignment under section 404 to a higher salary class in the Foreign Service Schedule.

(b) Except as provided in section 606(a), promotions of—

(1) members of the Senior Foreign Service, and

(2) members of the Service assigned to a salary class in the Foreign Service Schedule (including promotions of such members into the Senior Foreign Service).

shall be based upon the recommendations and rankings of selection boards established under section 602, except that the Secretary may by regulation specify categories of career members, categories of career candidates, and other members of the Service assigned to salary classes in the Foreign Service Schedule who may receive promotions on the basis of satisfactory performance.

(c)(1) Promotions into the Senior Foreign Service shall be recommended by selection boards only from among career members of the Service assigned to class 1 in the Foreign Service Schedule who request that they be considered for promotion into the Senior Foreign Service. The Secretary shall prescribe the length of the period after such a request is made (within any applicable time in class limitation established under section 607(a)) during which such members may be considered by selection boards for entry into the Senior Foreign Service. A request by a member for consideration for promotion into the Senior Foreign Service under this subsection may be withdrawn by the member, but if it is withdrawn, that member may not thereafter request consideration for promotion into the Senior Foreign Service.

(2) Decisions by the Secretary on the numbers of individuals to be promoted into and retained in the Senior Foreign Service shall be based upon a systematic long-term projection of personnel flows and needs designed to provide—

(A) a regular, predictable flow of recruitment in the Service;

(B) effective career development patterns to meet the needs of the Service; and

(C) a regular, predictable flow of talent upward through the ranks and into the Senior Foreign Service.

(3) The affidavit requirements of sections 3332 and 3333(a) of title 5, United States Code, shall not apply with respect to a member of the Service who has previously complied with those requirements and who subsequently is promoted by appointment to any class in the Senior Foreign Service without a break in service.

(6)(A) The **promotion** *promotion, on or after January 1, 2017,* of any **individual joining the Service on or after January 1, 2017,** *Foreign Service officer, appointed under section 302(a)(1), who has general responsibility for carrying out the functions of the Service to the Senior Foreign Service shall be contingent upon such individual completing at least one tour in—*

- (i) a global affairs bureau; or
- (ii) a global affairs position.

(B) The requirements under subparagraph (A) shall not apply if the Secretary certifies that the individual proposed for promotion to the Senior Foreign Service—

- (i) has met all other requirements applicable to such promotion; and
- (ii) was unable to complete a tour in a global affairs bureau or global affairs position because there was not a reasonable opportunity for such individual to be assigned to such a position.

(C) In this paragraph—

(i) the term “global affairs bureau” means any bureau of the Department that is under the responsibility of—

- (I) the Under Secretary for Economic Growth, Energy, and Environment;
- (II) the Under Secretary for Arms Control and International Security Affairs;
- (III) the Under Secretary for Management;
- (IV) the Assistant Secretary for International Organization Affairs;
- (V) the Under Secretary for Public Diplomacy and Public Affairs; or
- (VI) the Under Secretary for Civilian, Security, Democracy, and Human Rights; and

(ii) the term “global affairs position” means any position funded with amounts appropriated to the Department under the heading “Diplomatic Policy and Support”.

* * * * *

SEC. 610. SEPARATION FOR CAUSE; SUSPENSION.—(a)(1) The Secretary may decide to separate any member from the Service for such cause as will promote the efficiency of the Service.

(2)(A) Except as provided in subparagraph (B), whenever the Secretary decides under paragraph (1) to separate, on the basis of misconduct, any member of the Service (other than a United States citizen employed under section 311 of the Foreign Service Act of 1980 who is not a family member) who either—

- (i) is serving under a career appointment, or
- (ii) is serving under a limited appointment,

the member may not be separated from the Service until the member receives a hearing before the Foreign Service Grievance Board and the Board decides that cause for separation has been estab-

lished, unless the member waives, in writing, the right to such a hearing, or the member's appointment has expired, whichever is sooner.

(B) The right to a hearing in subparagraph (A) does not apply in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than one year may be imposed.

(3) If the Board decides that cause for separation has not been established, the Board may direct the Department to pay reasonable attorneys' fees to the extent and in the manner provided by section 1107(b)(5). The hearing provided under this paragraph shall be conducted in accordance with the hearing procedures applicable to grievances under section 1106 and shall be in lieu of any other administrative procedure authorized or required by this or any other Act. Section 1110 shall apply to proceedings under this paragraph.

(4) Notwithstanding the hearing required by paragraph (2), at the time that the Secretary decides to separate a member of the Service for cause, the member shall be placed on leave without pay. If the member does not waive the right to a hearing, and the Board decides that cause for separation has not been established, the member shall be reinstated with back pay.

(b) Any participant in the Foreign Service Retirement and Disability System who is separated under subsection (a) shall be entitled to receive a refund as provided in section 815 of the contributions made by the participant to the Foreign Service Retirement and Disability Fund. Except in cases where the Secretary determines that separation was based in whole or in part on the ground of disloyalty to the United States, a participant who has at least 5 years of service credit toward retirement under the Foreign Service Retirement and Disability System (excluding military and naval service) may elect, in lieu of such refund, to an annuity, computed under section 806, commencing at age 60.

(c)(1) In order to promote the efficiency of the Service, the Secretary may **[suspend]** *indefinitely suspend without duties* a member of the Service when—

(A) the member's security clearance is suspended; or

(B) there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

(2) Any member of the Service for whom a suspension is proposed under this subsection shall be entitled to—

(A) written notice stating the specific reasons for the proposed suspension;

(B) a reasonable time to respond orally and in writing to the proposed suspension;

(C) obtain at such member's own expense representation by an attorney or other representative; and

(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

(3) Any member suspended under this subsection may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of title I.

(4) If a grievance is filed pursuant to paragraph (3)—

(A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the provisions of paragraphs (1) and (2) have been fulfilled; and

(B) the Board may not exercise the authority provided under section 1106(8).

(5) *Any member of the Service suspended from duties under this subsection may be suspended without pay only after a final written decision is provided to such member under paragraph (2).*

(6) *If no final written decision under paragraph (2) has been provided within one calendar year of the date the suspension at issue was proposed, not later than 30 days thereafter the Secretary of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in writing regarding the specific reasons for such delay.*

[(5) In this subsection:]

[(A) The term]

(7) *In this subsection, the term “reasonable time” means—*

[(i)] (A) with respect to a member of the Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

[(ii)] (B) with respect to a member of the Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

[(B) The terms “suspend” and “suspension” mean placing a member of the Foreign Service in a temporary status without duties.]

* * * * *

SEC. 614. [FOREIGN SERVICE AWARDS.—] *DEPARTMENT AWARDS.*—The President shall establish a system of awards to confer appropriate recognition of outstanding contributions to the Nation by members of the Service *or Civil Service*. The awards system established under this section shall provide for presentation by the President and by the Secretary of medals or other suitable commendations for performance in the course of or beyond the call of duty which involves distinguished, meritorious service to the Nation, including extraordinary valor in the face of danger to life or health. Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section.

CHAPTER 7—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

SEC. 701. INSTITUTION FOR TRAINING.—(a) The Secretary of State shall maintain and operate an institution or center for training (hereinafter in this chapter referred to as the “institution”), originally established under section 701 of the Foreign Service Act of 1946, in order to promote career development within the Service and to provide necessary training and instruction in the field of foreign relations to members of the Service and to employees of the Department and of other agencies. The institution shall be headed by a Director, who shall be appointed by the Secretary of State. The institution shall be designated the “George P. Shultz National Foreign Affairs Training Center”

(b) To the extent practicable, the Secretary of State shall provide training under this chapter which meets the needs of all agencies, and other agencies shall avoid duplicating the facilities and training provided by the Secretary of State through the institution and otherwise.

(c) Training and instruction may be provided at the Institute for not to exceed sixty citizens of the Trust Territory of the Pacific Islands in order to prepare them to serve as members of the foreign services of the Federated States of Micronesia, the Marshall Islands, and Palau. The authority of this subsection shall expire when the Compact of Free Association is approved by the Congress.

(d)(1) The Secretary of State is authorized to provide for special professional foreign affairs training and instruction of employees of foreign governments through the institution.

(2) Training and instruction under paragraph (1) shall be on a reimbursable or advance-of-funds basis. Such reimbursements or advances to the Department of State may be provided by an agency of the United States Government or by a foreign government and shall be credited to the currently available applicable appropriation account.

(3) In making such training available to employees of foreign governments, priority consideration should be given to officials of newly emerging democratic nations and then to such other countries as the Secretary determines to be in the national interest of the United States.

(e)(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.

(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

(5) In this subsection, the term "United States person" means—

(A) any individual who is a citizen or national of the United States; or

(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

(f)(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

(g)(1) The institution is authorized to receive private funds from private individuals and organizations to supplement the institution's funding and expand and enhance training, including for the following:

(A) Design and implementation of a degree granting program at the institution.

(B) Curriculum development.

(C) Training and classes for Members of Congress and congressional staff.

(D) Hiring retired Department of State personnel to teach, notwithstanding other hiring limitations.

(E) Other purposes as determined appropriate and necessary by the Secretary of State.

(2) Private funding received by the institution pursuant to this subsection shall be provided at the discretion of the grantor individual or organization, as the case may be.

(3) Not less than once annually, and at the request of the Committee on Foreign Affairs or the Committee on Appropriations of the House of Representatives or the Committee on Foreign Relations or the Committee on Appropriations of the Senate, the Department shall provide the names of grantors and information relating to the nature and amounts of any contributions made.

[(g)] *(h) The authorities of section 704 shall apply to training and instruction provided under this section.*

* * * * *

CHAPTER 9—TRAVEL, LEAVE, AND OTHER BENEFITS

SEC. 901. TRAVEL AND RELATED EXPENSES.—The Secretary may pay the travel and related expenses of members of the Service and their families, including costs or expenses incurred for—

(1) proceeding to and returning from assigned posts of duty;

(2) authorized or required home leave;

(3) family members to accompany, precede, or follow a member of the Service to a place of temporary duty;

(4) representational travel within the country to which the member of the Service is assigned or, when not more than one family member participates, outside such country;

(5) obtaining necessary medical care for an illness, injury, or medical condition while abroad in a locality where there is no suitable person or facility to provide such care (without regard to those laws and regulations limiting or restricting the furnishing or payment of transportation and traveling expenses), as well as expenses for—

(A) an attendant or attendants for a member of the Service or a family member who is too ill to travel unattended or for a family member who is too young to travel alone, and

(B) a family member incapable of caring for himself or herself if he or she remained at the post at which the member of the Service is serving;

(6) rest and recuperation travel of members of the Service who are United States citizens, and members of their families, while serving at locations abroad specifically designated by the Secretary for purposes of this paragraph, to—

(A) other locations abroad having different social, climatic, or other environmental conditions than those at the post at which the member of the Service is serving, or

(B) locations in the United States or its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands;

except that, unless the Secretary otherwise specifies in extraordinary circumstances, travel expenses under this paragraph shall be limited to the cost for a member of the Service, and for each member of the family of the member, of 1 round trip during any continuous 2-year tour unbroken by home leave and of 2 round trips during any continuous 3-year tour unbroken by home leave;

(7) removal of the family members of a member of the Service, and the furniture and household and personal effects (including automobiles) of the family, from a Foreign Service post where there is imminent danger because of the prevalence of disturbed conditions, and the return of such individuals, furniture, and effects to such post upon the cessation of such conditions, or to such other Foreign Service post as may in the meantime have become the post to which the member of the Service has been reassigned;

(8) trips by a member of the Service, and members of his or her family, for purposes of family visitation in situations where the family of the member is prevented by official order from accompanying the member to, or has been ordered from, the assigned post of the member because of imminent danger due to the prevalence of disturbed conditions, except that—

(A) with respect to any such member whose family is located in the United States, the Secretary may pay the costs and expenses for not to exceed two round trips in a 12-month period; and

(B) with respect to any such member whose family is located abroad, the Secretary may pay such costs and expenses for trips in a 12-month period as do not exceed the cost of 2 round trips (at less than first class) to the District of Columbia;

(9) round-trip travel to or from an employee's post of assignment for purposes of family visitation in emergency situations involving personal hardship, except that payment for travel by family members to an employee's post of assignment may be authorized under this paragraph only where the family of the member is prevented by official order from residing at such post;

(10) preparing and transporting to the designated home in the United States or to a place not more distant, the remains of a member of the Service, or of a family member of a member of the Service, who dies abroad or while in travel status or, if death occurs in the United States, transport of the remains to

the designated home in the United States or to a place not more distant;

(11) transporting the furniture and household and personal effects of a member of the Service (and of his or her family) to successive posts of duty and, on separation of a member from the Service, to the place where the member will reside (or if the member has died, to the place where his or her family will reside);

(12) packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of a member of the Service (and of his or her family)—

(A) when the member is absent from his or her post of assignment under orders or is assigned to a Foreign Service post to which such furniture and household and personal effects cannot be taken or at which they cannot be used, or when it is in the public interest or more economical to authorize storage;

(B) in connection with an assignment of the member to a new post, except that costs and expenses may be paid under this subparagraph only for the period beginning on the date of departure from his or her last post or (in the case of a new member) on the date of departure from the place of residence of the member and ending on the earlier of the date which is 3 months after arrival of the member at the new post or the date on which the member establishes residence quarters, except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days; and

(C) in connection with separation of the member from the Service, except that costs or expenses may not be paid under this subparagraph for storing furniture and household and personal effects for more than 3 months, except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days;

(13) transporting, for or on behalf of a member of the Service, a privately owned motor vehicle in any case in which the Secretary determines that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination, but transportation may be provided under this paragraph for only one motor vehicle of a member during any 48-month period while the member is continuously serving abroad, except that another motor vehicle may be so transported as a replacement for such motor vehicle if such replacement—

(A) is determined, in advance, by the Secretary to be necessary for reasons beyond the control of the members and in the interest of the Government, or

(B) is incident to a reassignment when the cost of transporting the replacement motor vehicle does not exceed the cost of transporting the motor vehicle that is replaced;

(14) the travel and relocation of members of the Service, and members of their families, assigned to or within the United States (or any territory or possession of the United States or the Commonwealth of Puerto Rico), including assignments

under subchapter VI of chapter 33 of title 5, United States Code (notwithstanding section 3375(a) of such title, if an agreement similar to that required by section 3375(b) of such title is executed by the member of the Service); and

(15) **[1 round-trip per year for each child below age 21 of a member of the Service assigned abroad]** *in the case of one or more children below age 21 of a member of the Service assigned abroad, 1 round-trip per year—*

(A) *for each child to visit the member abroad if the child does not regularly reside with the member and the member is not receiving an education allowance or educational travel allowance for the child under section 5924(4) of title 5, United States Code*; or,

(B) *for each child to visit the other parent of the child if the other parent resides in a country other than the country to which the member is assigned and the child regularly resides with the member and does not regularly attend school in the country in which the other parent resides, or*

(C) *for one of the child's parents to visit the child or children abroad if the child or children do not regularly reside with that parent and that parent is not receiving an education allowance or educational travel allowance for the child or children under section 5924(4) of title 5, United States Code,*

except that **[a payment]** *the cost of round-trip travel* under this paragraph may not exceed the cost of round-trip travel between the post to which the member is assigned and the residence of the other parent, or between the post to which the member is assigned and the residence of the child if the child does not reside with a parent.

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SEC. 903. REQUIRED LEAVE IN THE UNITED STATES.—(a) The Secretary may order a member of the Service (other than a member employed under section 311) who is a citizen of the United States to take a leave of absence under section 6305 of title 5, United States Code (without regard to the introductory clause of subsection (a) of that section), upon completion by that member of 18 months of continuous service abroad. The Secretary shall order on such a leave of absence a member of the Service (other than a member employed under section 311) who is a citizen of the United States as soon as possible after completion by that member of 3 years of continuous service abroad.

(b) Leave ordered under this section may be taken in the United States or its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands. *In cases in which the family members of a member of the Service reside apart from the member at authorized locations outside the United States because they are prevented by official order from residing with the member at post, the member may take the leave ordered under this section where that member's family members reside, notwithstanding section 6305 of title 5, United States Code.*

(c) While on a leave of absence ordered under this section, the services of any member of the Service shall be available for such

work or duties in the Department or elsewhere as the Secretary may prescribe, but the time of such work or duties shall not be counted as leave.

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ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

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TITLE IX—INTERNATIONAL ENERGY PROGRAMS

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Subtitle C—Miscellaneous Provisions

SEC. 931. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

[(a) STATE DEPARTMENT COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—

[(1) IN GENERAL.—The Secretary of State should ensure that energy security is integrated into the core mission of the Department of State.

[(2) COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—There is established within the Office of the Secretary of State a Coordinator for International Energy Affairs, who shall be responsible for—

[(A) representing the Secretary of State in interagency efforts to develop the international energy policy of the United States;

[(B) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decision making process within the Department of State;

[(C) incorporating energy security priorities into the activities of the Department of State;

[(D) coordinating energy activities of the Department of State with relevant Federal agencies; and

[(E) coordinating energy security and other relevant functions within the Department of State currently undertaken by offices within—

[(i) the Bureau of Economic, Energy and Business Affairs;

[(ii) the Bureau of Oceans and International Environmental and Scientific Affairs; and

[(iii) other offices within the Department of State.

[(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

[(b) ENERGY EXPERTS IN KEY EMBASSIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations

of the Senate and the Committee on Foreign Affairs of the House of Representatives that includes—

【(1) a description of the Department of State personnel who are dedicated to energy matters and are stationed at embassies and consulates in countries that are major energy producers or consumers;

【(2) an analysis of the need for Federal energy specialist personnel in United States embassies and other United States diplomatic missions; and

【(3) recommendations for increasing energy expertise within United States embassies among foreign service officers and options for assigning to such embassies energy attachés from the National Laboratories or other agencies within the Department of Energy.】

【(c) (a) ENERGY ADVISORS.—The Secretary of Energy may make appropriate arrangements with the Secretary of State to assign personnel from the Department of Energy or the National Laboratories of the Department of Energy to serve as dedicated advisors on energy matters in embassies of the United States or other United States diplomatic missions.

【(d) (b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter for the following 20 years, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

(1) the energy-related activities being conducted by the Department of State, including activities within—

(A) the Bureau of Economic, Energy and Business Affairs;

(B) the Bureau of Oceans and Environmental and Scientific Affairs; and

(C) other offices within the Department of State;

(2) the amount of funds spent on each activity within each office described in paragraph (1); and

(3) the number and qualification of personnel in each embassy (or relevant foreign posting) of the United States whose work is dedicated exclusively to energy matters.

* * * * *

SECTION 1 OF THE PASSPORT ACT OF JUNE 4, 1920

FEEES FOR PASSPORTS AND VISES

SECTION 1. (a) There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for the filing of each application for a passport (including the cost of passport issuance and use) and a fee, prescribed by the Secretary of State by regulation, for executing each such application; except that the Secretary of State may by regulation authorize State officials or the United States Postal Service to collect and retain the execution fee for each application for a passport accepted by such officials or by that Service., Such fees shall not be refundable, except as the Secretary may by regulation prescribe. No passport fee shall be collected from an officer or employee of the

United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American-flag vessel; from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member; or from an individual or individuals abroad, returning to the United States, when the Secretary determines that foregoing the collection of such fee is justified for humanitarian reasons or for law enforcement purposes. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.

(b)(1) The Secretary of State may by regulation establish and collect a surcharge on applicable fees for the filing of each application for a passport in order to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note). Such surcharge shall be in addition to the fees provided for in subsection (a) and in addition to the surcharges or fees otherwise authorized by law and shall be deposited in the Consular and Border Security Programs account, to remain available until expended for the purposes of meeting such costs.

(2) The authority to collect the surcharge provided under paragraph (1) may [not be exercised after September 30, 2017.] *be exercised beginning on the date of the enactment of the Department of State Authorization Act of 2019.*

(3) The Secretary of State shall ensure that, to the extent practicable, the total cost of a passport application during fiscal years 2006 and 2007, including the surcharge authorized under paragraph (1), shall not exceed the cost of the passport application as of December 1, 2005.

FISHERMEN'S PROTECTIVE ACT OF 1967

* * * * *

SEC. 7. (a) The Secretary, upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certificated as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if said vessel is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary shall guarantee—

(1) the owner of such vessel for all actual costs, except those covered by section 3 of this Act, incurred by the owner during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting (A) from any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

(2) the owner of such vessel and its crew for the market value of fish caught before seizure of such vessel and confiscated or spoiled during the period of detention; and

(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such seizure and detention, as determined by the Secretary of State, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that of the type and size of the seized vessel.

(b) Payments made by the Secretary under paragraphs (2) and (3) of subsection (a) of this section shall be distributed by the Secretary in accordance with the usual practices and procedures of the particular segment of the United States commercial fishing industry to which the seized vessel belongs relative to the sale of fish caught and the distribution of the proceeds of such sale.

(c) The Secretary shall from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under this section. Such fees shall be adequate (1) to recover the costs of administering this section, and (2) to cover a reasonable portion of any payments made by the Secretary under this section. All fees collected by the Secretary shall be credited to a separate account established in the Treasury of the United States which shall remain available without fiscal year limitation to carry out the provisions of this section. Those fees not currently needed for payments under this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all revenues accruing from such deposits or investments shall be credited to such separate account. If a transfer of funds is made to the separate account under section 5(b)(2) with respect to an unpaid claim and such claim is later paid, the amount so paid shall be covered into the Treasury as miscellaneous receipts. All payments under this section shall be made first out of such fees so long as they are available, and thereafter out of funds which are hereby authorized to be appropriated to such account to carry out the provisions of this section.

(d) All determinations made under this section shall be final. No payment under this section shall be made with respect to any losses covered by any policy of insurance or other provision of law.

[(e) The provisions of this section shall be effective until October 1, 2018, except that payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.]

(e) AMOUNTS.—Payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.

(f) For the purposes of this section—

(1) the term “Secretary” means the Secretary of State.

(2) the term “owner” includes any charterer of a commercial fishing vessel.

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SECTION 570 OF THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

(Public Law 104-208)

SEC. 570. POLICY TOWARD BURMA.

(a) Until such time as the President determines and certifies to Congress that Burma has made measurable and substantial progress in improving human rights practices and implementing democratic government, the following sanctions shall be imposed on Burma:

(1) **BILATERAL ASSISTANCE.**—There shall be no United States assistance to the Government of Burma, other than:

(A) humanitarian assistance,

(B) subject to the regular notification procedures of the Committees on Appropriations, counter-narcotics assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, if the Secretary of State certifies to the appropriate congressional committees that—

(i) the Government of Burma is fully cooperating with United States counter-narcotics efforts, and

(ii) the programs are fully consistent with United States human rights concerns in Burma and serve the United States national interest, and

(C) assistance promoting human rights and democratic values.

(2) **MULTILATERAL ASSISTANCE.**—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of funds of the respective bank to or for Burma.

(3) **VISAS.**—Except as required by treaty obligations or to staff the Burmese mission to the United States, the United States should not grant entry visas to any Burmese government official.

(b) **CONDITIONAL SANCTIONS.**—The President is hereby authorized to prohibit, and shall prohibit United States persons from new investment in Burma, if the President determines and certifies to Congress that, after the date of enactment of this Act, the Government of Burma has physically harmed, rearrested for political acts, or exiled Daw Aung San Suu Kyi or has committed large-scale repression of or violence against the Democratic opposition.

[(c) **MULTILATERAL STRATEGY.**—The President shall seek to develop, in coordination with members of ASEAN and other countries having major trading and investment interests in Burma, a comprehensive, multilateral strategy to bring democracy to and improve human rights practices and the quality of life in Burma, including the development of a dialogue between the State Law and Order Restoration Council (SLORC) and democratic opposition groups within Burma.]

(c) *MULTILATERAL STRATEGY.*—*The President shall develop, in coordination with members of ASEAN and other likeminded countries, a comprehensive, multilateral strategy to bring about further democratic consolidation in Burma and improve human rights*

practices and the quality of life in Burma, including the development of a dialogue leading to genuine national reconciliation.

(d) **PRESIDENTIAL REPORTS.**—Every **【six months】** year following the enactment of this Act, the President shall report to the Chairmen of the Committee on Foreign Relations, the Committee on International Relations and the House and Senate Appropriations Committees on the following:

- (1) progress toward democratization in Burma;
- (2) progress on improving the quality of life of the Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and
- (3) *improvements in human rights practices;*
- (4) *progress toward broad-based and inclusive economic growth;*
- (5) *progress toward genuine national reconciliation;*
- (6) *progress on improving the quality of life of the Burmese people, including progress relating to market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and*
- 【(3)】** (7) progress made in developing the strategy referred to in subsection (c).

(e) **WAIVER AUTHORITY.**—The President shall have the authority to waive, temporarily or permanently, any sanction referred to in subsection (a) or subsection (b) if he determines and certifies to Congress that the application of such sanction would be contrary to the national security interests of the United States.

(f) **DEFINITIONS.**—

(1) The term “international financial institutions” shall include the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, and the International Monetary Fund.

(2) The term “new investment” shall mean any of the following activities if such an activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Burma or a nongovernmental entity in Burma, on or after the date of the certification under subsection (b):

(A) the entry into a contract that includes the economical development of resources located in Burma, or the entry into a contract providing for the general supervision and guarantee of another person’s performance of such a contract;

(B) the purchase of a share of ownership, including an equity interest, in that development;

(C) the entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation:

Provided, That the term “new investment” does not include the entry into, performance of, or financing of a contract to sell or purchase goods, services, or technology.

PUBLIC LAW 101-246

AN ACT To authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes.

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TITLE IV—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

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[SEC. 406. ANNUAL REPORT TO CONGRESS ON VOTING PRACTICES AT THE UNITED NATIONS.

[(a) IN GENERAL.—Not later than March 31 of each year, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a full and complete annual report which assesses for the preceding calendar year, with respect to each foreign country member of the United Nations, the voting practices of the governments of such countries at the United Nations, and which evaluates General Assembly and Security Council actions and the responsiveness of those governments to United States policy on issues of special importance to the United States.

[(b) INFORMATION ON VOTING PRACTICES IN THE UNITED NATIONS.—Such report shall include, with respect to voting practices and plenary actions in the United Nations during the preceding calendar year, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of—

[(1) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives at the United Nations;

[(2) an analysis and discussion, prepared in consultation with the Secretary of State, of actions taken by the United Nations by consensus;

[(3) with respect to plenary votes of the United Nations General Assembly—

[(A) a listing of all such votes on issues which directly affected important United States interests and on which the United States lobbied extensively and a brief description of the issues involved in each such vote;

[(B) a listing of the votes described in subparagraph (A) which provides a comparison of the vote cast by each member country with the vote cast by the United States;

[(C) a country-by-country listing of votes described in subparagraph (A); and

[(D) a listing of votes described in subparagraph (A) displayed in terms of United Nations regional caucus groups;

[(4) a listing of all plenary votes cast by member countries of the United Nations in the General Assembly which provides a comparison of the votes cast by each member country with the vote cast by the United States, including a separate listing of all plenary votes cast by member countries of the United Nations in the General Assembly on resolutions specifically related to Israel that are opposed by the United States;

[(5) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which other members supported United States policy objectives in the Security Council and a separate listing of all Security Council votes of each member country in comparison with the United States; and

[(6) a side-by-side comparison of agreement on important and overall votes for each member country and the United States.

[(c) **FORMAT.**—Information required pursuant to subsection (b)(3) shall also be submitted, together with an explanation of the statistical methodology, in a format identical to that contained in chapter II of the Report to Congress on Voting Practices in the United Nations, dated March 14, 1988.

[(d) **STATEMENT BY THE SECRETARY OF STATE.**—Each report under subsection (a) shall contain a statement by the Secretary of State discussing the measures which have been taken to inform United States diplomatic missions of United Nations General Assembly and Security Council activities.

[(e) **TECHNICAL AND CONFORMING AMENDMENTS.**—The following provisions of law are repealed:

[(1) The second undesignated paragraph of section 101(b)(1) of the Foreign Assistance and Related Programs Appropriations Act, 1984 (Public Law 98-151; 97 Stat. 967).

[(2) Section 529 of the Foreign Assistance and Related Programs Appropriations Act, 1986, as enacted by Public Law 99-190 (99 Stat. 1307).

[(3) Section 528 of the Foreign Assistance and Related Programs Appropriations Act, 1987, as enacted by Public Law 99-500 (100 Stat. 1783) and Public Law 99-591 (100 Stat. 3341).

[(4) Section 528 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as enacted by Public Law 100-202 (101 Stat. 1329).

[(5) Section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, as enacted by Public Law 100-461.]

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TITLE VIII—PLO COMMITMENTS COMPLIANCE ACT OF 1989

SEC. 801. SHORT TITLE.

This title may be cited as the “PLO Commitments Compliance Act of 1989”.

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SEC. 804. REPORTING REQUIREMENT.

(a) **REPORT ON ARMED INCURSIONS.**—In the event that talks are held with the PLO after the date of enactment of this Act, the Secretary of State, shall, within 30 days after the next round of such talks, report to the Chairman of the Committee on Foreign Affairs of the Senate and the Speaker of the House of Representatives any

accounting provided by the representative of the PLO of the incidents described in section 803(c).

[(b) REPORT ON COMPLIANCE WITH COMMITMENTS.—In conjunction with each written policy justification required under section 604(b)(1) of the Middle East Peace Facilitation Act of 1995 or every 180 days, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report, in unclassified form to the maximum extent practicable, regarding progress toward the achievement of the measures described in section 803(b). Such report shall include—

[(1) a description of actions or statements by the PLO as an organization, its Chairman, members of its Executive Committee, members of the Palestine National Council, or any constituent groups related thereto, as they relate to the Geneva commitments of December 1988 and each of the commitments described in section 584(a) of the Middle East Peace Facilitation Act of 1994 (Oslo commitments), including actions or statements that contend that the declared “Palestinian state” encompasses all of Israel;

[(2) a description of the steps, if any, taken by the PLO to evict or otherwise discipline individuals or groups taking actions inconsistent with the Geneva and Oslo commitments;

[(3) a statement of whether the PLO, in accordance with procedures in Article 33 of the Palestinian National Covenant, has repealed provisions in that Covenant which call for Israel’s destruction;

[(4) a statement of whether the PLO has repudiated its “strategy of stages” whereby it seeks to use a Palestinian state in the West Bank and Gaza as the first step in the total elimination of the state of Israel;

[(5) a statement of whether the PLO has called on any Arab state to recognize and enter direct negotiations with Israel or to end its economic boycott of Israel;

[(6) a statement of whether “Force 17” and the “Hawari Group”, units directed by Yasser Arafat that have carried out terrorist attacks, have been disbanded and not reconstituted under different names;

[(7) a statement of whether the following PLO constituent groups conduct or participate in terrorist or other violent activities: the Fatah; the Popular Front for the Liberation of Palestine; the Democratic Front for the Liberation of Palestine; the Arab Liberation Front; the Palestine Liberation Front;

[(8) a statement of the PLO’s position on the unrest in the West Bank and Gaza, and whether the PLO threatens, through violence or other intimidation measures, Palestinians in the West Bank and Gaza who advocate a cessation of or who do not support the unrest, and who might be receptive to taking part in elections there;

[(9) a statement of the position of the PLO regarding the prosecution and extradition, if so requested, of known terrorists such as Abu Abbas, who directed the Achille Lauro hijacking during which Leon Klinghoffer was murdered, and Muhammed Rashid, implicated in the 1982 bombing of a

PanAm jet and the 1986 bombing of a TWA jet in which four Americans were killed;

[(10) a statement of the position of the PLO on providing compensation to the American victims or the families-of American victims of PLO terrorism; and

[(11) measures taken by the PLO to prevent acts of terrorism, crime and hostilities and to legally punish offenders, as called for in the Gaza-Jericho agreement of May 4, 1994.

[(11) a statement on the effectiveness of end-use monitoring of international or United States aid being provided to the Palestinian Authority, Palestinian Liberation Organization, or the Palestinian Legislative Council, or to any other agent or instrumentality of the Palestinian Authority, on Palestinian efforts to comply with international accounting standards and on enforcement of anti-corruption measures; and

[(12) a statement on compliance by the Palestinian Authority with the democratic reforms, with specific details regarding the separation of powers called for between the executive and Legislative Council, the status of legislation passed by the Legislative Council and sent to the executive, the support of the executive for local and municipal elections, the status of freedom of the press, and of the ability of the press to broadcast debate from within the Legislative Council and about the activities of the Legislative Council.]

(c) REPORT ON POLICIES OF ARAB STATES.—Not more than 30 days after the date of enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report concerning the policies of Arab states toward the Middle East peace process, including progress toward—

- (1) public recognition of Israel's right to exist in peace and security;
- (2) ending the Arab economic boycott of Israel; and
- (3) ending efforts to expel Israel from international organizations or denying participation in the activities of such organizations.

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JERUSALEM EMBASSY ACT OF 1995

(Public Law 104-45)

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[SEC. 6. SEMIANNUAL REPORTS.

[At the time of the submission of the President's fiscal year 1997 budget request, and every six months thereafter, the Secretary of State shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made toward opening the United States Embassy in Jerusalem.]

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PUBLIC LAW 96-465

AN ACT To promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes.

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TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

* * * * *

CHAPTER 7—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

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SEC. 702. FOREIGN LANGUAGE REQUIREMENTS.—(a) The Secretary shall establish foreign language proficiency requirements for members of the Service who are to be assigned abroad in order that Foreign Service posts abroad will be staffed by individuals having a useful knowledge of the language or dialect common to the country in which the post is located.

(b) The Secretary of State shall arrange for appropriate language training of members of the Service by the institution or otherwise in order to assist in meeting the requirements established under subsection (a).

[(c) Not later than January 31 of each year, the Director General of the Foreign Service shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives summarizing the number of positions in each overseas mission requiring foreign language competence that—

[(1) became vacant during the previous fiscal year; and

[(2) were filled by individuals having the required foreign language competence.]

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DEPARTMENT OF STATE AUTHORITIES ACT, FISCAL YEAR 2017

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TITLE I—EMBASSY SECURITY AND PERSONNEL PROTECTION

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Subtitle B—Physical Security and Personnel Requirements

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SEC. 118. [ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS] *BI-ANNUAL REPORT ON OVERSEAS CAPITAL CONSTRUCTION PROJECTS.*

[(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary shall

submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a comprehensive report regarding all ongoing embassy construction projects and major embassy security upgrade projects.

[(b) CONTENTS.—Each report required under subsection (a) shall include the following with respect to each ongoing embassy construction projects and major embassy security upgrade projects:

[(1) The initial cost estimate.

[(2) The amount expended on the project to date.

[(3) The projected timeline for completing the project.

[(4) Any cost overruns incurred by the project.]]

(a) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this subsection and every 180 days thereafter until the date that is four years after such date of enactment, the Secretary shall submit to the appropriate congressional committees a comprehensive report regarding all ongoing overseas capital construction projects and major embassy security upgrade projects.

(b) *CONTENTS.*—Each report required under subsection (a) shall include the following with respect to each ongoing overseas capital construction project and major embassy security upgrade project:

(1) *The initial cost estimate as specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations for Acts making appropriations for the Department of State, foreign operations, and related programs.*

(2) *The current cost estimate.*

(3) *The value of each request for equitable adjustment received by the Department to date.*

(4) *The value of each certified claim received by the Department to date.*

(5) *The value of any usage of the project's contingency fund to date and the value of the remainder of the project's contingency fund.*

(6) *An enumerated list of each request for adjustment and certified claim that remains outstanding or unresolved.*

(7) *An enumerated list of each request for equitable adjustment and certified claim that has been fully adjudicated or that the Department has settled, and the final dollar amount of each adjudication or settlement.*

(8) *The date of estimated completion specified in the proposed allocation of capital construction and maintenance funds required by the Committees on Appropriations not later than 45 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs.*

(9) *The current date of estimated completion.*

(c) *INITIAL REPORT.*—The first report required under subsection (a) shall include an annex regarding all embassy construction projects and major embassy security upgrade projects completed during the 10-year period ending on the date of the enactment of this Act, including, for each such project, the following:

(1) *The initial cost estimate.*

(2) *The amount actually expended on the project.*

(3) *Any additional time required to complete the project beyond the initial timeline.*

(4) Any cost overruns incurred by the project.

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**OMNIBUS DIPLOMATIC SECURITY AND ANTITERRORISM
ACT OF 1986**

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**TITLE III—PERFORMANCE AND
ACCOUNTABILITY**

SEC. 301. 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 titles I through IV (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 title 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 106 of this Act. 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 AND] *AFGHANISTAN, YEMEN, SYRIA, AND IRAQ.*—

(A) LIMITED EXEMPTIONS FROM REQUIREMENT TO CON-
VENE 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 or] *Afghanistan, Yemen, Syria, or Iraq*; and

(ii) occurs during the period [beginning on October 1, 2005, and ending on September 30, 2009] *beginning on October 1, 2019, 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.

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TITLE IV—DIPLOMATIC SECURITY PROGRAM

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SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

(a) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding section 11 of the Foreign Service Buildings Act, 1926, and where adequate competition exists, only United States persons and qualified United States joint venture persons may—

(1) bid on a diplomatic construction or design project which has an estimated total project value exceeding \$10,000,000; and

(2) bid on a diplomatic construction or design project which involves technical security, unless the project involves low-level technology, as determined by the Secretary of State.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to any diplomatic construction or design project in a foreign country whose statutes prohibit the use of United States contractors on such projects. The exception contained in this subsection shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions he has taken to urge such foreign country to permit the use of United States contractors on such projects, and what actions he shall take with respect to that country as authorized by title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the “Foreign Missions Act”).

(c) DEFINITIONS.—For the purposes of this section—

(1) the term “adequate competition” means with respect to a construction or design project, the presence of two or more qualified bidders submitting responsive bids for that project;

(2) the term “United States person” means a person which—

(A) is incorporated or legally organized under the laws of the United States, including State, the District of Columbia, and local laws;

(B) has its principal place of business in the United States;

(C) has been incorporated or legally organized in the United States—

(i) for more than 5 years before the issuance date of the invitation for bids or request for proposals with respect to a construction project under subsection (a)(1); and

(ii) for more than 2 years before the issuance date of the invitation for bids or request for proposals with respect to a construction or design project which involves physical or technical security under subsection (a)(2);

(D) has performed within the United States or at a United States diplomatic or consular establishment abroad administrative and technical, professional, or construction services similar in complexity, type of construction, and value to the project being bid;

(E) with respect to a construction project under subsection (a)(1), has achieved total business volume equal to or greater than the value of the project being bid [in 3 years] *cumulatively over 3 years* of the 5-year period before the date specified in subparagraph (C)(i);

(F)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States,

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States, and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the foreign buildings office project site; and

- (G) has the existing technical and financial resources in the United States to perform the contract; and
- (3) the term “qualified United States joint venture person” means a joint venture in which a United States person or persons owns at least 51 percent of the assets of the joint venture.
- (d) AMERICAN MINORITY CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American minority contractors.
- (e) AMERICAN SMALL BUSINESS CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American small business contractors.
- (f) LIMITATION ON SUBCONTRACTING.—With respect to a diplomatic construction project, a prime contractor may not subcontract more than 50 percent of the total value of its contract for that project.

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SECTION 504 OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1979

SEC. 504. RESPONSIBILITIES OF THE SECRETARY OF STATE.

(a)(1) In order to implement the policies set forth in section 502 of this title, the Secretary of State (hereafter in this section referred to as the “Secretary”) shall have primary responsibility for coordination and oversight with respect to all major science or science and technology agreements and activities between the United States and foreign countries, international organizations, or commissions of which the United States and one or more foreign countries are members.

(2) In coordinating and overseeing such agreements and activities, the Secretary shall consider (A) scientific merit; (B) equity of access as described in section 503(b); (C) possible commercial or trade linkages with the United States which may flow from the agreement or activity; (D) national security concerns; and (E) any other factors deemed appropriate.

(3) Prior to entering into negotiations on such an agreement or activity, the Secretary shall provide Federal agencies which have primary responsibility for, or substantial interest in, the subject matter of the agreement or activity, including those agencies responsible for—

- (A) Federal technology management policies set forth by Public Law 96-517 and the Stevenson-Wydler Technology Innovation Act of 1980;
- (B) national security policies;
- (C) United States trade policies; and
- (D) relevant Executive orders,

with an opportunity to review the proposed agreement or activity to ensure its consistency with such policies and Executive orders, and to ensure effective interagency coordination.

(b) The Secretary shall, to such extent or in such amounts as are provided in appropriation Acts, enter into long-term contracts, including contracts for the services of consultants, and shall make grants and take other appropriate measures in order to obtain studies, analyses, and recommendations from knowledgeable persons and organizations with respect to the application of science or technology to problems of foreign policy.

(c) The secretary shall, to such extent or in such amounts as are provided in appropriation acts, enter into short-term and long-term contracts, including contracts for the services of consultants, and shall make grants and take other appropriate measures in order to obtain assistance from knowledgeable persons and organizations in training officers and employees of the united states government, at all levels of the foreign service and civil service—

(1) in the application of science and technology to problems of United States foreign policy and international relations generally; and

(2) in the skills of long-range planning and analysis with respect to the scientific and technological aspects of United States foreign policy.

(d) In obtaining assistance pursuant to subsection (c) in training personnel who are officers or employees of the Department of State, the Secretary may provide for detached service for graduate study at accredited colleges and universities.

(e) *GRANTS AND COOPERATIVE AGREEMENTS RELATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAMS.*—

(1) *IN GENERAL.*—*The Secretary is authorized to make grants or enter into cooperative agreements related to Department of State science and technology fellowship programs, including for assistance in recruiting fellows and the payment of stipends, travel, and other appropriate expenses to fellows.*

(2) *EXCLUSION FROM CONSIDERATION AS COMPENSATION.*—*Stipends under paragraph (1) shall not be considered compensation for purposes of section 209 of title 18, United States Code.*

(3) *MAXIMUM ANNUAL AMOUNT.*—*The total amount of grants made pursuant to this subsection may not exceed \$500,000 in any fiscal year.*

TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART E—ATTENDANCE AND LEAVE

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CHAPTER 63—LEAVE

SUBCHAPTER I—ANNUAL AND SICK LEAVE

Sec.

6301. Definitions.

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SUBCHAPTER II—OTHER PAID LEAVE

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6329c. Weather and safety leave.
 6329d. Rest and recuperation leave.
 6329e. Overseas operations leave.

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SUBCHAPTER II—OTHER PAID LEAVE

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§ 6329d. Rest and recuperation leave

(a) DEFINITIONS.—In this section—

(1) the term “agency” means an Executive agency (as that term is defined in section 105), but does not include the Government Accountability Office;

(2) the term “combat zone” means a geographic area designated by an Executive Order of the President as an area in which the Armed Forces are engaging or have engaged in combat, an area designated by law to be treated as a combat zone, or a location the Department of Defense has certified for combat zone tax benefits due to its direct support of military operations;

(3) the term “employee” has the meaning given that term in section 6301;

(4) the term “high risk, high threat post” has the meaning given that term in section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4803); and

(5) the term “leave year” means the period beginning on the first day of the first complete pay period in a calendar year and ending on the day immediately before the first day of the first complete pay period in the following calendar year.

(b) LEAVE FOR REST AND RECUPERATION.—The head of an agency may prescribe regulations to grant up to 20 days of paid leave, per leave year, for the purposes of rest and recuperation to an employee of the agency serving in a combat zone, any other high risk, high threat post, or any other location presenting significant security or operational challenges.

(c) DISCRETIONARY AUTHORITY OF AGENCY HEAD.—Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

(d) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

§ 6329e. Overseas operations leave

(a) DEFINITIONS.—In this section—

(1) the term “agency” means an Executive agency (as that term is defined in section 105), but does not include the Government Accountability Office;

(2) the term “employee” has the meaning given that term in section 6301; and

(3) the term “leave year” means the period beginning with the first day of the first complete pay period in a calendar year

and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

(b) LEAVE FOR OVERSEAS OPERATIONS.—The head of an agency may prescribe regulations to grant up to 10 days of paid leave, per leave year, to an employee of the agency serving abroad where the conduct of business could pose potential security or safety related risks or would be inconsistent with host-country practice. Such regulations may provide that additional leave days may be granted during such leave year if the head of the agency determines that to do so is necessary to advance the national security or foreign policy interests of the United States.

(c) DISCRETIONARY AUTHORITY OF AGENCY HEAD.—Use of the authority under subsection (b) is at the sole and exclusive discretion of the head of the agency concerned.

(d) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

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SUBPART I—MISCELLANEOUS

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CHAPTER 103—NOTICE OF EMPLOYMENT OPPORTUNITIES FOR DEPARTMENT OF STATE AND USAID POSITIONS

10301. Notice of employment opportunities for Department of State and USAID positions.

10302. Consulting services for the Department of State.

§ 10301. Notice of Employment Opportunities for Department of State and USAID positions

To ensure that individuals who have separated from the Department of State or the United States Agency for International Development and who are eligible for reappointment are aware of such opportunities, the Department of State and the United States Agency for International Development shall publicize notice of all employment opportunities, including positions for which the relevant agency is accepting applications from individuals within the agency's workforce under merit promotion procedures, on publicly accessible sites, including www.usajobs.gov. If using merit promotion procedures, the notice shall expressly state that former employees eligible for reinstatement may apply.

§ 10302. Consulting services for the Department of State

Any consulting service obtained by the Department of State through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts with respect to which expenditures are a matter of public record and available for public inspection, except if otherwise provided under existing law, or under existing executive order issued pursuant to existing law.

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SUPPLEMENTAL APPROPRIATIONS ACT, 2009

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TITLE XI

DEPARTMENT OF STATE

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TECHNICAL AND OTHER PROVISIONS

SEC. 1115. (a) MODIFICATION.—Title III of division H of Public Law 111-8 is amended under the heading “Economic Support Fund” in the second proviso by striking “up to \$20,000,000” and inserting “not less than \$20,000,000”.

(b) NOTIFICATION REQUIREMENT.—Funds appropriated by this Act that are transferred to the Department of State or the United States Agency for International Development from any other Federal department or agency shall be subject to the regular notification procedures of the Committees on Appropriations, notwithstanding any other provision of law.

(c) REEMPLOYMENT OF ANNUITANTS.—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)(1) by inserting “, Pakistan,” after “Iraq” each place it appears; and, in subsection (g)(2) by striking “2009” and inserting instead “2010”.

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)(1) by adding “, Pakistan,” after “Iraq” each place it appears; and, in subsection (a)(2) by striking “2008” and inserting instead “2010”.

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)(A) by adding “, Pakistan,” after “Iraq” each place it appears; and, in subsection (j)(1)(B) by striking “2008” and inserting instead “2010”.

(d) INCENTIVES FOR CRITICAL POSTS.—Notwithstanding sections 5753(a)(2)(A) and 5754(a)(2)(A) of title 5, United States Code, appropriations made available by this or any other Act may be used to pay recruitment, relocation, and retention bonuses under chapter 57 of title 5, United States Code to members of the Foreign Service, other than chiefs of mission and ambassadors at large, who are on official duty in Iraq, Afghanistan, or Pakistan. **[This authority shall terminate on October 1, 2010.]**

(e) Of the funds appropriated under the heading “Foreign Military Financing Program” in Public Law 110-161 that are available for assistance for Colombia, \$500,000 may be transferred to, and merged with, funds appropriated under the heading “International Narcotics Control and Law Enforcement” to provide medical and rehabilitation assistance for members of Colombian security forces who have suffered severe injuries.

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**FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT
OF 1998**

**DIVISION G—FOREIGN AFFAIRS REFORM AND
RESTRUCTURING ACT OF 1998**

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**SUBDIVISION A—CONSOLIDATION OF FOREIGN
AFFAIRS AGENCIES**

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TITLE XIII—UNITED STATES INFORMATION AGENCY

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CHAPTER 4—CONFORMING AMENDMENTS

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**SEC. 1334. [SUNSET] CONTINUATION OF UNITED STATES ADVISORY
COMMISSION ON PUBLIC DIPLOMACY.**

The United States Advisory Commission on Public Diplomacy, established under section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977, shall continue to exist and operate under such provisions of law [until October 1, 2020].

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ARMS EXPORT CONTROL ACT

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**CHAPTER 1—FOREIGN AND NATIONAL SECURITY
POLICY OBJECTIVES AND RESTRAINTS**

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SEC. 4. PURPOSES FOR WHICH MILITARY SALES BY THE UNITED STATES ARE AUTHORIZED.—Defense articles and defense services shall be sold or leased by the United States Government under this Act to friendly countries solely for [internal security] *legitimate internal security (including for anti-terrorism purposes)*, for legitimate self-defense, for preventing or hindering the proliferation of weapons of mass destruction and of the means of delivering such weapons, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of enabling foreign military forces in less developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with

and form part of the total economic and social development effort: *Provided*, That none of the funds contained in this authorization shall be used to guarantee, or extend credit, or participate in an extension of credit in connection with any sale of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines, and Korea unless the President determines that such financing is important to the national security of the United States and reports within thirty days each such determination to the Congress.

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CHAPTER 2—FOREIGN MILITARY SALES AUTHORIZATIONS

SEC. 21. SALES FROM STOCKS.—(a)(1) The President may sell defense articles and defense services from the stocks of the Department of Defense and the Coast Guard to any eligible country or international organization if such country or international organization agrees to pay in United States dollars—

(A) in the case of a defense article not intended to be replaced at the time such agreement is entered into, not less than the actual value thereof;

(B) in the case of a defense article intended to be replaced at the time such agreement is entered into, the estimated cost of replacement of such article, including the contract or production costs less any depreciation in the value of such article; or

(C) in the case of the sale of a defense service, the full cost to the United States Government of furnishing such service, except that in the case of training sold to a purchaser who is concurrently receiving assistance under chapter 5 of part II of the Foreign Assistance Act of 1961, only those additional costs that are incurred by the United States Government in furnishing such assistance.

(2) For purposes of subparagraph (A) of paragraph (1), the actual value of a naval vessel of 3,000 tons or less and 20 years or more of age shall be considered to be not less than the greater of the scrap value or fair value (including conversion costs) of such vessel, as determined by the Secretary of Defense.

(b) Except as provided by subsection (d) of this section, payment shall be made in advance or, if the President determines it to be in the national interest, upon delivery of the defense article or rendering of the defense service.

(c)(1) Personnel performing defense services sold under this Act may not perform any duties of a combatant nature, including any duties related to training and advising that may engage United States personnel in combat activities, outside the United States in connection with the performance of those defense services.

(2) Within forty-eight hours of the existence of, or a change in status of significant hostilities or terrorist acts or a series of such acts, which may endanger American lives or property, involving a country in which United States personnel are performing defense services pursuant to this Act or the Foreign Assistance Act of 1961, the President shall submit to the Speaker of the House of Rep-

representatives and to the President pro tempore of the Senate a report, in writing, classified if necessary, setting forth—

(A) the identity of such country;

(B) a description of such hostilities or terrorist acts; and

(C) the number of members of the United States Armed Forces and the number of United States civilian personnel that may be endangered by such hostilities or terrorist acts.

(d) If the President determines it to be in the national interest pursuant to subsection (b) of this section, billings for sales made under letters of offer issued under this section after the enactment of this subsection may be dated and issued upon delivery of the defense article or rendering of the defense service and shall be due and payable upon receipt thereof by the purchasing country or international organization. Interest shall be charged on any net amount due and payable which is not paid within sixty days after the date of such billing. The rate of interest charged shall be a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding short-term obligations of the United States as of the last day of the month preceding the billing and shall be computed from the date of billing. The President may extend such sixty-day period to one hundred and twenty days if he determines that emergency requirements of the purchaser for acquisition of such defense articles or defense services exceed the ready availability to the purchaser of funds sufficient to pay the United States in full for them within such sixty-day period and submits that determination to the Congress together with a special emergency request for the authorization and appropriation of additional funds to finance such purchases under this Act.

(e)(1) After September 30, 1976, letters of offer for the sale of defense articles or for the sale of defense services that are issued pursuant to this section or pursuant to section 22 of this Act shall include appropriate charges for—

(A) administrative services, calculated on an average percentage basis to recover the full estimated costs (excluding a pro rata share of fixed base operations costs) of administration of sales made under this Act to all purchasers of such articles and services as specified in section 43(b) and section 43(c) of this Act;

(B) a proportionate amount of any nonrecurring costs of research, development, and production of major defense equipment (except for equipment wholly paid for either from funds transferred under section 503(a)(3) of the Foreign Assistance Act of 1961 or from funds made available on a nonrepayable basis under section 23 of this Act); and

(C) the recovery of ordinary inventory losses associated with the sale from stock of defense articles that are being stored at the expense of the purchaser of such articles.

(2)(A) The President may reduce or waive the charge or charges which would otherwise be considered appropriate under paragraph (1)(B) for particular sales that would, if made, significantly advance United States Government Arms Export interests in North Atlantic Treaty Organization standardization, standardization with the Armed Forces of Japan, Australia, the Republic of Korea, Israel, or New Zealand in furtherance of the mutual defense treaties between

the United States and those countries, or foreign procurement in the United States under coproduction arrangements.

(B) The President may waive the charge or charges which would otherwise be considered appropriate under paragraph (1)(B) for a particular sale if the President determines that—

(i) imposition of the charge or charges likely would result in the loss of the sale; or

(ii) in the case of a sale of major defense equipment that is also being procured for the use of the Armed Forces, the waiver of the charge or charges would (through a resulting increase in the total quantity of the equipment purchased from the source of the equipment that causes a reduction in the unit cost of the equipment) result in a savings to the United States on the cost of the equipment procured for the use of the Armed Forces that substantially offsets the revenue foregone by reason of the waiver of the charge or charges.

(C) The President may waive, for particular sales of major defense equipment, any increase in a charge or charges previously considered appropriate under paragraph (1)(B) if the increase results from a correction of an estimate (reasonable when made) of the production quantity base that was used for calculating the charge or charges for purposes of such paragraph.

(3)(A) The President may waive the charges for administrative services that would otherwise be required by paragraph (1)(A) in connection with any sale to the North Atlantic Treaty Organization (NATO) Support and Procurement Organization and its executive agencies in support of—

(i) a support or procurement partnership agreement; or

(ii) a NATO/SHAPE project.

(B) The Secretary of Defense may reimburse the fund established to carry out section 43(b) of this Act in the amount of the charges waived under subparagraph (A) of this paragraph. Any such reimbursement may be made from any funds available to the Department of Defense.

(C) As used in this paragraph—

(i) the term “support or procurement partnership agreement” means an agreement between two or more member countries of the North Atlantic Treaty Organization (NATO) Support and Procurement Organization and its executive agencies that—

(I) is entered into pursuant to the terms of the charter of that organization; and

(II) is for the common logistic support of activities common to the participating countries; and

(ii) the term “NATO/SHAPE project” means a common-funded project supported by allocated credits from North Atlantic Treaty Organization bodies or by host nations with NATO Infrastructure funds.

(f) Any contracts entered into between the United States and a foreign country under the authority of this section or section 22 of this Act shall be prepared in a manner which will permit them to be made available for public inspection to the fullest extent possible consistent with the national security of the United States.

(g) The President may enter into North Atlantic Treaty Organization standardization agreements in carrying out section 814 of the Act of October 7, 1975 (Public Law 94–106), and may enter into

similar agreements with countries which are major non-NATO allies, for the cooperative furnishing of training on a bilateral or multilateral basis, if the financial principles of such agreements are based on reciprocity. Such agreements shall include reimbursement for all direct costs but may exclude reimbursement for indirect costs, administrative surcharges, and costs of billeting of trainees (except to the extent that members of the United States Armed Forces occupying comparable accommodations are charged for such accommodations by the United States). Each such agreement shall be transmitted promptly to the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.

(h)(1) The President is authorized to provide (without charge) quality assurance, inspection, contract administration services, and contract audit defense services under this section—

(A) in connection with the placement or administration of any contract or subcontract for defense articles, defense services, or design and construction services entered into after the date of enactment of this subsection by, or under this Act on behalf of, a foreign government which is a member of the North Atlantic Treaty Organization or the Governments of Australia, New Zealand, Japan, the Republic of Korea, or Israel, if such government provides such services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government; or

(B) in connection with the placement or administration of any contract or subcontract for defense articles, defense services, or design and construction services pursuant to the North Atlantic Treaty Organization Security Investment program in accordance with an agreement under which the foreign governments participating in such program provide such services, without charge, in connection with similar contracts or subcontracts.

(2) In carrying out the objectives of this section, the President is authorized to provide cataloging data and cataloging services, without charge, to the North Atlantic Treaty Organization, to any member government of that Organization, or to the Governments of the Republic of Korea, Australia, New Zealand, Japan, or Israel if that Organization, member government, or the Governments of the Republic of Korea, Australia, New Zealand, Japan, or Israel provides such data and services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government.

(i)(1) Sales of defense articles and defense services which could have significant adverse effect on the combat readiness of the Armed Forces of the United States shall be kept to an absolute minimum. The President shall transmit to the Speaker of the House of Representatives, the Committees on Foreign Affairs and Armed Services of the House of Representatives, and the Committees on Armed Services and Foreign Relations of the Senate on the same day a written statement giving a complete explanation with respect to any proposal to sell, under this section or under authority of chapter 2B, any defense articles or defense services if such sale could have a significant adverse effect on the combat readiness of the Armed Forces of the United States. Each such statement

shall be unclassified except to the extent that public disclosure of any item of information contained therein would be clearly detrimental to the security of the United States. Any necessarily classified information shall be confined to a supplemental report. Each such statement shall include an explanation relating to only one such proposal to sell and shall set forth—

(A) the country or international organization to which the sale is proposed to be made;

(B) the amount of the proposed sale;

(C) a description of the defense article or service proposed to be sold;

(D) a full description of the impact which the proposed sale will have on the Armed Forces of the United States; and

(E) a justification for such proposed sale, including a certification that such sale is important to the security of the United States.

A certification described in subparagraph (E) shall take effect on the date on which such certification is transmitted and shall remain in effect for not to exceed one year.

(2) No delivery may be made under any sale which is required to be reported under paragraph (1) of this subsection unless the certification required to be transmitted by paragraph (E) of paragraph (1) is in effect.

(k) Before entering into the sale under this Act of defense articles that are excess to the stocks of the Department of Defense, the President shall determine that the sale of such articles will not have an adverse impact on the national technology and industrial base and, particularly, will not reduce the opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are transferred.

(l) REPAIR OF DEFENSE ARTICLES.—

(1) IN GENERAL.—The President may acquire a repairable defense article from a foreign country or international organization if such defense article—

(A) previously was transferred to such country or organization under this Act;

(B) is not an end item; and

(C) will be exchanged for a defense article of the same type that is in the stocks of the Department of Defense.

(2) LIMITATION.—The President may exercise the authority provided in paragraph (1) only to the extent that the Department of Defense—

(A)(i) has a requirement for the defense article being returned; and

(ii) has available sufficient funds authorized and appropriated for such purpose; or

(B)(i) is accepting the return of the defense article for subsequent transfer to another foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act; and

(ii) has available sufficient funds provided by or on behalf of such other foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act.

(3) REQUIREMENT.—(A) The foreign government or international organization receiving a new or repaired defense article in exchange for a repairable defense article pursuant to paragraph (1) shall, upon the acceptance by the United States Government of the repairable defense article being returned, be charged the total cost associated with the repair and replacement transaction.

(B) The total cost charged pursuant to subparagraph (A) shall be the same as that charged the United States Armed Forces for a similar repair and replacement transaction, plus an administrative surcharge in accordance with subsection (e)(1)(A) of this section.

(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a repairable defense article as provided in subsection (a) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.

(m) RETURN OF DEFENSE ARTICLES.—

(1) IN GENERAL.—The President may accept the return of a defense article from a foreign country or international organization if such defense article—

(A) previously was transferred to such country or organization under this Act;

[(B) is not] (B) (i) is not significant military equipment (as defined in section 47(9) of this Act)[; and]; or

(ii) is significant military equipment (as defined in section 47(9) of this Act) and the Secretary of State has provided prior approval of the return of such defense article from the foreign country or international organization; and

(C) is in fully functioning condition without need of repair or rehabilitation.

(2) LIMITATION.—The President may exercise the authority provided in paragraph (1) only to the extent that the Department of Defense—

(A)(i) has a requirement for the defense article being returned; and

(ii) has available sufficient funds authorized and appropriated for such purpose; or

(B)(i) is accepting the return of the defense article for subsequent transfer to another foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act; and

(ii) has available sufficient funds provided by or on behalf of such other foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act.

(3) CREDIT FOR TRANSACTION.—Upon acquisition and acceptance by the United States Government of a defense article under paragraph (1), the appropriate Foreign Military Sales account of the provider shall be credited to reflect the transaction.

(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a defense article as provided in paragraph (1) shall not be subject to

chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.

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CHAPTER 3—MILITARY EXPORT CONTROLS

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SEC. 36. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION.—(a) The President shall transmit to the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate not more than sixty days after the end of each quarter an unclassified report (except that any material which was transmitted in classified form under subsection (b)(1) or (c)(1) of this section may be contained in a classified addendum to such report, and any letter of offer referred to in paragraph (1) of this subsection may be listed in such addendum unless such letter of offer has been the subject of an unclassified certification pursuant to subsection (b)(1) of this section, and any information provided under paragraph (11) of this subsection may also be provided in a classified addendum) containing—

(1) a listing of all letters of offer to sell any major defense equipment for \$1,000,000 or more under this Act to each foreign country and international organization, by category, if such letters of offer have not been accepted or canceled;

(2) a listing of all such letters of offer that have been accepted during the fiscal year in which such report is submitted, together with the total value of all defense articles and defense services sold to each foreign country and international organization during such fiscal year;

(3) the cumulative dollar amounts, by foreign country and international organization, of sales credit agreements under section 23 and guaranty agreements under section 24 made during the fiscal year in which such report is submitted;

(4) a numbered listing of all licenses and approvals for the export to each foreign country and international organization during such fiscal year of commercially sold major defense equipment, by category, sold for \$1,000,000 or more, together with the total value of all defense articles and defense services so licensed for each foreign country and international organization, setting forth, with respect to the listed major defense equipment—

(A) the items to be exported under the license,

(B) the quantity and contract price of each such item to be furnished, and

(C) the name and address of the ultimate user of each such item;

(5) projections of the dollar amounts, by foreign country and international organization, of sales expected to be made under sections 21 and 22, in the quarter of the fiscal year immediately following the quarter for which such report is submitted;

(6) a projection with respect to all sales expected to be made to each country and organization for the remainder of the fiscal year in which such report is transmitted;

(7) a description of each payment, contribution, gift, commission, or fee reported to the Secretary of State under section 39, including (A) the name of the person who made such payment, contribution, gift, commission, or fee; (B) the name of any sales agent or other person to whom such payment, contribution, gift, commission, or fee was paid; (C) the date and amount of such payment, contribution, gift, commission, or fee; (D) a description of the sale in connection with which such payment, contribution, gift, commission, or fee was paid; and (E) the identification of any business information considered confidential by the person submitting it which is included in the report;

(8) a listing of each sale under section 29 during the quarter for which such report is made, specifying (A) the purchaser, (B) the United States Government department or agency responsible for implementing the sale, (C) an estimate of the dollar amount of the sale, and (D) a general description of the real property facilities to be constructed pursuant to such sale;

(9) a listing of the consents to third-party transfers of defense articles or defense services which were granted, during the quarter for which such report is submitted, for purposes of section 3(a)(2) of this Act, the regulations issued under section 38 of this Act, or section 505(a)(1)(B) of the Foreign Assistance Act of 1961, if the value (in terms of original acquisition cost) of the defense articles or defense services to be transferred is \$1,000,000 or more;

(10) a listing of all munitions items (as defined in section 40(1)(1)) which were sold, leased, or otherwise transferred by the Department of Defense to any other department, agency, or other entity of the United States Government during the quarter for which such report is submitted (including the name of the recipient Government entity and a discussion of what that entity will do with those munitions items) if—

(A) the value of the munitions items was \$250,000 or more; and

(B) the value of all munitions items transferred to that Government department, agency, or other entity during that quarter was \$250,000 or more;

excluding munitions items transferred (i) for disposition or use solely within the United States, or (ii) for use in connection with intelligence activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.; relating to congressional oversight of intelligence activities);

(11) a report on all concluded government-to-government agreements regarding foreign coproduction of defense articles of United States origin and all other concluded agreements involving coproduction or licensed production outside of the United States of defense articles of United States origin (including coproduction memoranda of understanding or agreement) that have not been previously reported under this subsection, which shall include—

(A) the identity of the foreign countries, international organizations, or foreign firms involved;

(B) a description and the estimated value of the articles authorized to be produced, and an estimate of the quantity of the articles authorized to be produced;

(C) a description of any restrictions on third-party transfers of the foreign-manufactured articles; and

(D) if any such agreement does not provide for United States access to and verification of quantities of articles produced overseas and their disposition in the foreign country, a description of alternative measures and controls incorporated in the coproduction or licensing program to ensure compliance with restrictions in the agreement on production quantities and third-party transfers; and

(12) a report on all exports of significant military equipment for which information has been provided pursuant to section 38(i).

For each letter of offer to sell under paragraphs (1) and (2), the report shall specify (i) the foreign country or international organization to which the defense article or service is offered or was sold, as the case may be; (ii) the dollar amount of the offer to sell or the sale and the number of defense articles offered or sold, as the case may be; (iii) a description of the defense article or service offered or sold, as the case may be; and (iv) the United States Armed Forces or other agency of the United States which is making the offer to sell or the sale, as the case may be.

(b)(1) Subject to paragraph (6), in the case of any letter of offer to sell any defense articles or services under this Act for \$50,000,000 or more, any design and construction services for \$200,000,000 or more, or any major defense equipment for \$14,000,000 or more, before such letter of offer is issued, the President shall submit to the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification with respect to such offer to sell containing the information specified in clauses (i) through (iv) of subsection (a), or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a), and a description, containing the information specified in paragraph (8) of subsection (a), of any contribution, gift, commission, or fee paid or offered or agreed to be paid in order to solicit, promote, or otherwise to secure such letter of offer. Such numbered certifications shall also contain an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles, defense services, or design and construction services proposed to be sold, and a detailed justification of the reasons necessitating the sale of such articles or services in view of the sensitivity of such technology. In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. Each such numbered certification shall contain an item indi-

cating whether any offset agreement is proposed to be entered into in connection with such letter of offer to sell (if known on the date of transmittal of such certification). In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request—

(A) a detailed description of the defense articles, defense services, or design and construction services to be offered, including a brief description of the capabilities of any defense article to be offered;

(B) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel expected to be needed in such country to carry out the proposed sale;

(C) the name of each contractor expected to provide the defense article, defense service, or design and construction services proposed to be sold and a description of any offset agreement with respect to such sale;

(D) an evaluation, prepared by the Secretary of State in consultation with the Secretary of Defense and the Director of Central Intelligence, of the manner, if any, in which the proposed sale would—

(i) contribute to an arms race;

(ii) support international terrorism;

(iii) increase the possibility of an outbreak or escalation of conflict;

(iv) prejudice the negotiation of any arms controls; or

(v) adversely affect the arms control policy of the United States;

(E) the reasons why the foreign country or international organization to which the sale is proposed to be made needs the defense articles, defense services, or design and construction services which are the subject of such sale and a description of how such country or organization intends to use such defense articles, defense services, or design and construction services;

(F) an analysis by the President of the impact of the proposed sale on the military stocks and the military preparedness of the United States;

(G) the reasons why the proposed sale is in the national interest of the United States;

(H) an analysis by the President of the impact of the proposed sale on the military capabilities of the foreign country or international organization to which such sale would be made;

(I) an analysis by the President of how the proposed sale would affect the relative military strengths of countries in the region to which the defense articles, defense services, or design and construction services which are the subject of such sale would be delivered and whether other countries in the region have comparable kinds and amounts of defense articles, defense services, or design and construction services;

(J) an estimate of the levels of trained personnel and maintenance facilities of the foreign country or international organization to which the sale would be made which are needed and

available to utilize effectively the defense articles, defense services, or design and construction services proposed to be sold;

(K) an analysis of the extent to which comparable kinds and amounts of defense articles, defense services, or design and construction services are available from other countries;

(L) an analysis of the impact of the proposed sale on United States relations with the countries in the region to which the defense articles, defense services, or design and construction services which are the subject of such sale would be delivered;

(M) a detailed description of any agreement proposed to be entered into by the United States for the purchase or acquisition by the United States of defense articles, defense services, design and construction services or defense equipment, or other articles, services, or equipment of the foreign country or international organization in connection with, or as consideration for, such letter of offer, including an analysis of the impact of such proposed agreement upon United States business concerns which might otherwise have provided such articles, services, or equipment to the United States, an estimate of the costs to be incurred by the United States in connection with such agreement compared with costs which would otherwise have been incurred, an estimate of the economic impact and unemployment which would result from entering into such proposed agreement, and an analysis of whether such costs and such domestic economic impact justify entering into such proposed agreement;

(N) the projected delivery dates of the defense articles, defense services, or design and construction services to be offered;

(O) a detailed description of weapons and levels of munitions that may be required as support for the proposed sale; and

(P) an analysis of the relationship of the proposed sale to projected procurements of the same item.

A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (ii) and the details of the description specified in clause (iii) of subsection (a) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information. The letter of offer shall not be issued, with respect to a proposed sale to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if the Congress, within fifteen calendar days after receiving such certification, or with respect to a proposed sale to any other country or organization, if the Congress within thirty calendar days after receiving such certification, enacts a joint resolution prohibiting the proposed sale, unless the President states in his certification that an emergency exists which requires such sale in the national security interests of the United States. If the President states in his certification that an emergency exists which requires the proposed sale in the national security interest of the United States, thus waiving the congressional review requirements of this subsection, he shall set forth in the certification a detailed justification for his

determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security interests involved.

(2) Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that for purposes of consideration of any joint resolution with respect to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, the Republic of Korea, Israel, or New Zealand, it shall be in order in the Senate to move to discharge a committee to which such joint resolution was referred if such committee has not reported such joint resolution at the end of five calendar days after its introduction.

(3) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(4) In addition to the other information required to be contained in a certification submitted to the Congress under this subsection, each such certification shall cite any quarterly report submitted pursuant to section 28 of this Act which listed a price and availability estimate, or a request for the issuance of a letter of offer, which was a basis for the proposed sale which is the subject of such certification.

(5)(A) If, before the delivery of any major defense article or major defense equipment, or the furnishing of any defense service or design and construction service, sold pursuant to a letter of offer described in paragraph (1), the sensitivity of technology or the capability of the article, equipment, or service is enhanced or upgraded from the level of sensitivity or capability described in the numbered certification with respect to an offer to sell such article, equipment, or service, then, at least 45 days before the delivery of such article or equipment or the furnishing of such service, the President shall prepare and transmit to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report—

(i) describing the manner in which the technology or capability has been enhanced or upgraded and describing the significance of such enhancement or upgrade; and

(ii) setting forth a detailed justification for such enhancement or upgrade.

(B) The provisions of subparagraph (A) apply to an article or equipment delivered, or a service furnished, within ten years after the transmittal to the Congress of a numbered certification with respect to the sale of such article, equipment, or service.

(C) Subject to paragraph (6), if the enhancement or upgrade in the sensitivity of technology or the capability of major defense equipment, defense articles, defense services, or design and construction services described in a numbered certification submitted under this subsection costs \$14,000,000 or more in the case of any major defense equipment, \$50,000,000 or more in the case of defense articles or defense services, or \$200,000,000 or more in the case of design or construction services, then the President shall submit to the Speaker of the House of Representatives, the Com-

mittee on Foreign Affairs of the House of Representatives, and the chairman of the Committee on Foreign Relations of the Senate a new numbered certification which relates to such enhancement or upgrade and which shall be considered for purposes of this subsection as if it were a separate letter of offer to sell defense equipment, articles, or services, subject to all of the requirements, restrictions, and conditions set forth in this subsection. For purposes of this subparagraph, references in this subsection to sales shall be deemed to be references to enhancements or upgrades in the sensitivity of technology or the capability of major defense equipment, articles, or services, as the case may be.

(D) For the purposes of subparagraph (A), the term “major defense article” shall be construed to include electronic devices, which if upgraded, would enhance the mission capability of a weapons system.

(6) The limitation in paragraph (1) and the requirement in paragraph (5)(C) shall apply in the case of a letter of offer to sell to *the North Atlantic Treaty Organization* or a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, the Republic of Korea, Israel, or New Zealand that does not authorize a new sales territory that includes any country other than such countries only if the letter of offer involves—

(A) the sale of major defense equipment under this Act for, or the enhancement or upgrade of major defense equipment at a cost of, \$25,000,000 or more, as the case may be; and

(B) the sale of defense articles or services for, or the enhancement or upgrade of defense articles or services at a cost of, \$100,000,000 or more, as the case may be; or

(C) the sale of design and construction services for, or the enhancement or upgrade of design and construction services at a cost of, \$300,000,000 or more, as the case may be.

(c)(1) Subject to paragraph (5), in the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export of any major defense equipment sold under a contract in the amount of \$14,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$50,000,000 or more (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more), before issuing such license the President shall transmit to the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate an unclassified numbered certification with respect to such application specifying (A) the foreign country or international organization to which such export will be made, (B) the dollar amount of the items to be exported, and (C) a description of the items to be exported. Each such numbered certification shall also contain an item indicating whether any offset agreement is proposed to be entered into in connection with such export and a description of any such offset agreement. In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request a description of the capabilities of the items to be exported, an estimate of the total number of United States

personnel expected to be needed in the foreign country concerned in connection with the items to be exported and an analysis of the arms control impact pertinent to such application, prepared in consultation with the Secretary of Defense. In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (B) and the details of the description specified in clause (C) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information.

(2) Unless the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, a license for export described in paragraph (1)—

(A) in the case of a license for an export to the North Atlantic Treaty Organization, any member country of that Organization or Australia, Japan, the Republic of Korea, Israel, or New Zealand, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export;

(B) in the case of a license for an export of a commercial communications satellite for launch from, and by nationals of, the Russian Federation, Ukraine, or Kazakhstan, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export; and

(C) in the case of any other license, shall not be issued until at least 30 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 30-day period, enacts a joint resolution prohibiting the proposed export.

If the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, thus waiving the requirements of subparagraphs (A) and (B) of this paragraph, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the export license and a discussion of the national security interests involved.

(3)(A) Any joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed

to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(4) The provisions of subsection (b)(5) shall apply to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to paragraph (1) in the same manner and to the same extent as that subsection applies to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to subsection (b)(1). For purposes of such application, any reference in subsection (b)(5) to “a letter of offer” or “an offer” shall be deemed to be a reference to “a contract”.

(5) In the case of an application by a person (other than with regard to a sale under section 21 or 22 of this Act) for a license for the export to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, the Republic of Korea, Israel, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on the issuance of the license set forth in paragraph (1) shall apply only if the license is for export of—

(A) major defense equipment sold under a contract in the amount of \$25,000,000 or more; or

(B) defense articles or defense services sold under a contract in the amount of \$100,000,000 or more.

(6) The President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to an export pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act to which the provisions of paragraph (1) of this subsection would apply absent an exemption granted under section 38(j)(1) of this Act, for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.

(d)(1) In the case of an approval under section 38 of this Act of a United States commercial technical assistance or manufacturing licensing agreement which involves the manufacture abroad of any item of significant combat equipment on the United States Munitions List, before such approval is given, the President shall submit a certification with respect to such proposed commercial agreement in a manner similar to the certification required under subsection (c)(1) containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to this subsection.

(2) A certification under this subsection shall be submitted—

(A) at least 15 days before approval is given in the case of an agreement for or in a country which is a member of the North Atlantic Treaty Organization or Australia, Japan, the Republic of Korea, Israel, or New Zealand; and

(B) at least 30 days before approval is given in the case of an agreement for or in any other country;

unless the President states in his certification that an emergency exists which requires the immediate approval of the agreement in the national security interests of the United States.

(3) If the President states in his certification that an emergency exists which requires the immediate approval of the agreement in

the national security interests of the United States, thus waiving the requirements of paragraph (4), he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate approval of the agreement and a discussion of the national security interests involved.

(4) Approval for an agreement subject to paragraph (1) may not be given under section 38 if the Congress, within the 15-day or 30-day period specified in paragraph (2)(A) or (B), as the case may be, enacts a joint resolution prohibiting such approval.

(5)(A) Any joint resolution under paragraph (4) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions under paragraph (4), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(6) The President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to an export pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act to which the provisions of paragraph (1) of this subsection would apply absent an exemption granted under section 38(j)(1) of this Act, for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.

(e) For purposes of this section—

(1) the term “offset agreement” means an agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense service from the supplier; and

(2) the term “United States person” means—

(A) an individual who is a national or permanent resident alien of the United States; and

(B) any corporation, business association, partnership, trust, or other juridical entity—

(i) organized under the laws of the United States or any State, district, territory, or possession thereof; or

(ii) owned or controlled in fact by individuals described in subparagraph (A).

(f) The President shall cause to be published in a timely manner in the Federal Register, upon transmittal to the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate, the full unclassified text of—

(1) each numbered certification submitted pursuant to subsection (b);

(2) each notification of a proposed commercial sale submitted under subsection (c); and

(3) each notification of a proposed commercial technical assistance or manufacturing licensing agreement submitted under subsection (d).

(g) Information relating to offset agreements provided pursuant to subparagraph (C) of the fifth sentence of subsection (b)(1) and the second sentence of subsection (c)(1) shall be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)).

(h) CERTIFICATION REQUIREMENT RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.—

(1) IN GENERAL.—Any certification relating to a proposed sale or export of defense articles or defense services under this section to any country in the Middle East other than Israel shall include a determination that the sale or export of the defense articles or defense services will not adversely affect Israel's qualitative military edge over military threats to Israel.

(2) REQUIREMENTS WITH RESPECT TO DETERMINATION FOR MAJOR DEFENSE EQUIPMENT.—A determination under paragraph (1) relating to the sale or export of major defense equipment shall include—

(A) a detailed explanation of Israel's capacity to address the improved capabilities provided by such sale or export;

(B) a detailed evaluation of—

(i) how such sale or export alters the strategic and tactical balance in the region, including relative capabilities; and

(ii) Israel's capacity to respond to the improved regional capabilities provided by such sale or export;

(C) an identification of any specific new capacity, capabilities, or training that Israel may require to address the regional or country-specific capabilities provided by such sale or export; and

(D) a description of any additional United States security assurances to Israel made, or requested to be made, in connection with, or as a result of, such sale or export.

(3) QUALITATIVE MILITARY EDGE DEFINED.—In this subsection, the term "qualitative military edge" means the ability to counter and defeat any credible conventional military threat from any individual state or possible coalition of states or from non-state actors, while sustaining minimal damages and casualties, through the use of superior military means, possessed in sufficient quantity, including weapons, command, control, communication, intelligence, surveillance, and reconnaissance capabilities that in their technical characteristics are superior in capability to those of such other individual or possible coalition of states or non-state actors.

(i) PRIOR NOTIFICATION OF SHIPMENT OF ARMS.—At least 30 days prior to a shipment of defense articles subject to the requirements of subsection (b) at the joint request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall provide notification of such pending shipment,

in unclassified form, with a classified annex as necessary, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

* * * * *

SEC. 38. CONTROL OF ARMS EXPORTS AND IMPORTS.—(a)(1) In furtherance of world peace and the security and foreign policy of the United States, the President is authorized to control the import and the export of defense articles and defense services and to provide foreign policy guidance to persons of the United States involved in the export and import of such articles and services. The President is authorized to designate those items which shall be considered as defense articles and defense services for the purposes of this section and to promulgate regulations for the import and export of such articles and services. The items so designated shall constitute the United States Munitions List.

(2) Decisions on issuing export licenses under this section shall take into account whether the export of an article would contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements.

(3) In exercising the authorities conferred by this section, the President may require that any defense article or defense service be sold under this Act as a condition of its eligibility for export, and may require that persons engaged in the negotiation for the export of defense articles and services keep the President fully and currently informed of the progress and future prospects of such negotiations.

(b)(1)(A)(i) As prescribed in regulations issued under this section, every person (other than an officer or employee of the United States Government acting in an official capacity) who engages in the business of manufacturing, exporting, or importing any defense articles or defense services designated by the President under subsection (a)(1) shall register with the United States Government agency charged with the administration of this section, and shall pay a registration fee which shall be prescribed by such regulations. Such regulations shall prohibit the return to the United States for sale in the United States (other than for the Armed Forces of the United States and its allies or for any State for local law enforcement agency) of any military firearms or ammunition of United States manufacture furnished to foreign governments by the United States under this Act or any other foreign assistance or sales program of the United States, whether or not enhanced in value or improved in condition in a foreign country. This prohibition shall not extend to similar firearms that have been so substantially transformed as to become, in effect, articles of foreign manufacture.

(ii)(I) As prescribed in regulations issued under this section, every person (other than an officer or employee of the United States Government acting in official capacity) who engages in the business of brokering activities with respect to the manufacture, export, import, or transfer of any defense article or defense service designated by the President under subsection (a)(1), or in the business of brokering activities with respect to the manufacture, export,

import, or transfer of any foreign defense article or defense service (as defined in subclause (IV)), shall register with the United States Government agency charged with the administration of this section, and shall pay a registration fee which shall be prescribed by such regulations.

(II) Such brokering activities shall include the financing, transportation, freight forwarding, or taking of any other action that facilitates the manufacture, export, or import of a defense article or defense service.

(III) No person may engage in the business of brokering activities described in subclause (I) without a license, issued in accordance with this Act, except that no license shall be required for such activities undertaken by or for an agency of the United States Government—

(aa) for use by an agency of the United States Government;

or

(bb) for carrying out any foreign assistance or sales program authorized by law and subject to the control of the President by other means.

(IV) For purposes of this clause, the term “foreign defense article or defense service” includes any non-United States defense article or defense service of a nature described on the United States Munitions List regardless of whether such article or service is of United States origin or whether such article or service contains United States origin components.

(B) The prohibition under such regulations required by the second sentence of subparagraph (A) shall not extend to any military firearms (or ammunition, components, parts, accessories, and attachments for such firearms) of United States manufacture furnished to any foreign government by the United States under this Act or any other foreign assistance or sales program of the United States if—

(i) such firearms are among those firearms that the Secretary of the Treasury is, or was at any time, required to authorize the importation of by reason of the provisions of section 925(e) of title 18, United States Code (including the requirement for the listing of such firearms as curios or relics under section 921(a)(13) of that title); and

(ii) such foreign government certifies to the United States Government that such firearms are owned by such foreign government.

(C) A copy of each registration made under this paragraph shall be transmitted to the Secretary of the Treasury for review regarding law enforcement concerns. The Secretary shall report to the President regarding such concerns as necessary.

(2) Except as otherwise specifically provided in regulations issued under subsection (a)(1), no defense articles or defense services designated by the President under subsection (a)(1) may be exported or imported without a license for such export or import, issued in accordance with this Act and regulations issued under this Act, except that no license shall be required for exports or imports made by or for an agency of the United States Government (A) for official use by a department or agency of the United States Government, or (B) for carrying out any foreign assistance or sales program au-

thorized by law and subject to the control of the President by other means.

(3)(A) For each of the fiscal years 1988 and 1989, \$250,000 of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

(i) contract personnel to assist in the evaluation of munitions control license applications, reduce processing time for license applications, and improve monitoring of compliance with the terms of licenses; and

(ii) the automation of munitions control functions and the processing of munitions control license applications, including the development, procurement, and utilization of computer equipment and related software.

(B) The authority of this paragraph may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

(c) Any person who willfully violates any provision of this section, section 39, a treaty referred to in subsection (j)(1)(C)(i), or any rule or regulation issued under this section or section 39, including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(C)(i) or an implementing arrangement pursuant to such treaty, or who willfully, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined for each violation not more than \$1,000,000, or imprisoned not more than 20 years, or both.

(e) In carrying out functions under this section with respect to the export of defense articles and defense services, including defense articles and defense services exported or imported pursuant to a treaty referred to in subsection (j)(1)(C)(i), the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies and officials by subsections (c), (d), (e), and (g) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act, subject to the same terms and conditions as are applicable to such powers under such Act, except that section 11(c)(2)(B) of such Act shall not apply, and instead, as prescribed in regulations issued under this section, the Secretary of State may assess civil penalties for violations of this Act and regulations prescribed thereunder and further may commence a civil action to recover such civil penalties, and except further that the names of the countries and the types and quantities of defense articles for which licenses are issued under this section shall not be withheld from public disclosure unless the President determines that the release of such information would be contrary to the national interest. Nothing in this subsection shall be construed as authorizing the withholding of information from the Congress. Notwithstanding section 11(c) of the Export Administration Act of 1979, the civil penalty for each violation involving controls imposed on the export of defense articles and defense services under this section may not exceed \$500,000.

(f)(1) The President shall periodically review the items on the United States Munitions List to determine what items, if any, no longer warrant export controls under this section. The results of such reviews shall be reported to the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate. The President may not remove any item from the Munitions List until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961. Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.

(2) The President may not authorize an exemption for a foreign country from the licensing requirements of this Act for the export of defense items under subsection (j) or any other provision of this Act until 30 days after the date on which the President has transmitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a notification that includes—

(A) a description of the scope of the exemption, including a detailed summary of the defense articles, defense services, and related technical data covered by the exemption; and

(B) a determination by the Attorney General that the bilateral agreement concluded under subsection (j) requires the compilation and maintenance of sufficient documentation relating to the export of United States defense articles, defense services, and related technical data to facilitate law enforcement efforts to detect, prevent, and prosecute criminal violations of any provision of this Act, including the efforts on the part of countries and factions engaged in international terrorism to illicitly acquire sophisticated United States defense items.

(3) Paragraph (2) shall not apply with respect to an exemption for Canada from the licensing requirements of this Act for the export of defense items.

(4) Paragraph (2) shall not apply with respect to an exemption under subsection (j)(1) to give effect to a treaty referred to in subsection (j)(1)(C)(i) (and any implementing arrangements to such treaty), provided that the President promulgates regulations to implement and enforce such treaty under this section and section 39.

(5)(A) Except as provided in subparagraph (B), the President shall take such actions as may be necessary to require that, at the time of export or reexport of any major defense equipment listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, the major defense equipment will not be subsequently modified so as to transform such major defense equipment into a defense article.

(B) The President may authorize the transformation of any major defense equipment described in subparagraph (A) into a defense article if the President—

(i) determines that such transformation is appropriate and in the national interests of the United States; and

(ii) provides notice of such transformation to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate consistent with the notification requirements of section 36(b)(5)(A) of this Act.

(C) In this paragraph, the term “defense article” means an item designated by the President pursuant to subsection (a)(1).

(6) The President shall ensure that any major defense equipment that is listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, shall continue to be subject to the notification and reporting requirements of the following provisions of law:

(A) Section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)).

(B) Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415).

(C) Section 3(d)(3)(A) of this Act.

(D) Section 25 of this Act.

(E) Section 36(b), (c), and (d) of this Act.

(g)(1) The President shall develop appropriate mechanisms to identify, in connection with the export licensing process under this section—

(A) persons who are the subject of an indictment for, or have been convicted of, a violation under—

(i) this section,

(ii) section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410),

(iii) section 793, 794, or 798 of title 18, United States Code (relating to espionage involving defense or classified information) or section 2339A of such title (relating to providing material support to terrorists),

(iv) section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16),

(v) section 206 of the International Emergency Economic Powers Act (relating to foreign assets controls; 50 U.S.C. App. 1705),

(vi) section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd1) or section 104 of the Foreign Corrupt Practices Act (15 U.S.C. 78dd2),

(vii) chapter 105 of title 18, United States Code (relating to sabotage),

(viii) section 4(b) of the Internal Security Act of 1950 (relating to communication of classified information; 50 U.S.C. 783(b)),

(ix) section 57, 92, 101, 104, 222, 224, 225, or 226 of the Atomic Energy Act of 1954 (42 U.S.C. 2077, 2122, 2131, 2134, 2272, 2274, 2275, and 2276),

(x) section 601 of the National Security Act of 1947 (relating to intelligence identities protection; 50 U.S.C. 421),

- (xi) section 603 (b) or (c) of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5113 (b) and (c)), or
 - (xii) sections 3, 4, 5, and 6 of the Prevention of Terrorist Access to Destructive Weapons Act of 2004, relating to missile systems designed to destroy aircraft (18 U.S.C. 2332g), prohibitions governing atomic weapons (42 U.S.C. 2122), radiological dispersal devices (18 U.S.C. 2332h), and variola virus (18 U.S.C. 175c);
 - (B) persons who are the subject of an indictment or have been convicted under section 371 of title 18, United States Code, for conspiracy to violate any of the statutes cited in subparagraph (A); and
 - (C) persons who are ineligible—
 - (i) to contract with,
 - (ii) to receive a license or other form of authorization to export from, or
 - (iii) to receive a license or other form of authorization to import defense articles or defense services from, any agency of the United States Government.
- (2) The President shall require that each applicant for a license to export an item on the United States Munitions List identify in the application all consignees and freight forwarders involved in the proposed export.
- (3) If the President determines—
- (A) that an applicant for a license to export under this section is the subject of an indictment for a violation of any of the statutes cited in paragraph (1),
 - (B) that there is reasonable cause to believe that an applicant for a license to export under this section has violated any of the statutes cited in paragraph (1), or
 - (C) that an applicant for a license to export under this section is ineligible to contract with, or to receive a license or other form of authorization to import defense articles or defense services from, any agency of the United States Government,
- the President may disapprove the application. The President shall consider requests by the Secretary of the Treasury to disapprove any export license application based on these criteria.
- (4) A license to export an item on the United States Munitions List may not be issued to a person—
- (A) if that person, or any party to the export, has been convicted of violating a statute cited in paragraph (1), or
 - (B) if that person, or any party to the export, is at the time of the license review ineligible to receive export licenses (or other forms of authorization to export) from any agency of the United States Government,
- except as may be determined on a case-by-case basis by the President, after consultation with the Secretary of the Treasury, after a thorough review of the circumstances surrounding the conviction or ineligibility to export and a finding by the President that appropriate steps have been taken to mitigate any law enforcement concerns.
- (5) A license to export an item on the United States Munitions List may not be issued to a foreign person (other than a foreign government).

(6) The President may require a license (or other form of authorization) before any item on the United States Munitions List is sold or otherwise transferred to the control or possession of a foreign person or a person acting on behalf of a foreign person.

(7) The President shall, in coordination with law enforcement and national security agencies, develop standards for identifying high-risk exports for regular end-use verification. These standards shall be published in the Federal Register and the initial standards shall be published not later than October 1, 1988.

(8) Upon request of the Secretary of State, the Secretary of Defense and the Secretary of the Treasury shall detail to the office primarily responsible for export licensing functions under this section, on a nonreimbursable basis, personnel with appropriate expertise to assist in the initial screening of applications for export licenses under this section in order to determine the need for further review of those applications for foreign policy, national security, and law enforcement concerns.

(9) For purposes of this subsection—

(A) the term “foreign corporation” means a corporation that is not incorporated in the United States;

(B) the term “foreign government” includes any agency or subdivision of a foreign government, including an official mission of a foreign government;

(C) the term “foreign person” means any person who is not a citizen or national of the United States or lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act, and includes foreign corporations, international organizations, and foreign governments;

(D) the term “party to the export” means—

(i) the president, the chief executive officer, and other senior officers of the license applicant;

(ii) the freight forwarders or designated exporting agent of the license application; and

(iii) any consignee or end user of any item to be exported; and

(E) the term “person” means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization, or group, including governmental entities.

(h) The designation by the President (or by an official to whom the President’s functions under subsection (a) have been duly delegated), in regulations issued under this section, of items as defense articles or defense services for purposes of this section shall not be subject to judicial review.

(i) As prescribed in regulations issued under this section, a United States person to whom a license has been granted to export an item on the United States Munitions List shall, not later than 15 days after the item is exported, submit to the Department of State a report containing all shipment information, including a description of the item and the quantity, value, port of exit, and end-user and country of destination of the item.

(j) REQUIREMENTS RELATING TO [COUNTRY] EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT [TO FOREIGN COUNTRIES].—

(1) REQUIREMENT FOR BILATERAL AGREEMENT.—

(A) IN GENERAL.—The President may utilize the regulatory or other authority pursuant to this Act to exempt **[a foreign country]** *the North Atlantic Treaty Organization, any member country of that Organization, the Republic of Korea, Australia, New Zealand, Japan, or Israel* from the licensing requirements of this Act with respect to exports of defense items *(except that the President may not so exempt such Organization, member country, or other country that is not eligible to acquire defense items under any other provision of law)* only if the United States Government has concluded a binding bilateral agreement with **[the foreign country]** *such Organization, member country, or other country*. Such agreement shall—

- (i) meet the requirements set forth in paragraph (2); and
- (ii) be implemented by the United States and **[the foreign country]** *such Organization, member country, or other country* in a manner that is legally-binding **[under their domestic laws]**.

(B) EXCEPTION FOR CANADA.—The requirement to conclude a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption for Canada from the licensing requirements of this Act for the export of defense items.

(C) EXCEPTION FOR DEFENSE TRADE COOPERATION TREATIES.—

- (i) IN GENERAL.—The requirement to conclude a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption from the licensing requirements of this Act for the export of defense items to give effect to any of the following defense trade cooperation treaties, provided that the treaty has entered into force pursuant to article II, section 2, clause 2 of the Constitution of the United States:

(I) The Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto).

(II) The Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney September 5, 2007 (and any implementing arrangement thereto).

- (ii) LIMITATION OF SCOPE.—The United States shall exempt from the scope of a treaty referred to in clause (i)—

(I) complete rocket systems (including ballistic missile systems, space launch vehicles, and sounding rockets) or complete unmanned aerial vehicle systems (including cruise missile systems, target drones, and reconnaissance drones) capable of de-

livering at least a 500 kilogram payload to a range of 300 kilometers, and associated production facilities, software, or technology for these systems, as defined in the Missile Technology Control Regime Annex Category I, Item 1;

(II) individual rocket stages, re-entry vehicles and equipment, solid or liquid propellant motors or engines, guidance sets, thrust vector control systems, and associated production facilities, software, and technology, as defined in the Missile Technology Control Regime Annex Category I, Item 2;

(III) defense articles and defense services listed in the Missile Technology Control Regime Annex Category II that are for use in rocket systems, as that term is used in such Annex, including associated production facilities, software, or technology;

(IV) toxicological agents, biological agents, and associated equipment, as listed in the United States Munitions List (part 121.1 of chapter I of title 22, Code of Federal Regulations), Category XIV, subcategories (a), (b), (f)(1), (i), (j) as it pertains to (f)(1), (l) as it pertains to (f)(1), and (m) as it pertains to all of the subcategories cited in this paragraph;

(V) defense articles and defense services specific to the design and testing of nuclear weapons which are controlled under United States Munitions List Category XVI(a) and (b), along with associated defense articles in Category XVI(d) and technology in Category XVI(e);

(VI) with regard to the treaty cited in clause (i)(I), defense articles and defense services that the United States controls under the United States Munitions List that are not controlled by the United Kingdom, as defined in the United Kingdom Military List or Annex 4 to the United Kingdom Dual Use List, or any successor lists thereto; and

(VII) with regard to the treaty cited in clause (i)(II), defense articles for which Australian laws, regulations, or other commitments would prevent Australia from enforcing the control measures specified in such treaty.

(2) REQUIREMENTS OF BILATERAL AGREEMENT.—A bilateral agreement referred to in paragraph (1)—

(A) shall **[, at a minimum,]** require **[the foreign country]** *the Organization, member country, or other country referred to in paragraph (1)*, as necessary, **[to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations to establish]** *to establish and maintain* an export control regime that is at least comparable to United States law, regulation, and policy requiring—

(i) conditions on the handling of all United States-origin defense items exported to **the foreign country** *such Organization, member country, or other country*, including prior written United States Government approval for any reexports to third countries;

(ii) end-use and **retransfer control commitments, including securing** *retransfer controls that secure binding end-use and retransfer control commitments from all end-users, including such documentation as is needed in order to ensure compliance and enforcement, with respect to such United States-origin defense items;*

(iii) establishment of a procedure comparable to a “watchlist” (if such a watchlist does not exist) and full cooperation with United States Government law enforcement agencies to allow for sharing of export and import documentation and background information on foreign businesses and individuals employed by or otherwise connected to those businesses; and

(iv) establishment of a list of controlled defense items to ensure coverage of those items to be exported under the exemption; and

(B) should**[, at a minimum,]** require **the foreign country** *the Organization, member country, or other country referred to in paragraph (1)*, as necessary, **to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations** to establish an export control regime that is at least comparable to United States law, regulation, and policy regarding—

(i) controls on the export of tangible or intangible technology, including via fax, phone, and electronic media;

(ii) appropriate controls on unclassified information relating to defense items exported to foreign nationals;

(iii) controls on international arms trafficking and brokering;

(iv) cooperation with United States Government agencies, including intelligence agencies, to combat efforts by third countries to acquire defense items, the export of which to such countries would not be authorized pursuant to the export control regimes of **the foreign country** *the member country or other country* and the United States; and

(v) violations of export control laws, and penalties for such violations.

(3) ADVANCE CERTIFICATION.—Not less than 30 days before authorizing an exemption for **a foreign country** *the Organization, member country, or other country referred to in paragraph (1)* from the licensing requirements of this Act for the export of defense items, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a certification that—

(A) the United States has entered into a bilateral agreement with **that foreign country** *such Organization, mem-*

ber country, or other country satisfying all requirements set forth in paragraph (2);

(B) [the foreign country] *such Organization, member country, or other country* [has promulgated or enacted all necessary modifications to its laws and regulations to comply] *has taken such actions to comply* with its obligations under the bilateral agreement with the United States; and

(C) the appropriate congressional committees will continue to receive notifications pursuant to the authorities, procedures, and practices of section 36 of this Act for defense exports to [a foreign country] *such Organization, member country, or other country* to which that section would apply and without regard to any form of defense export licensing exemption otherwise available for [that country] *such Organization, member country, or other country*.

(4) DEFINITIONS.—In this section:

(A) DEFENSE ITEMS.—The term “defense items” means defense articles, defense services, and related technical data.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(i) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(ii) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(k) LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.—

(1) IN GENERAL.—A license or other approval from the Department of State granted in accordance with this section may also authorize the export of items subject to the Export Administration Regulations if such items are to be used in or with defense articles controlled on the United States Munitions List.

(2) OTHER REQUIREMENTS.—The following requirements shall apply with respect to a license or other approval to authorize the export of items subject to the Export Administration Regulations under paragraph (1):

(A) Separate approval from the Department of Commerce shall not be required for such items if such items are approved for export under a Department of State license or other approval.

(B) Such items subject to the Export Administration Regulations that are exported pursuant to a Department of State license or other approval would remain under the jurisdiction of the Department of Commerce with respect to any subsequent transactions.

(C) The inclusion of the term “subject to the EAR” or any similar term on a Department of State license or approval shall not affect the jurisdiction with respect to such items.

(3) DEFINITION.—In this subsection, the term “Export Administration Regulations” means—

(A) the Export Administration Regulations as maintained and amended under the authority of the Inter-

national Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or
 (B) any successor regulations.

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CHAPTER 4—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

* * * * *

SEC. 42. GENERAL PROVISIONS.—(a) In carrying out this Act, special emphasis shall be placed on procurement in the United States *on a competitive basis*, but, subject to the provisions of subsection (b) of this section, consideration shall also be given to coproduction or licensed production outside the United States of defense articles of United States origin when such production best serves the foreign policy, national security, and economy of the United States. In evaluating any sale proposed to be made pursuant to this Act, there shall be taken into consideration (A) the extent to which the proposed sale damages or infringes upon licensing arrangements whereby United States entities have granted licenses for the manufacture of the defense articles selected by the purchasing country to entities located in friendly foreign countries, which licenses result in financial returns to the United States, (B) the portion of the defense articles so manufactured which is of United States origin, and (C) whether, and the extent to which, such sale might contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements.

(b) No credit sale shall be extended under section 23, and no guarantee shall be issued under section 24, in any case involving coproduction or licensed, production outside the United States of any defense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the particular defense article or articles which would be produced under license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States.

(c) Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

(d)(1) With respect to sales and guaranties under sections 21, 22, 23, 24, 29, and 30 the Secretary of Defense shall, under the direction of the President, have primary responsibility for—

- (A) the determination of military end-item requirements;
- (B) the procurement of military equipment in a manner which permits its integration with service programs;
- (C) the supervision of the training of foreign military personnel;
- (D) the movement and delivery of military end-items; and
- (E) within the Department of Defense, the performance of any other functions with respect to sales and guaranties.

(2) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall, under the direction of the President, be determined by the Secretary of Defense.

(e)(1) Each contract for sale entered into under sections 21, 22, 29, and 30 of this Act, and each contract entered into under section 27(d) of this Act, shall provide that such contract may be canceled in whole or in part, or its execution suspended, by the United States at any time under unusual or compelling circumstances if the national interest so requires.

(2)(A) Each export license issued under section 38 of this Act shall provide that such license may be revoked, suspended, or amended by the Secretary of State, without prior notice, whenever the Secretary deems such action to be advisable.

(B) Nothing in this paragraph may be construed as limiting the regulatory authority of the President under this Act.

(3) There are authorized to be appropriated from time to time such sums as may be necessary (A) to refund moneys received from purchasers under contracts of sale entered into under sections 21, 22, 29, and 30 of this Act, or under contracts entered into under sec. 27(d) of this Act, that are canceled or suspended under this subsection to the extent such moneys have previously been disbursed to private contractors and United States Government agencies for work in progress, and (B) to pay such damages and costs that accrue from the corresponding cancellation or suspension of the existing procurement contracts or United States Government agency work orders involved.

(f) The President shall, to the maximum extent possible and consistent with the purposes of this Act, use civilian contract personnel in any foreign country to perform defense services sold under this Act.

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DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

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TITLE X

OTHER MATTERS

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CHAPTER 2—BILATERAL ECONOMIC ASSISTANCE

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GENERAL PROVISIONS, THIS CHAPTER

SEC. 12001. (a)(1) Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

- (A) are obsolete or surplus items;
- (B) are in the inventory of the Department of Defense;
- (C) are intended for use as reserve stocks for Israel; and
- (D) are located in a stockpile in Israel.

(b) The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) No transfer may be made under the authority of this section after September 30, **[2020]** 2021.

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ARMS CONTROL AND DISARMAMENT ACT

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TITLE IV—GENERAL PROVISIONS

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[PUBLIC ANNUAL REPORT ON WORLD MILITARY EXPENDITURES AND ARMS TRANSFERS

[SEC. 404. Not later than December 31 of each year, the Secretary of State shall publish an unclassified report on world military expenditures and arms transfers. Such report shall provide detailed, comprehensive, and statistical information regarding military expenditures, arms transfers, armed forces, and related economic data for each country of the world. In addition, such report shall include pertinent in-depth analyses as well as highlights with respect to arms transfers and proliferation trends and initiatives affecting such developments.]

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PUBLIC LAW 94-304

AN ACT To establish a Commission on Security and Cooperation in Europe.

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【SEC. 5. In order to assist the Commission in carrying out its duties, the President shall submit to the Commission an annual report, which shall include (1) a detailed survey of actions by the signatories of the Final Act reflecting compliance with or violation of the provisions of the Final Act, and (2) a listing and description of present or planned programs and activities of the appropriate agencies of the executive branch and private organizations aimed at taking advantage of the provisions of the Final Act to expand East-West economic cooperation and to promote a greater interchange of people and ideas between East and West.】

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SECTION 502 OF THE INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

SEC. 502. COORDINATION OF ALL UNITED STATES TERRORISM-RELATED ASSISTANCE TO FOREIGN COUNTRIES.

(a) COORDINATION.—The Secretary of State shall be responsible for coordinating all assistance related to international terrorism which is provided by the United States Government to foreign countries.

【(b) REPORTS.—Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance related to international terrorism which was provided by the United States Government during the preceding fiscal year. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.】

【(c) (b) RULE OF CONSTRUCTION.—Nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

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TITLE 1, UNITED STATES CODE

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CHAPTER 2—ACTS AND RESOLUTIONS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS

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§ 112b. United States international agreements; transmission to Congress

(a) The Secretary of State shall transmit to the Congress the text of any international agreement (including the text of any oral inter-

national agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the [Committee on International Relations] *Committee on Foreign Affairs* of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President. Any department or agency of the United States Government which enters into any international agreement on behalf of the United States shall transmit to the Department of State the text of such agreement not later than twenty days after such agreement has been signed.

[(b) Not later than March 1, 1979, and at yearly intervals thereafter, the President shall, under his own signature, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report with respect to each international agreement which, during the preceding year, was transmitted to the Congress after the expiration of the 60-day period referred to in the first sentence of subsection (a), describing fully and completely the reasons for the late transmittal.]

(b) Each department or agency of the United States Government that enters into any international agreement described in subsection (a) on behalf of the United States, shall designate a Chief International Agreements Officer, who—

(1) shall be a current employee of such department or agency;

(2) shall serve concurrently as Chief International Agreements Officer; and

(3) subject to the authority of the head of such department or agency, shall have department or agency-wide responsibility for efficient and appropriate compliance with subsection (a) to transmit the text of any international agreement to the Department of State not later than 20 days after such agreement has been signed.

(c) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary of State. Such consultation may encompass a class of agreements rather than a particular agreement.

(d)(1) The Secretary of State shall annually submit to Congress a report that contains an index of all international agreements, listed by country, date, title, and summary of each such agreement (including a description of the duration of activities under the agreement and the agreement itself), that the United States—

(A) has signed, proclaimed, or with reference to which any other final formality has been executed, or that has been extended or otherwise modified, during the preceding calendar year; and

(B) has not been published, or is not proposed to be published, in the compilation entitled “United States Treaties and Other International Agreements”.

(2) The report described in paragraph (1) may be submitted in classified form.

(e)(1) Subject to paragraph (2), the Secretary of State shall determine for and within the executive branch whether an arrangement constitutes an international agreement within the meaning of this section.

(2)(A) An arrangement shall constitute an international agreement within the meaning of this section (other than subsection (c)) irrespective of the duration of activities under the arrangement or the arrangement itself.

(B) Arrangements that constitute an international agreement within the meaning of this section (other than subsection (c)) include the following:

(i) A bilateral or multilateral counterterrorism agreement.

(ii) A bilateral agreement with a country that is subject to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

(f) The President shall, through the Secretary of State, promulgate such rules and regulations as may be necessary to carry out this section.

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SEAN AND DAVID GOLDMAN INTERNATIONAL CHILD ABDUCTION PREVENTION AND RETURN ACT OF 2014

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TITLE I—DEPARTMENT OF STATE ACTIONS

SEC. 101. ANNUAL REPORT.

(a) **IN GENERAL.**—Not later than April 30 of each year, the Secretary of State shall submit to the appropriate congressional committees an Annual Report on International Child Abduction. The Secretary shall post the Annual Report to the publicly accessible website of the Department of State.

(b) **CONTENTS.**—Each Annual Report shall include—

(1) a list of all countries in which there were 1 or more abduction cases, during the preceding calendar year, relating to a child whose habitual residence is the United States, including a description of whether each such country—

(A) is a Convention country;

(B) is a bilateral procedures country;

(C) has other procedures for resolving such abductions;

or

(D) adheres to no protocols with respect to child abduction;

(2) for each country with respect to which there were 5 or more pending abduction cases, during the preceding year, re-

lating to a child whose habitual residence is the United States—

- (A) the number of such new abduction and access cases, *respectively*, reported during the preceding year *and the number of children involved*;
 - (B) for Convention and bilateral procedures countries—
 - (i) the number of abduction and access cases that the Central Authority of the United States transmitted to the Central Authority of such country; and
 - (ii) the number of abduction and access cases that were not submitted by the Central Authority to the judicial or administrative authority, as applicable, of such country;
 - (C) the reason for the delay in submission of each case identified in subparagraph (B)(ii) by the Central Authority of such country to the judicial or administrative authority of that country;
 - (D) the number of unresolved abduction and access cases, *respectively, the number of children involved*, and the length of time each case has been pending;
 - (E) the number and percentage of unresolved abduction cases in which law enforcement authorities have—
 - (i) not located the abducted child;
 - (ii) failed to undertake serious efforts to locate the abducted child; and
 - (iii) failed to enforce a return order rendered by the judicial or administrative authorities of such country;
 - (F) the total number and the percentage of the total number of abduction and access cases, *respectively*, resolved during the preceding year;
 - (G) recommendations to improve the resolution of abduction and access cases; and
 - (H) the average time it takes to locate a child;
- (3) the number of abducted children whose habitual residence is in the United States and who were returned to the United States from—
- (A) Convention countries;
 - (B) bilateral procedures countries;
 - (C) countries having other procedures for resolving such abductions; or
 - (D) countries adhering to no protocols with respect to child abduction;
- (4) a list of Convention countries and bilateral procedures countries that have failed to comply with any of their obligations under the Hague Abduction Convention or bilateral procedures, as applicable, with respect to the resolution of abduction and access cases;
- (5) a list of countries demonstrating a pattern of noncompliance and a description of the criteria on which the determination of a pattern of noncompliance for each country is based;
- (6) information on efforts by the Secretary of State to encourage non-Convention countries—
- (A) to ratify or accede to the Hague Abduction Convention;

(B) to enter into or implement other bilateral procedures, including memoranda of understanding, with the United States; and

(C) to address pending abduction and access cases;

(7) the number of cases resolved without abducted children being returned to the United States from Convention countries, bilateral procedures countries, or other non-Convention countries, *and number of children involved in such cases*;

(8) a list of countries that became Convention countries with respect to the United States during the preceding year; **[and]**

(9) information about efforts to seek resolution of abduction cases of children whose habitual residence is in the United States and whose abduction occurred before the Hague Abduction Convention entered into force with respect to the United States**[.]**; *and*

(10) *the total number of pending cases the Department of State has assigned to case officers and number of children involved for each country and as a total for all countries.*

(c) EXCEPTIONS.—Unless a left-behind parent provides written permission to the Central Authority of the United States to include personally identifiable information about the parent or the child in the Annual Report, the Annual Report may not include any personally identifiable information about any such parent, child, or party to an abduction or access case involving such parent or child.

(d) ADDITIONAL SECTIONS.—Each Annual Report shall also include—

(1) information on the number of unresolved abduction cases affecting military parents;

(2) a description of the assistance offered to such military parents;

(3) information on the use of airlines in abductions, voluntary airline practices to prevent abductions, and recommendations for best airline practices to prevent abductions;

(4) information on actions taken by the Central Authority of the United States to train domestic judges in the application of the Hague Abduction Convention; and

(5) information on actions taken by the Central Authority of the United States to train United States Armed Forces legal assistance personnel, military chaplains, and military family support center personnel about—

(A) abductions;

(B) the risk of loss of contact with children; and

(C) the legal means available to resolve such cases.

(e) REPEAL OF THE HAGUE ABDUCTION CONVENTION COMPLIANCE REPORT.—Section 2803 of the Foreign Affairs Reform and Restructuring Act of 1998 (42 U.S.C. 11611) is repealed.

(f) NOTIFICATION TO CONGRESS ON COUNTRIES IN NONCOMPLIANCE.—

(1) IN GENERAL.—The Secretary of State shall include, in a separate section of the Annual Report, the Secretary's determination, pursuant to the provisions under section 202(b), of whether each country listed in the report has engaged in a pattern of noncompliance in cases of child abduction during the preceding 12 months.

(2) CONTENTS.—The section described in paragraph (1)—

(A) shall identify any action or actions described in section 202(d) (or commensurate action as provided in section 202(e)) that have been taken by the Secretary with respect to each country;

(B) shall describe the basis for the Secretary's determination of the pattern of noncompliance by each country;

(C) shall indicate whether noneconomic policy options designed to resolve the pattern of noncompliance have reasonably been exhausted, including the consultations required under section 203.

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TITLE 54, UNITED STATES CODE

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SUBTITLE III—NATIONAL PRESERVATION PROGRAMS

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CHAPTER 3123—COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

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§ 312302. Declaration of national interest

Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest to encourage the preservation and protection of the cemeteries, monuments, and historic buildings, *and unimpeded access to those sites*, associated with the foreign heritage of United States citizens.

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§ 312304. Duties and powers; administrative support

(a) DUTIES.—The Commission shall—

(1) identify and publish a list of cemeteries, monuments, and historic buildings located abroad that are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly cemeteries, monuments, and buildings that are in danger of deterioration or destruction;

(2) encourage the preservation and protection of those cemeteries, monuments, **[and historic buildings]** *and historic buildings, and unimpeded access to those sites* by obtaining, in cooperation with the Secretary of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved **[and protected]**, *protected, and made accessible*; and

(3) prepare and disseminate reports on the condition of, and the progress toward preserving **[and protecting]**, *protecting, and making accessible*, those cemeteries, monuments, and historic buildings.

(b) POWERS.—

(1) HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY, AND RECEIVE EVIDENCE.—The Commission or any member it authorizes may, for the purposes of carrying out this chapter, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) APPOINT PERSONNEL AND FIX PAY.—The Commission may appoint such personnel (subject to the provisions of title 5 governing appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5), as the Commission considers desirable.

(3) PROCURE TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect under section 5376 of title 5.

(4) DETAIL PERSONNEL TO COMMISSION.—On request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this chapter.

(5) SECURE INFORMATION.—The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this chapter. On the request of the Chairman of the Commission, the head of the department or agency shall furnish the information to the Commission.

(6) GIFTS OR DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) USE OF MAILS.—The Commission may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support services as the Commission may request.

§ 312305. Reports

As soon as practicable after the end of each fiscal year, the Commission shall transmit to the President *and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate* a report that includes—

(1) a detailed statement of the activities and accomplishments of the Commission during the fiscal year; and

(2) any recommendations of the Commission for legislation and administrative actions.

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