

DEPARTMENT OF STATE AUTHORIZATION ACT OF 2021

MAY 13, 2021.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 1157]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 1157) to provide for certain authorities of the Department of State, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Department of State Authorization Act of 2021”.

(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. 1001. Diplomatic Programs.
- Sec. 1002. Sense of Congress on importance of Department of State’s work.
- Sec. 1003. Bureau of Democracy, Human Rights, and Labor.
- Sec. 1004. Assistant Secretary for International Narcotics and Law Enforcement Affairs.
- Sec. 1005. Bureau of Consular Affairs; Bureau of Population, Refugees, and Migration.
- Sec. 1006. Office of International Disability Rights.
- Sec. 1007. Anti-piracy information sharing.
- Sec. 1008. Importance of foreign affairs training to national security.
- Sec. 1009. Classification and assignment of Foreign Service officers.
- Sec. 1010. Energy diplomacy and security within the Department of State.
- Sec. 1011. National Museum of American Diplomacy.
- Sec. 1012. 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. 1013. Art in embassies.
- Sec. 1014. Amendment or repeal of reporting requirements.
- Sec. 1015. Reporting on implementation of GAO recommendations.
- Sec. 1016. Office of Global Criminal Justice.

TITLE II—EMBASSY CONSTRUCTION

- Sec. 1201. Embassy security, construction, and maintenance.
- Sec. 1202. Standard design in capital construction.
- Sec. 1203. Capital construction transparency.
- Sec. 1204. Contractor performance information.
- Sec. 1205. Growth projections for new embassies and consulates.
- Sec. 1206. Long-range planning process.
- Sec. 1207. Value engineering and risk assessment.
- Sec. 1208. Business volume.
- Sec. 1209. Embassy security requests and deficiencies.
- Sec. 1210. Overseas security briefings.
- Sec. 1211. Contracting methods in capital construction.
- Sec. 1212. Competition in embassy construction.
- Sec. 1213. Statement of policy.
- Sec. 1214. Definitions.

TITLE III—PERSONNEL ISSUES

- Sec. 1301. Defense Base Act insurance waivers.
- Sec. 1302. Study on Foreign Service allowances.
- Sec. 1303. Science and technology fellowships.
- Sec. 1304. Travel for separated families.
- Sec. 1305. Home leave travel for separated families.
- Sec. 1306. Sense of Congress regarding certain fellowship programs.
- Sec. 1307. Technical correction.
- Sec. 1308. Foreign Service awards.
- Sec. 1309. Workforce actions.
- Sec. 1310. Sense of Congress regarding veterans employment at the Department of State.
- Sec. 1311. Employee assignment restrictions and preclusions.
- Sec. 1312. Recall and reemployment of career members.
- Sec. 1313. Strategic staffing plan for the Department of State.
- Sec. 1314. Consulting services.
- Sec. 1315. Incentives for critical posts.
- Sec. 1316. Extension of authority for certain accountability review boards.
- Sec. 1317. Foreign Service suspension without pay.
- Sec. 1318. Foreign Affairs Manual and Foreign Affairs Handbook changes.
- Sec. 1319. Waiver authority for individual occupational requirements of certain positions.
- Sec. 1320. Appointment of employees to the Global Engagement Center.
- Sec. 1321. Rest and recuperation and overseas operations leave for Federal employees.
- Sec. 1322. Emergency medical services authority.
- Sec. 1323. Department of State Student Internship Program.
- Sec. 1324. Competitive status for certain employees hired by Inspectors General to support the lead IG mission.
- Sec. 1325. Cooperation with Office of the Inspector General.
- Sec. 1326. Information on educational opportunities for children with special educational needs consistent with the Individuals With Disabilities Education Act.
- Sec. 1327. Implementation of gap memorandum in selection board process.

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

- Sec. 1401. Definitions.
- Sec. 1402. Collection, analysis, and dissemination of workforce data.
- Sec. 1403. Exit interviews for workforce.
- Sec. 1404. Recruitment and retention.
- Sec. 1405. Promoting diversity and inclusion in the national security workforce.
- Sec. 1406. Leadership engagement and accountability.
- Sec. 1407. Professional development opportunities and tools.
- Sec. 1408. Examination and oral assessment for the Foreign Service.
- Sec. 1409. Payne fellowship authorization.
- Sec. 1410. Voluntary participation.

TITLE V—INFORMATION SECURITY

- Sec. 1501. Definitions.
- Sec. 1502. List of certain telecommunications providers.

- Sec. 1503. Preserving records of electronic communications conducted related to official duties of positions in the public trust of the American people.
 Sec. 1504. Foreign Relations of the United States (FRUS) series and declassification.
 Sec. 1505. Vulnerability Disclosure Policy and Bug Bounty Pilot Program.

TITLE VI—PUBLIC DIPLOMACY

- Sec. 1601. Short title.
 Sec. 1602. Avoiding duplication of programs and efforts.
 Sec. 1603. Improving research and evaluation of public diplomacy.
 Sec. 1604. Permanent reauthorization of the United States Advisory Commission on Public Diplomacy.
 Sec. 1605. Streamlining of support functions.
 Sec. 1606. Guidance for closure of public diplomacy facilities.
 Sec. 1607. Definitions.

TITLE VII—COMBATING PUBLIC CORRUPTION

- Sec. 1701. Sense of congress.
 Sec. 1702. Annual assessment.
 Sec. 1703. Transparency and accountability.
 Sec. 1704. Designation of embassy anti-corruption points of contact.

TITLE VIII—OTHER MATTERS

- Sec. 1801. Case-Zablocki Act Reform.
 Sec. 1802. Limitation on assistance to countries in default.
 Sec. 1803. Sean and David Goldman Child Abduction Prevention and Return Act of 2014 amendment.
 Sec. 1804. Modification of authorities of Commission for the Preservation of America's Heritage Abroad.
 Sec. 1805. Chief of mission concurrence.
 Sec. 1806. Report on efforts of the Coronavirus Repatriation Task Force.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.
 (2) **DEPARTMENT.**—If not otherwise specified, the term “Department” means the Department of State.
 (3) **SECRETARY.**—If not otherwise specified, the term “Secretary” means the Secretary of State.

TITLE I—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

SEC. 1001. DIPLOMATIC PROGRAMS.

For “Diplomatic Programs”, there is authorized to be appropriated \$9,170,013,000 for fiscal year 2022.

SEC. 1002. 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 United States 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 United States 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 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, United States 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. 1003. 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 unless otherwise provided by law.”;

(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 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) **LOCAL OVERSIGHT.**—United States missions, when executing DRL programming, 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. 1004. 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 paragraphs (3) and (4) as paragraphs (4) and (5), respectively; 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 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 of State and other United States Government agencies, all forms of transnational organized crime, including human trafficking, illicit trafficking in 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.

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may 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.”

(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 (9) the following new paragraph:
“(10) 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. 1005. 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) and (h) as subsections (i) and (j), respectively; 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. 1006. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.

(a) ESTABLISHMENT.—There should be established in the Department of State 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 of State 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;

(7) advise the Bureau of Human Resources or its equivalent within 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; and

(8) carry out such other relevant duties as the Secretary of State may assign.

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

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

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

(d) CONSULTATION.—The Secretary of State 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. 1007. 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. 1008. IMPORTANCE OF FOREIGN AFFAIRS TRAINING TO NATIONAL SECURITY.

(a) SENSE OF CONGRESS.—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 Department of State's investment of time and resources with respect to the training and education of its personnel is considerably below the level of other Federal departments and agencies in the national security field, and falls well below the investments many allied and adversarial countries make in the development of their diplomats;

(3) the Department faces increasingly complex and rapidly evolving challenges, many of which are science and technology-driven, and which demand the continual, high-quality training and education of its personnel;

(4) the Department must move beyond reliance on "on-the-job training" and other informal mentorship practices, which lead to an inequality in skillset development and career advancement opportunities, often particularly for minority personnel, and towards a robust professional tradecraft training continuum that will provide for greater equality in career advancement and increase minority participation in the senior ranks;

(5) the Department's Foreign Service Institute and other training facilities 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

(6) consistent with existing Department gift acceptance authority and other applicable laws, the Department and Foreign Service Institute may accept funds and other resources from foundations, not-for-profit corporations, and other appropriate sources to help the Department and the Institute enhance the quantity and quality of training offerings, especially in the introduction of new, innovative, and pilot model courses.

(b) **TRAINING FLOAT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall develop and submit to the appropriate congressional committees a strategy to establish a "training float" to allow for up to 15 percent of the Civil and Foreign Service to participate in long-term training at any given time. The strategy should identify steps necessary to ensure implementation of the training priorities identified in subsection (c), sufficient training capacity and opportunities are available to Civil and Foreign Service officers, equitable distribution of long-term training opportunities to Civil and Foreign Service officers, and any additional resources or authorities necessary to facilitate such a training float, including programs at the George P. Schultz National Foreign Affairs Training Center, the Foreign Service Institute, the Foreign Affairs Security Training Center, and other facilities or programs operated by the Department of State. The strategy shall identify which types of training would be prioritized, the extent (if any) to which such training is already being provided to Civil and Foreign Service officers by the Department of State, any factors incentivizing or disincentivizing such training, and why such training cannot be achieved without Civil and Foreign Service officers leaving the workforce. In addition to training opportunities provided by the Department, the strategy shall consider training that could be provided by the other United States Government training institutions, as well as non-governmental educational institutions. The strategy shall consider approaches to overcome disincentives to pursuing long-term training.

(c) **PRIORITIZATION.**—In order to provide the Civil and Foreign Service with the level of education and training needed to effectively advance United States interests across the globe, the Department of State should—

(1) increase its offerings—

(A) of virtual instruction to make training more accessible to personnel deployed throughout the world; or

(B) at partner organizations to provide useful outside perspectives to Department personnel;

(2) offer courses utilizing computer-based or assisted simulations, allowing civilian officers to lead decision-making in a crisis environment; and

(3) consider increasing the duration and expanding the focus of certain training courses, including—

(A) the A-100 orientation course for Foreign Service officers, and

(B) the chief of mission course to more accurately reflect the significant responsibilities accompanying such role.

(d) **OTHER AGENCY RESPONSIBILITIES.**—Other national security agencies should increase the enrollment of their personnel in courses at the Foreign Service Institute and other Department of State training facilities to promote a whole-of-government approach to mitigating national security challenges.

SEC. 1009. 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. 1010. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by section 1004 of this Act, is further amended—

(1) by redesignating paragraphs (4) and (5) (as redesignated pursuant to such section 1004) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) (as added pursuant to such section 1004) 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.—If the Department establishes an Assistant Secretary of State for Energy Resources in accordance with the authorization provided in subparagraph (A), the Secretary of State shall ensure 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;

“(v) coordinating with the Office of Sanctions Coordination on economic sanctions pertaining to the international energy sector; and

“(vi) 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; and

“(VII) 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.”.

SEC. 1011. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

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. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

“(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 National Museum of American 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 the National Museum for American Diplomacy. Any such revenues may be retained as a recovery of the costs of operating the museum.

“(b) DISPOSITION OF NATIONAL MUSEUM OF AMERICAN DIPLOMACY 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 National Museum of American 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 National Museum of American Diplomacy and may not be used for any purpose other than the acquisition and direct care of the collections of the museum.

“(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 National Museum of American Diplomacy as set forth in the collections management policy of the museum;

“(B) the sale, trade, or transfer of such document, artifact, or other article would serve to maintain the standards of the collection of the museum; 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 National Museum of American Diplomacy to the Smithsonian Institution or a similar institution for repair, study, or exhibition.”

SEC. 1012. 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 of State is authorized to—

(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. 1013. 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 \$25,000, 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 of State shall submit to the appropriate congressional committees a report on the costs of the Art in Embassies Program for fiscal years 2012 through 2020.

(c) **SUNSET.**—This section shall terminate on the date that is two 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. 1014. 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 like-minded countries, a comprehensive, multilateral strategy to—

“(1) assist Burma in addressing corrosive malign influence of the People’s Republic of China; and

“(2) support democratic, constitutional, economic, and security sector reforms in Burma designed to—

“(A) advance democratic development and improve human rights practices and the quality of life; and

“(B) promote 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).

(5) Section 404 of the Arms Control and Disarmament Act (22 U.S.C. 2593b).

(6) Section 5 of Public Law 94–304 (22 U.S.C. 3005).

(7) Subsection (b) of section 502 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa–7).

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—Subsection (c) of section 502 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa–7) is redesignated as subsection (b).

SEC. 1015. 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 of State 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. 1016. OFFICE OF GLOBAL CRIMINAL JUSTICE.

(a) IN GENERAL.—There should be established within the Department of State 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 of State and other relevant senior officials on issues related to atrocities, including war crimes, crimes against humanity, and genocide.

(2) Assist in formulating United States policy on the prevention of, responses to, and accountability for atrocities.

(3) Coordinate, as appropriate and with other relevant Federal departments and agencies, United States Government positions relating to the international and hybrid courts currently prosecuting persons suspected of atrocities around 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 around the world.

(5) Coordinate, as appropriate and with other relevant Federal departments and agencies, the deployment of diplomatic, legal, economic, military, and other tools to help collect evidence of atrocities, judge those responsible, protect and assist victims, enable reconciliation, prevent and deter atrocities, and promote the rule of law.

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

(7) Act as a point of contact for international, hybrid, and domestic tribunals exercising jurisdiction over atrocities committed around the world.

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

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

(c) SUPERVISION.—If established, the Office shall be led by an Ambassador-at-Large for Global Criminal Justice who is nominated by the President and appointed by and with the advice and consent of the Senate.

TITLE II—EMBASSY CONSTRUCTION

SEC. 1201. EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE.

For “Embassy Security, Construction, and Maintenance”, there is authorized to be appropriated \$1,950,449,000 for fiscal year 2022.

SEC. 1202. 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 of State 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. 1203. 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 four years after such date of enactment, the Secretary of State 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) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Department of State Authorities Act, Fiscal Year 2017 is amended by amending the item relating to section 118 to read as follows:

“Sec. 118. Biannual report on overseas capital construction projects.”.

SEC. 1204. CONTRACTOR PERFORMANCE INFORMATION.

(a) DEADLINE FOR COMPLETION.—The Secretary of State shall complete all contractor performance evaluations outstanding as of the date of the enactment of this Act required by subpart 42.15 of the Federal Acquisition Regulation for those contractors engaged in construction of new embassy or new consulate compounds by April 1, 2022.

(b) PRIORITIZATION SYSTEM.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State 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 April 1, 2022, 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. 1205. 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 of State 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 United States 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 of State 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. 1206. 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 the next five years as the Secretary of State considers appropriate, 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 and with which the United States maintains diplomatic relations. 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.

(F) A recommendation of whether any small diplomatic posts should be closed.

(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 of State 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 of State’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 United States Government employees or contractors on average over the 36 months prior to the date of the enactment of this Act.

SEC. 1207. 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.**—Any operating plan that includes the allocation of capital construction and maintenance funds shall 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 process described in subsection (a), or applicable successor process.

(c) **REPORTING AND BRIEFING REQUIREMENTS.**—The Secretary of State 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. 1208. 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. 1209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.

The Secretary of State shall provide to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate upon request information on physical 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. 1210. OVERSEAS SECURITY BRIEFINGS.

Not later than one year after the date of the enactment of this Act, the Secretary of State shall revise the Foreign Affairs Manual to stipulate that information on the current threat environment shall be provided to all United States 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. 1211. CONTRACTING METHODS IN CAPITAL CONSTRUCTION.

(a) DELIVERY.—Unless the Secretary of State 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 of State 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 of State 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. 1212. COMPETITION IN EMBASSY CONSTRUCTION.

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

SEC. 1213. 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. 1214. 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. 1301. 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 of State 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 of State shall certify to the appropriate congressional committees that the requirement in subsection (a) has been met.

SEC. 1302. STUDY ON FOREIGN SERVICE ALLOWANCES.**(a) REPORT REQUIRED.—**

(1) **IN GENERAL.**—Not later than one year after date of the enactment of this Act, the Secretary of State 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 United States 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 of State shall provide to the Committee on Foreign Relations of the Senate 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 of State and such federally funded research and development center.

(c) AVAILABILITY OF INFORMATION.—

(1) **IN GENERAL.**—The Secretary of State 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 of State from eligible bidders on their bid decision-making.

(2) **COOPERATION.**—The Secretary of State shall work with the heads of other relevant United States 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 of State 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 180 days after the date of the enactment of this Act.

SEC. 1303. 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 of State 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. 1304. 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, one 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. 1305. 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 a member of the Service has official orders to an unaccompanied post and in which the family members of the member reside apart from the member at authorized locations outside the United States, 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. 1306. SENSE OF CONGRESS REGARDING CERTAIN FELLOWSHIP PROGRAMS.

It is the sense of Congress that 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 workforce.

SEC. 1307. 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. 1308. 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. 1309. WORKFORCE ACTIONS.

(a) **SENSE OF CONGRESS ON WORKFORCE RECRUITMENT.**—It is the sense of Congress that the Secretary of State 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 of State will lack experienced, qualified personnel in the short, medium, and long terms.

(b) **LIMITATION.**—The Secretary of State should not implement 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 of State’s strategic staffing goals, including—

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

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

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

(D) a dataset displaying comprehensive workforce 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. 1310. SENSE OF CONGRESS REGARDING VETERANS EMPLOYMENT AT THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Department of State 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 1407 of this Act, including those veterans belonging to traditionally under-represented 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 workforce.

SEC. 1311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND PRECLUSIONS.

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

(b) **APPEAL OF ASSIGNMENT RESTRICTION OR PRECLUSION.**—Subsection (a) of section 414 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 2734c(a)) is amended by adding at the end the following new sentences: “Such right and process shall ensure that 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 of State shall revise, and certify to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate 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. 1312. RECALL AND REEMPLOYMENT OF CAREER MEMBERS.

- (a) SENSE OF CONGRESS.—It is the sense of Congress that—
 - (1) career Department of State 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) reemployment 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, who were separated for other than cause for up to five years prior to the date of the enactment of this sentence, shall not be required to accept a directed first assignment as a condition of 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

“Sec.
“10301. 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 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.”

- (2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part III of Title 5, United States Code, is amended by adding at the end of subpart I the following:

“103. Notice of Employment Opportunities for Department of State and USAID Positions 10301”.

SEC. 1313. STRATEGIC STAFFING PLAN FOR THE DEPARTMENT OF STATE.

- (a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a comprehensive 5-year strategic staffing plan for the Department of State 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 workforce 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;
 - (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; and
 - (E) overseas region.
 - (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 of State 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 of State's workforce.

(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 of State's plan to implement recommendations described in GAO–19–220.

SEC. 1314. CONSULTING SERVICES.

(a) IN GENERAL.—Chapter 103 of title 5, United States Code, as added by section 1312 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 chapter 103 of title 5, United States Code, as added by section 1312 of this Act, is amended by adding after the item relating to section 10301 the following new item:

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

SEC. 1315. 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. 1316. 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, 2020, and ending on September 30, 2022”.

SEC. 1317. 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 2 ems to the left.

SEC. 1318. FOREIGN AFFAIRS MANUAL AND FOREIGN AFFAIRS HANDBOOK CHANGES.

(a) APPLICABILITY.—The Foreign Affairs Manual and the Foreign Affairs Handbook apply with equal force and effect and without exception to all Department of State personnel, including the Secretary of State, Department employees, and political appointees, regardless of an individual's status as a Foreign Service officer, Civil Service employee, or political appointee hired under any legal authority.

(b) **CERTIFICATION.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a certification in unclassified form that the applicability described in subsection (a) has been communicated to all Department personnel, including the personnel referred to in such subsection.

(c) **REPORT.**—

(1) **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 of State shall submit to the appropriate congressional committees a report detailing all significant changes made to the Foreign Affairs Manual or the Foreign Affairs Handbook.

(2) **COVERED PERIODS.**—The first report required under paragraph (1) shall cover the 5-year period preceding the submission of such report. Each subsequent report shall cover the 180-day period preceding submission.

(3) **CONTENTS.**—Each report required under paragraph (1) shall contain the following:

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

(B) The statutory basis for each such change, as applicable.

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

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

SEC. 1319. 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. 1320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL ENGAGEMENT CENTER.

The Secretary of State may appoint, for a 3-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 of State 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. 1321. 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”.

SEC. 1322. EMERGENCY MEDICAL SERVICES AUTHORITY.

Section 3 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) in subsection (l), by striking “and” after the semicolon;

(2) in subsection (m), by striking the period and inserting “; and”; and

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

“(n) in exigent circumstances, as determined by the Secretary, provide emergency medical services or related support for private United States citizens, nationals, and permanent resident aliens abroad, or third country nationals connected to such persons or to the diplomatic or development missions of the United States abroad, who are unable to obtain such services or support otherwise, with such assistance provided on a reimbursable basis to the extent feasible.”.

SEC. 1323. DEPARTMENT OF STATE STUDENT INTERNSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of State shall establish the Department of State Student Internship Program (in this section referred to as the “Program”) to offer internship opportunities at the Department of State to eligible students to raise awareness of the essential role of diplomacy in the conduct of United States foreign policy and the realization of United States foreign policy objectives.

(b) ELIGIBILITY.—To be eligible to participate in the Program, an applicant shall—

(1) be enrolled, not less than half-time, at—

(A) an institution of higher education (as such term is defined section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or

(B) an institution of higher education based outside the United States, as determined by the Secretary of State;

(2) be able to receive and hold an appropriate security clearance; and

(3) satisfy such other criteria as established by the Secretary.

(c) SELECTION.—The Secretary of State shall establish selection criteria for students to be admitted into the Program that includes the following:

(1) Demonstrable interest in a career in foreign affairs.

(2) Academic performance.

(3) Such other criteria as determined by the Secretary.

(d) OUTREACH.—The Secretary of State shall advertise the Program widely, including on the internet, through the Department of State’s Diplomats in Residence program, and through other outreach and recruiting initiatives targeting undergraduate and graduate students. The Secretary shall actively encourage people be-

longing to traditionally under-represented groups in terms of racial, ethnic, geographic, and gender diversity, and disability status to apply to the Program, including by conducting targeted outreach at minority serving institutions (as such term is described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(e) COMPENSATION.—

(1) IN GENERAL.—Students participating in the Program shall be paid at least—

(A) the amount specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), or

(B) the minimum wage of the jurisdiction in which the internship is located,

whichever is greatest.

(2) HOUSING ASSISTANCE.—

(A) ABROAD.—The Secretary of State shall provide housing assistance to a student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is outside the United States.

(B) DOMESTIC.—The Secretary of State is authorized to provide housing assistance to a student participating in the Program whose permanent address is within the United States if the location of the internship in which such student is participating is more than 50 miles away from such student's permanent address.

(3) TRAVEL ASSISTANCE.—The Secretary of State shall provide a student participating in the Program whose permanent address is within the United States financial assistance to cover the costs of travel once to and once from the location of the internship in which such student is participating, including travel by air, train, bus, or other transit as appropriate, if the location of such internship is—

(A) more than 50 miles from such student's permanent address; or

(B) outside the United States.

(f) WORKING WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary of State is authorized to enter into agreements with institutions of higher education to structure internships to ensure such internships satisfy criteria for academic programs in which participants in such internships are enrolled.

(g) TRANSITION PERIOD.—Not later than two years after the date of the enactment of this Act, the Secretary of State shall transition all unpaid internship programs of the Department of State, including the Foreign Service Internship Program, to internship programs that offer compensation. Upon selection as a candidate for entry into an internship program of the Department after such date, a participant in such internship program shall be afforded the opportunity to forgo compensation, including if doing so allows such participant to receive college or university curricular credit.

(h) REPORTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of a Senate a report that includes the following:

(1) Data, to the extent collection of such information is permissible by law, regarding the number of students, disaggregated by race, ethnicity, gender, institution of higher learning, home State, State where each student graduated from high school, and disability status, who applied to the Program, were offered a position, and participated.

(2) Data on the number of security clearance investigations started for such students and the timeline for such investigations, including whether such investigations were completed or if, and when, an interim security clearance was granted.

(3) Information on expenditures on the Program.

(4) Information regarding the Department of State's compliance with subsection (g).

(i) VOLUNTARY PARTICIPATION.—

(1) IN GENERAL.—Nothing in this section may be construed to compel any student who is a participant in an internship program of the Department of State to participate in the collection of the data or divulge any personal information. Such students shall be informed that their participation in the data collection contemplated by this section is voluntary.

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

SEC. 1324. COMPETITIVE STATUS FOR CERTAIN EMPLOYEES HIRED BY INSPECTORS GENERAL TO SUPPORT THE LEAD IG MISSION.

Subparagraph (A) of section 8L(d)(5) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “a lead Inspector General for” and inserting “any of the Inspectors General specified in subsection (c) for oversight of”.

SEC. 1325. COOPERATION WITH OFFICE OF THE INSPECTOR GENERAL.

(a) **ADMINISTRATIVE DISCIPLINE.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall make explicit in writing to all Department of State personnel, including the Secretary of State, Department employees, contractors, and political appointees, and shall consider updating the Foreign Affairs Manual and the Foreign Affairs Handbook to explicitly specify, that if any of such personnel does not comply within 60 days with a request for an interview or access to documents from the Office of the Inspector General of the Department such personnel may be subject to appropriate administrative discipline including, when circumstances warrant, suspension without pay or removal.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act and on a quarterly basis thereafter, the Office of the Inspector General of the Department of State and the United States Agency for Global Media shall submit to the appropriate congressional committees and the Secretary of State a report in unclassified form detailing the following:

(A) The number of individuals who have failed to comply within 60 days with a request for an interview or access to documents from the Office of the Inspector General pertaining to a non-criminal matter.

(B) The date on which such requests were initially made.

(C) Any extension of time that was voluntarily granted to such individual by the Office of the Inspector General.

(D) The general subject matters regarding which the Office of the Inspector General has requested of such individuals.

(2) **FORM.**—Additional information pertaining solely to the subject matter of a request described in paragraph (1) may be provided in a supplemental classified annex, if necessary, but all other information required by the reports required under such paragraph shall be provided in unclassified form.

SEC. 1326. INFORMATION ON EDUCATIONAL OPPORTUNITIES FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS CONSISTENT WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Not later than March 31, 2022, and annually thereafter, the Director of the Office of Overseas Schools of the Department of State shall maintain and update a list of overseas schools receiving assistance from the Office and detailing the extent to which each such school provides special education and related services to children with disabilities in accordance with part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.). Each list required under this section shall be posted on the public website of the Office for access by members of the Foreign Service, Senior Foreign Service, and their eligible family members.

SEC. 1327. IMPLEMENTATION OF GAP MEMORANDUM IN SELECTION BOARD PROCESS.

(a) **IN GENERAL.**—Section 603 of the Foreign Service Act of 1980 (22 U.S.C. 4003) is amended by adding at the end the following new subsection:

“(c)(1) A member of the Service or member of the Senior Foreign Service whose performance will be evaluated by a selection board may submit to such selection board a gap memo in advance of such evaluation.

“(2) Members of a selection board may not consider as negative the submission of a gap memo by a member described in paragraph (1) when evaluating the performance of such member.

“(3) In this subsection, the term ‘gap memo’ means a written record, submitted to a selection board in a standard format established by the Director General of the Foreign Service, which indicates and explains a gap in the record of a member of the Service or member of the Senior Foreign Service whose performance will be evaluated by such selection board, which gap is due to personal circumstances, including for health, family, or other reason as determined by the Director General in consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.”.

(b) **CONSULTATION AND GUIDANCE.**—

(1) **CONSULTATION.**—Not later than 30 days after the date of the enactment of this Act, the Director General of the Foreign Service 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 of the gap memo under subsection (c) of section 603 of the Foreign Service Act of 1980, as added by subsection (a).

(2) DEFINITION.—In this subsection, the term “gap memo” has the meaning given such term in subsection (c) of section 603 of the Foreign Service Act of 1980.

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

SEC. 1401. 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 such term is defined in section 2101 of title 5, United States Code);

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

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

(D) all individuals serving under a Foreign Service limited appointment under section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949); or

(E) individuals other than Locally Employed Staff working in the Department of State under any other authority.

SEC. 1402. 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 of State 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 published on a publicly available website of the Department in a searchable database format, that includes disaggregated demographic data and other information regarding the diversity of the workforce of the Department of State.

(b) DATA.—The report under subsection (a) shall include the following data to the maximum extent collection of such data is permissible by law:

(1) Demographic data on each element of the workforce of the Department of State, 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 workforce.

(C) Individuals promoted during the 5-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 during the 5-year period ending on the date of the enactment of this Act as special assistants in any of the offices of the Secretary of State, the Deputy Secretary of State, the Counselor of the Department of State, the Secretary’s Policy Planning Staff, the Under Secretary for Arms Control and International Security, the Under Secretary for Civilian Security, Democracy, and Human Rights, the Under Secretary for Economic Growth, Energy, and the Environment, the Undersecretary for Management, the Undersecretary of State for Political Affairs, and the Undersecretary for Public Diplomacy and Public Affairs.

(E) Individuals serving in the 5-year period ending on the date of the enactment of this Act in each bureau’s front office.

(F) Individuals serving in the 5-year period ending on the date of the enactment of this Act as detailees to the National Security Council.

(G) Individuals serving on applicable selection boards.

(H) Members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department.

(I) 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.

- (J) Individuals participating in mentorship or retention programs.
- (K) Individuals who separated from the agency during the 5-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 workforce, the percentages of such workforce corresponding to each element specified in section 1401(4), and the percentages corresponding to each rank, grade, or grade-equivalent.
- (c) RECOMMENDATION.—The Secretary of State 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 of State should be permitted to 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), in order to comply with the intent and requirements of this Act.
- (d) OTHER CONTENTS.—The report under subsection (a) shall also describe and assess the effectiveness of the efforts of the Department of State—
- (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 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 workforce by—
 - (A) recruiting women, persons with disabilities, 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 representation in international affairs of people belonging to traditionally under-represented groups;
 - (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;
 - (H) expanding the use of paid internships; and
 - (I) supporting recruiting and hiring opportunities through—
 - (i) the Charles B. Rangel International Affairs Fellowship Program;
 - (ii) the Thomas R. Pickering Foreign Affairs Fellowship Program; and
 - (iii) other initiatives, including agency-wide policy initiatives.
- (e) ANNUAL UPDATES.—Not later than one year after the publication of the report required under subsection (a) and annually thereafter for the following five years, the Secretary of State 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, to the maximum extent collection of such data is permissible by law, relating to the workforce and information on the status of diversity and inclusion efforts of the Department;
 - (2) an analysis of applicant flow data, to the maximum extent collection of such data is permissible by law; 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. 1403. EXIT INTERVIEWS FOR WORKFORCE.

(a) **RETAINED MEMBERS.**—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall conduct periodic interviews with a representative and diverse cross-section of the workforce of the Department of State—

(1) to understand the reasons of individuals in such workforce 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 workforce to remain in the Department.

(b) **DEPARTING MEMBERS.**—The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall provide an opportunity for an exit interview to each individual in the workforce of the Department of State 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 the Bureau of Human Resources or its equivalent 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 1402 relating to the determination reached pursuant to paragraph (1).

(d) **TRACKING DATA.**—The Department of State 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 workforce; and

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

SEC. 1404. RECRUITMENT AND RETENTION.

(a) **IN GENERAL.**—The Secretary of State shall—

(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 of State 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) shall 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;

(5) expanding the use of paid internships; and

(6) 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 of State shall, through the Foreign Service Institute and other educational and training opportunities—

(A) ensure the provision to all individuals in the workforce of training on anti-harassment and anti-discrimination information and policies, including

in existing Foreign Service Institute courses or modules prioritized in the Department of State's Diversity and Inclusion Strategic Plan for 2016–2020 to promote diversity in Bureau awards or mitigate unconscious bias;

(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 of State shall give special attention to ensuring the continuous incorporation of research-based best practices in training provided under this subsection.

SEC. 1405. PROMOTING DIVERSITY AND INCLUSION IN THE NATIONAL SECURITY WORKFORCE.

(a) **IN GENERAL.**—The Secretary of State shall ensure that individuals in senior and supervisory positions of the Department of State, or Department individuals having responsibilities related to recruitment, retention, or promotion of employees, should have a demonstrated commitment to equal opportunity, diversity, and inclusion.

(b) **CONSIDERATION.**—In making any recommendations on nominations, conducting interviews, identifying or selecting candidates, or appointing acting individuals for positions equivalent to an Assistant Secretary or above, the Secretary of State shall use best efforts to consider at least one individual reflective of diversity.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary of State shall establish a mechanism to ensure that appointments or details of Department of State employees to staff positions in the Offices of the Secretary, the Deputy Secretary, the Counselor of the Department, the Secretary's Policy Planning Staff, or any of the Undersecretaries of State, and details to the National Security Council, are transparent, competitive, equitable, and inclusive, and made without regard to an individual's race, color, religion, sex (including pregnancy, transgender status, or sexual orientation), national origin, age (if 40 or older), disability, or genetic information.

(2) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report regarding the mechanism required under paragraph (1).

(d) **AVAILABILITY.**—The Secretary of State shall use best efforts to consider at least one individual reflective of diversity for the staff positions specified in subsection (c)(1) and ensure such positions are equitably available to employees of the civil service and Foreign Service.

SEC. 1406. LEADERSHIP ENGAGEMENT AND ACCOUNTABILITY.

(a) **REWARD AND RECOGNIZE EFFORTS TO PROMOTE DIVERSITY AND INCLUSION.**—

(1) **IN GENERAL.**—The Secretary of State shall implement performance and advancement requirements that reward and recognize the efforts of individuals in senior positions and supervisors in the Department of State 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 of State shall create opportunities for individuals in senior positions and supervisors in the Department of State 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 of State appoint members, the Secretary of State 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. 1407. PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOOLS.

(a) **EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.**—

(1) **IN GENERAL.**—The Secretary of State is authorized to expand professional development opportunities that support the mission needs of the Department of State, 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 of State 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 of State.

(B) **REQUIREMENTS.**—In determining which members of the workforce are granted professional development or career advancement opportunities under subparagraph (A), the Secretary of State shall—

- (i) ensure any program offered or sponsored by the Department of State 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. 1408. EXAMINATION AND ORAL ASSESSMENT FOR THE FOREIGN SERVICE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department of State 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. 1409. 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 of State shall review past programs designed to increase minority representation in international affairs positions.

SEC. 1410. 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 of State 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. 1501. DEFINITIONS.

In this title:

(1) **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)).

(2) **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. 1502. LIST OF CERTAIN TELECOMMUNICATIONS PROVIDERS.

(a) **LIST OF COVERED CONTRACTORS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State, 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 Department should seek to avoid entering into contracts. 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.

(b) **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.

SEC. 1503. 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 of State 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 United States 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 United States Government policies and actions.

(b) **PUBLICATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State 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. Beginning on the date that is 180 days after the date of the enactment of this Act, 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. The prohibition described in this subsection shall not apply to warden or embassy security messages.

SEC. 1504. FOREIGN RELATIONS OF THE UNITED STATES (FRUS) SERIES AND DECLASSIFICATION.

The State Department Basic Authorities Act of 1956 is amended—

- (1) in section 402(a)(2) (22 U.S.C. 4352(a)(2)), by striking “26” and inserting “20”; and
- (2) 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. 1505. 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 of State in exchange for compensation.

(2) **INFORMATION TECHNOLOGY.**—The term “information technology” has the meaning given such term in section 11101 of title 40, United States Code.

(b) **VULNERABILITY DISCLOSURE PROCESS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall design, establish, and make publicly known a Vulnerability Disclosure Process (VDP) to improve Department of State 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 of State shall—

(A) identify which Department of State 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 five 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 of all 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) **BUG BOUNTY PILOT PROGRAM.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of State shall establish a bug bounty pilot program to minimize security vulnerabilities of internet-facing information technology of the Department of State.

(2) **REQUIREMENTS.**—In establishing the pilot program described in paragraph (1), the Secretary of State shall—

(A) provide compensation for reports of previously unidentified security vulnerabilities within the websites, applications, and other internet-facing information technology of the Department of State 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 of State 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 of State, 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 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–19–02 or successor directive.

(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 of State 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 of all 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. 1601. SHORT TITLE.

This title may be cited as the “Public Diplomacy Modernization Act of 2021”.

SEC. 1602. AVOIDING DUPLICATION OF PROGRAMS AND EFFORTS.

The Secretary of State shall—

(1) identify opportunities for greater efficiency of operations, including through improved coordination of efforts across public diplomacy bureaus and offices of the Department of State; 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. 1603. IMPROVING RESEARCH AND EVALUATION OF PUBLIC DIPLOMACY.

(a) **RESEARCH AND EVALUATION ACTIVITIES.**—The Secretary of State, 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 of State 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 of State.

(3) **RESPONSIBILITIES.**—The Director shall—

(A) coordinate and oversee the research and evaluation of public diplomacy programs and activities of the Department of State in order 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;

(B) routinely organize and oversee audience research, digital analytics, and impact evaluations across all public diplomacy bureaus and offices of the Department;

(C) support United States diplomatic posts’ public affairs sections;

(D) share appropriate public diplomacy research and evaluation information within the Department and with other appropriate Federal departments and agencies;

(E) 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

(F) 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 one 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 head of the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department of State 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 of State pursuant to subsection (b) shall be made available to be disbursed at the direction of the Director of Research and Evaluation 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 of State 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 of State 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 Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

(2) Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note).

(3) 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 of State 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 of State 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. 1604. PERMANENT REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) IN GENERAL.—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, 2021”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1002(b) of the Foreign Affairs Reform and Restructuring Act of 1998 is amended by amending the item relating to section 1334 to read as follows:

“Sec. 1334. Continuation of United States Advisory Commission on Public Diplomacy.”.

SEC. 1605. STREAMLINING OF SUPPORT FUNCTIONS.

(a) WORKING GROUP ESTABLISHED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State 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 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a plan to implement any such findings of the working group established under subsection (a).

SEC. 1606. 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 of State 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 one year after the date of the enactment of this Act, the Secretary of State 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. 1607. 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. 1701. 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; and

(3) the Department of State should—

(A) 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

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

SEC. 1702. ANNUAL ASSESSMENT.

(a) IN GENERAL.—For each of fiscal years 2022 through 2027, the Secretary of State shall assess the capacity and commitment of foreign governments to which the United States provides foreign assistance 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.) 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 and 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;

(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; and

(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

(4) contain such other information relating to public corruption as the Secretary of State considers appropriate.

(b) IDENTIFICATION.—After conducting each assessment under subsection (a), the Secretary of State shall identify, of the countries described in subsection (a)(1)—

(1) which countries are meeting minimum standards to combat public corruption;

(2) which countries are not meeting such minimum standards but are making significant efforts to do so; and

(3) which countries are not meeting such minimum standards and are not making significant efforts to do so.

(c) **REPORT.**—Except as provided in subsection (d), not later than 180 days after the date of the enactment of this Act and annually thereafter through fiscal year 2027, the Secretary of State shall submit to the appropriate congressional committees, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report, and make such report publicly available, that—

- (1) identifies the countries described in subsection (a)(1) and paragraphs (2) and (3) of subsection (b);
- (2) describes the methodology and data utilized in the assessments under subsection (a); and
- (3) identifies the reasons for the identifications referred to in paragraph (1).

(d) **BRIEFING IN LIEU OF REPORT.**—The Secretary of State 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 to the appropriate congressional committees a briefing that—
 - (A) identifies the countries described in subsection (a)(1) and paragraphs (2) and (3) of subsection (b);
 - (B) describes the methodology and data utilized in the assessment under subsection (a); and
 - (C) identifies the reasons for the identifications referred to in subparagraph (A).

SEC. 1703. TRANSPARENCY AND ACCOUNTABILITY.

For each country identified under paragraphs (2) and (3) of section 1702(b), the Secretary of State, 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 of State or the United States Agency for International Development 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 of State and the United States Agency for International Development that provide for the recovery of funds misappropriated through corruption;

(C) the appropriate disclosure to the United States Government, in confidential form, if necessary, of the beneficial ownership of contractors, sub-contractors, grantees, cooperative agreement participants, and other organizations implementing programs on behalf of the Department of State or the United States Agency for International Development; and

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

SEC. 1704. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.

(a) **IN GENERAL.**—The Secretary of State 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 1702(b), or which the Secretary otherwise determines is in need of such a point of contact. The point of contact shall be the chief of mission or the chief of mission's designee.

(b) **RESPONSIBILITIES.**—Each anti-corruption point of contact designated under subsection (a) shall be responsible for coordinating and overseeing the implementation of a whole-of-government approach among the relevant Federal departments and agencies operating programs that—

- (1) promote good governance in foreign countries; and
- (2) enhance the ability of such countries to—
 - (A) combat public corruption; and
 - (B) develop and implement corruption risk assessment tools and mitigation strategies.

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

TITLE VIII—OTHER MATTERS

SEC. 1801. CASE-ZABLOCKI ACT REFORM.

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

(1) in subsection (a)—

(A) in the first sentence, by striking “sixty” and inserting “30”; and

(B) in the second sentence, 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 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 expeditiously after such agreement has been signed.”.

SEC. 1802. 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 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. 1803. 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”;

(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. 1804. 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.

SEC. 1805. CHIEF OF MISSION CONCURRENCE.

In the course of providing concurrence to the exercise of the authority pursuant to section 127e of title 10, United State Code, or section 1202 of the National Defense Authorization Act for Fiscal Year 2018—

(1) each relevant chief of mission shall inform and consult in a timely manner with relevant individuals at relevant missions or bureaus of the Department of State; and

(2) the Secretary of State shall take such steps as may be necessary to ensure that such relevant individuals have the security clearances necessary and access to relevant compartmented and special programs to so consult in a timely manner with respect to such concurrence.

SEC. 1806. REPORT ON EFFORTS OF THE CORONAVIRUS REPATRIATION TASK FORCE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report evaluating the efforts of the Coronavirus Repatriation Task Force of the Department of State to repatriate United States citizens and legal permanent residents in response to the 2020 coronavirus outbreak. The report shall identify—

(1) the most significant impediments to repatriating such persons;

(2) the lessons learned from such repatriations; and

(3) any changes planned to future repatriation efforts of the Department of State to incorporate such lessons learned.

PURPOSE AND SUMMARY

The Department of State Authorization Act of 2021 (H.R. 1157) contains various provisions to strengthen the management and operations of the Department of State, including to recruit and retain a diverse workforce, bolster embassy and information security, improve flexibility, training, and other workplace policies for personnel, and strengthen the Department’s capacity to carry out public diplomacy and anti-corruption activities, among other provisions. The bill authorizes activities and positions in a number of key Department bureaus and offices, and authorizes funding for Diplomatic Programs and Embassy Security, Construction, and Maintenance. H.R. 1157 incorporates and builds on numerous bipartisan legislative provisions introduced in prior Congresses related to the management and operations of the Department of State.

BACKGROUND AND NEED FOR LEGISLATION

The House Committee on Foreign Affairs is responsible for reporting legislation that sets forth the duties and functions of the State Department and authorizes the subsequent enactment of appropriations. The authorization of appropriations in the bill is intended to provide guidance regarding the appropriate amount of funds to carry out the authorized activities of the agency. However, it has been 19 years since a State Department authorization bill 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. The House Committee on Foreign Affairs passed H.R. 3352 in the 116th Congress, the Department of State Authorization Act of 2019, but the measure was not taken up in the Senate and failed to become law.

The Congressional Research Service has described the impact of the lack of regular, comprehensive foreign relations authorizing legislation as follows in its In Focus report entitled “Foreign Relations Reauthorization: Background and Issues,” updated on June 27, 2019:

When a foreign relations reauthorization does not specifically authorize appropriations, waivers of this requirement are included in the annual appropriations bills. When authorization requirements are not enacted, foreign policy provisions often are inserted in the general provisions title. Typically, these provisions would be effective only for the duration of the appropriations law and would face renegotiation the following year. In addition, foreign policy-related legislation is often inserted into other legislative vehicles, or in stand-alone legislation.

Diplomacy and development are critical tools for advancing American foreign policy and national security, and it is a core responsibility of the Committee on Foreign Affairs to regularly authorize the work of the Department of State and related agencies. H.R. 1157 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—and helps to return regular legislative authorizing for the Department of State back to its committee of jurisdiction where it belongs. This bipartisan bill represents an important step in making State Department reauthorization a regular part of Committee business again, thereby reasserting the Committee’s 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 24, 2021, the Full Committee held a hearing entitled “America Forward: Restoring Diplomacy and Development in a Fracturing World.” The hearing witnesses were Dr. Anne-Marie Slaughter, former Director of Policy Planning at the Department of State; the Honorable Gayle Smith, former Administrator of the U.S. Agency for International Development; the Honorable Ruben Brigety, former U.S. Ambassador to the African Union; and the Honorable Ryan Crocker, former U.S. Ambassador to Afghanistan, Iraq, Pakistan, Syria, Kuwait, and Lebanon.

Additionally, hearings were held in the prior Congress that informed the development of H.R. 1157 in this Congress.

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 FY20 Budget Request.” The hearing witness was The Honorable Michael R. Pompeo, Secretary, U.S. 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, U.S. Department of State 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.

On July 11, 2019, the Subcommittee on Oversight and Investigations held a hearing entitled “The State Department and USAID FY2020 Operations Budget.” Witnesses included The Honorable Carol Z. Perez, Director General of the Foreign Service and Director of Human Resources, U.S. Department of State; Douglas Pitkin, Director, Bureau of Budget and Planning, U.S. Department of State; Frederick Nutt, Assistant Administrator, Bureau of Management, U.S. Agency for International Development; and Bob Leavitt, Chief Human Capital Officer, U.S. Agency for International Development.

On June 17, 2020, the Subcommittee on Oversight and Investigations held a hearing entitled “Diversity and Diplomacy: Why an Inclusive State Department Would Strengthen U.S. Foreign Policy.” Witnesses included The Honorable Gina Abercrombie-Winstanley, former U.S. Ambassador to Malta; Jason Bair, Director, International Affairs and Trade Team, Government Accountability Office; and The Honorable Peter Romero, former U.S. Ambassador to Ecuador.

On July 21, 2020, the Subcommittee on Oversight and Investigations held a hearing entitled “Consular Affairs and the COVID–19 Crisis: Assessing the State Department’s Response to the Pandemic.” Witnesses included Ian Brownlee, Principal Deputy Assistant Secretary of State, Bureau of Consular Affairs, U.S. Department of State and Karin King, Deputy Assistant Secretary of State, Overseas Citizen Services, Bureau of Consular Affairs, U.S. Department of State.

On September 22, 2020, the Subcommittee on Oversight and Investigations held a hearing entitled “Diversity and Diplomacy: Assessing the State Department’s Record in Promoting Diversity and Inclusion.” Witnesses included The Honorable Carol Z. Perez, Director General of the Foreign Service and Director of Global Talent, U.S. Department of State and Gregory B. Smith, Director and Chief Diversity Officer, Office of Civil Rights, U.S. Department of State.

These hearings were used to consider H.R. 1157.

DESIGNATION OF COMMITTEE OR SUBCOMMITTEE HEARINGS USED
TO DEVELOP OR CONSIDER H.R. 1157

Pursuant to clause 3 of rule XIII of the Rules of the House of Representatives, the following Committee or Subcommittee hearings were used to develop or consider H.R. 1157:

On June 17, 2020, the Subcommittee on Oversight and Investigations held a hearing entitled “Diversity and Diplomacy: Why an Inclusive State Department Would Strengthen U.S. Foreign Policy.” Witnesses included The Honorable Gina Abercrombie-Winstanley, former U.S. Ambassador to Malta; Jason Bair, Director, International Affairs and Trade Team, Government Accountability Office; and The Honorable Peter Romero, former U.S. Ambassador to Ecuador.

On July 21, 2020, the Subcommittee on Oversight and Investigations held a hearing entitled “Consular Affairs and the COVID–19 Crisis: Assessing the State Department’s Response to the Pandemic.” Witnesses included Ian Brownlee, Principal Deputy Assistant Secretary of State, Bureau of Consular Affairs, U.S. Department of State and Karin King, Deputy Assistant Secretary of State, Overseas Citizen Services, Bureau of Consular Affairs, U.S. Department of State.

On September 22, 2020, the Subcommittee on Oversight and Investigations held a hearing entitled “Diversity and Diplomacy: Assessing the State Department’s Record in Promoting Diversity and Inclusion.” Witnesses included The Honorable Carol Z. Perez, Director General of the Foreign Service and Director of Global Talent, U.S. Department of State and Gregory B. Smith, Director and Chief Diversity Officer, Office of Civil Rights, U.S. Department of State.

On February 24, 2021, the Full Committee held a hearing entitled “America Forward: Restoring Diplomacy and Development in a Fracturing World.” The hearing witnesses were Dr. Anne-Marie Slaughter, former Director of Policy Planning at the Department of State; the Honorable Gayle Smith, former Administrator of the U.S. Agency for International Development; the Honorable Ruben Brigety, former U.S. Ambassador to the African Union; and the Honorable Ryan Crocker, former U.S. Ambassador to Afghanistan, Iraq, Pakistan, Syria, Kuwait, and Lebanon.

COMMITTEE CONSIDERATION

On February 25, 2021, pursuant to notice, the Committee marked up in open session H.R. 1157, the Department of State Authorization Act of 2021, a bill introduced by Rep. Meeks.

The following amendments were considered *en bloc* and agreed to by unanimous consent:

- Meeks #1: A manager’s amendment with technical and other minor fixes to H.R. 1157.
- Castro Amendment #19: Requires the Director of the Office of Overseas Schools at the Department of State to maintain, update, and make accessible to relevant employees a list of schools receiving assistance from the Office and detailing the extent to which those schools provide for special education services.

- Castro Amendment #20: Amends the Foreign Service Act to stipulate that a member of the Service or Senior Foreign Service whose performance will be evaluated by a selection board may submit a memo explaining a gap in service due to personal circumstances in advance of the evaluation, which the members of the board may not consider as negative.
- Phillips Amendment #6: Requires in a strategic staffing plan the disaggregation of comprehensive workforce data, including shortages, by overseas region.
- Spanberger Amendment #11: Expands a strategy for establishing a long-term “training float” for up to 15 percent of the Foreign Service to include Civil Service employees, and to consider programs at all training facilities operated by the Department of State and training incentives and disincentives.
- Kim (CA) Amendment #1: Encourages the State Department to modernize and expand officer training programs to achieve parity with other parts of federal government and the private sector.

The Committee also rejected Perry Amendment #27, to include a sense of Congress that providing any United States contributions to the United Nations Framework Convention on Climate Change (UNFCCC) violates U.S. law because Palestine is a signatory to the UNFCCC, on a roll call vote, 20–26.

The measure was ordered reported favorably by voice vote, with an amendment in the nature of a substitute that incorporated the amendments agreed to by the committee.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the committee reports the following record vote:

Perry Amendment #27: Expressing the sense of Congress on providing funding for the United Nations Framework Convention on Climate Change. Not adopted, 26–20.

Members voting NO (26)

Gregory W. Meeks, D–NY, Chair
 Brad Sherman, D–CA
 Gerald E. Connolly, D–VA
 Theodore E. Deutch, D–FL
 Karen Bass, D–CA
 William R. Keating, D–MA
 David N. Cicilline, D–RI
 Ami Bera, D–CA
 Joaquin Castro, D–TX
 Dina Titus, D–NV
 Ted Lieu, D–CA
 Susan Wild, D–PA
 Dean Phillips, D–MN
 Ilhan Omar, D–MN
 Colin Allred, D–TX
 Andy Levin, D–MI
 Abigail Spanberger, D–VA
 Chrissy Houlahan, D–PA
 Tom Malinowski, D–NJ

Andy Kim, D–NJ
 Sara Jacobs, D–CA
 Kathy Manning, D–NC
 Jim Costa, D–CA
 Vicente González, D–TX
 Brad Schneider, D–IL
 Brian Fitzpatrick, R–PA

Members voting AYE (20)

Michael T. McCaul, R–TX
Chris Smith, R–NJ
Steve Chabot, R–OH
Joe Wilson, R–SC
Scott Perry, R–PA
Darrell Issa, R–CA
Adam Kinzinger, R–IL
Ann Wagner, R–MO
Brian Mast, R–FL
Tim Burchett, R–TN
Mark Green, R–TN
Andy Barr, R–KY
Dan Meuser, R–PA
Claudia Tenney, R–NY
August Pfluger, R–TX
Nicole Malliotakis, R–NY
Peter Meijer, R–MI
Ronny Jackson, R–TX
Young Kim, R–CA
Maria Elvira Salazar, R–FL

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

In compliance with clause 3(c)(2) of House Rule XIII and the Unfunded Mandates Reform Act (P.L. 104–4), the committee adopts as its own the estimate of new budget authority, entitlement authority, tax expenditure or revenues, and Federal mandates contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 26, 2021.

Hon. GREGORY MEEKS,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1157, the Department of State Authorization Act of 2021.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

| At a Glance | | | |
|--|------|-------------------------------------|---------------|
| H.R. 1157, Department of State Authorization Act of 2021 | | | |
| As ordered reported by the House Committee on Foreign Affairs on February 25, 2021 | | | |
| By Fiscal Year, Millions of Dollars | 2021 | 2021-2026 | 2021-2031 |
| Direct Spending (Outlays) | * | * | * |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | * | * | * |
| Spending Subject to Appropriation (Outlays) | 0 | 10,880 | not estimated |
| Statutory pay-as-you-go procedures apply? | Yes | Mandate Effects | |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | No |
| * = between -\$500,000 and \$500,000. | | | |

The bill would

- Specifically authorize appropriations of \$11.1 billion in 2022 for some Department of State operations
- Make several changes to operations of the Department of State and other federal agencies

Estimated budgetary effects would mainly stem from

- Authorizing appropriations for Department of State operations

Areas of significant uncertainty include

- Anticipating how federal agencies would implement provisions authorizing additional leave for federal employees

Bill summary: H.R. 1157 would authorize appropriations of \$11.1 billion in 2022 and would make several changes to the operations of the Department of State and other federal agencies.

Estimated Federal cost: The estimated budgetary effect of H.R. 1157 is shown in Table 1. The costs of the legislation fall primarily within budget function 150 (international affairs).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 1157

| | By fiscal year, millions of dollars— | | | | | | |
|--|--------------------------------------|--------|-------|-------|------|------|-----------|
| | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021–2026 |
| Increases in Spending Subject to Appropriation | | | | | | | |
| Estimated Authorization | 0 | 11,168 | 72 | 80 | 81 | 83 | 11,486 |
| Estimated Outlays | 0 | 5,777 | 2,579 | 1,417 | 699 | 406 | 10,880 |

Components may not sum to totals because of rounding.
a. In addition to the budgetary effects shown above, H.R. 1157 would have insignificant effects on direct spending over the 2021–2031 period.

Basis of estimate: CBO assumes that H.R. 1157 will be enacted near the start of fiscal year 2022 and that the authorized and estimated amounts will be appropriated each fiscal year.

Spending subject to appropriation: CBO estimates that implementing H.R. 1157 would cost almost \$11 billion over the 2021–2026 period; such spending would be subject to the appropriation of the specified and estimated amounts (see Table 2).

TABLE 2.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 1157

| | By fiscal year, millions of dollars— | | | | | | |
|---|--------------------------------------|--------|-------|-------|------|------|-----------|
| | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021–2026 |
| Diplomatic Programs | | | | | | | |
| Authorization | 0 | 9,170 | 0 | 0 | 0 | 0 | 9,170 |
| Estimated Outlays | 0 | 5,210 | 2,195 | 1,024 | 373 | 152 | 8,954 |
| U.S. Embassies | | | | | | | |
| Estimated Authorization | 0 | 1,950 | * | * | * | * | 1,952 |
| Estimated Outlays | 0 | 521 | 313 | 313 | 245 | 171 | 1,565 |
| Leave for Federal Employees | | | | | | | |
| Estimated Authorization | 0 | 19 | 38 | 40 | 41 | 42 | 180 |
| Estimated Outlays | 0 | 18 | 37 | 40 | 41 | 42 | 178 |
| Student Internships | | | | | | | |
| Estimated Authorization | 0 | 10 | 15 | 21 | 21 | 22 | 89 |
| Estimated Outlays | 0 | 10 | 15 | 21 | 21 | 22 | 89 |
| Pay Incentives for Foreign Service | | | | | | | |
| Estimated Authorization | 0 | 12 | 12 | 12 | 12 | 12 | 60 |
| Estimated Outlays | 0 | 11 | 12 | 12 | 12 | 12 | 59 |
| Public Corruption Overseas | | | | | | | |
| Estimated Authorization | 0 | 3 | 3 | 3 | 3 | 3 | 15 |
| Estimated Outlays | 0 | 3 | 3 | 3 | 3 | 3 | 15 |
| Public Diplomacy | | | | | | | |
| Estimated Authorization | 0 | 1 | 1 | 1 | 1 | 1 | 5 |
| Estimated Outlays | 0 | 1 | 1 | 1 | 1 | 1 | 5 |
| Miscellaneous Provisions | | | | | | | |
| Estimated Authorization | 0 | 3 | 3 | 3 | 3 | 3 | 15 |
| Estimated Outlays | 0 | 3 | 3 | 3 | 3 | 3 | 15 |
| Total Changes | | | | | | | |
| Estimated Authorization | 0 | 11,168 | 72 | 80 | 81 | 83 | 11,486 |
| Estimated Outlays | 0 | 5,777 | 2,579 | 1,417 | 699 | 406 | 10,880 |

Components may not sum to totals because of rounding; * = between zero and \$500,000.

Diplomatic Programs. Section 1001 would authorize appropriations of \$9.2 billion in 2022 for the Diplomatic Programs account of the Department of State. On the basis of historical spending patterns for those programs, CBO estimates that outlays would increase by \$9 billion over the 2021–2026 period, subject to the appropriation of the specified amount.

U.S. Embassies. Title II would authorize appropriations of almost \$2 billion in 2022 for the construction, maintenance, and security of U.S. embassies and other overseas facilities. Using data on historical spending patterns for those programs, CBO estimates that

outlays would increase by \$1.6 billion over the 2021–2026 period, subject to the appropriation of the specified amount.

In addition, the bill would alter several administrative processes affecting those facilities and require the department to provide additional documentation or reports to the Congress on several topics. On the basis of information from the department about how those provisions would affect its current practices, CBO estimates that implementing those changes would cost less than \$500,000 each year and total \$2 million over the 2021–2026 period.

Leave for Federal Employees. Section 1321 would allow federal agencies to provide additional leave for employees working in designated foreign areas. CBO estimates that implementing the section would cost almost \$360 million between 2021 and 2026.

Under the section, agencies could grant up to 10 days of leave to recognize local holidays or to reduce security risks to agency operations. Agencies could also grant employees up to 20 days of leave for rest and recuperation if they serve in combat zones or other areas with high levels of political violence or terrorism. CBO assumes that section 1321 would take effect halfway through fiscal year 2022 and that the costs would increase each year because of anticipated inflation.

CBO estimates that the additional holiday leave provided to employees working abroad would cost about \$283 million over the 2021–2026 period, with annual costs growing from \$29 million in 2022 to \$67 million in 2026. According to the Department of Defense (DoD), the Department of State, and the Office of Personnel Management (OPM), approximately 50,000 federal employees are working abroad at a daily cost of \$490 per employee, on average. Using information from those agencies, CBO estimates that roughly 25 percent of those employees would receive the additional leave. If agencies provided that leave to a larger proportion of employees, the costs associated with providing holiday leave would be greater.

CBO also estimates that the additional leave for rest and recuperation would cost \$73 million over the next five years, with annual costs rising from \$8 million in 2022 to \$17 million in 2026. Using information from DoD and OPM, CBO estimates that about 1,500 employees in combat zones would be granted an average of 15 additional days of leave each year. Furthermore, according to the Department of State, about 400 of its employees would receive an additional 20 days of leave each year.

Currently, agencies may provide administrative leave for holidays and rest and recuperation, but the Administrative Leave Act of 2016 generally limits such leave to 10 days each year. Because final regulations implementing that law have not been issued, that limitation has not yet gone into effect. On July 13, 2017, OPM published a notice of proposed rulemaking to limit the amount of administrative leave agencies may use as stipulated in the Administrative Leave Act of 2016. CBO's baseline reflects the assumption that there is a 50 percent probability that the rule will be finalized and take effect, thus reducing the amount of administrative leave that can be provided under current law. The costs shown in Table 2 equal 50 percent of the estimated \$356 million cost of implementing the act's policies because of the possibility that leave will not be reduced under current law. If the rule is not finalized, federal agencies could offer the amount of leave that would be author-

ized by section 1321 under current law. In that case, the provision would not affect the federal budget. (The cost of additional leave in 2022 for Department of State employees could be paid from funds appropriated pursuant to the specified authorization for Diplomatic Programs in section 1001. In that case, the estimated costs for 2022 shown in Table 2 would be \$6 million instead of \$18 million.)

Student Internships. Section 1323 would require the Department of State to pay its interns for their work and to cover housing and travel expenses for those who relocate for the period of their internship. The bill would allow the department two years to implement those changes. The department indicated that it has between 1,200 and 1,400 interns each year and that the full cost of paying those interns would total about \$20 million annually. It plans to begin offering some paid internships in 2021 at a cost of \$3 million, and CBO expects it will fully implement all changes by 2024. CBO estimates that implementing this provision would cost about \$90 million over the 2021–2026 period.

Pay Incentives for Foreign Service. Section 1315 would authorize federal agencies to pay recruitment, relocation, and retention bonuses to Foreign Service Officers (FSOs) for service in Iraq, Afghanistan, and Pakistan. For the past several years, that authority has been provided in annual appropriation acts. The majority of FSOs are employed by the Department of State and the U.S. Agency for International Development (USAID); the rest are employed by other federal agencies that operate in foreign countries, such as the Department of Commerce. The Department of State indicated it spent almost \$10 million on such incentives in 2020; CBO estimates it would continue to spend that amount under the bill and that USAID and other federal agencies would spend an additional \$2 million each year. In total, CBO estimates that implementing this provision would cost almost \$60 million over the 2021–2026 period. (The cost of incentives in 2022 for Department of State employees could be paid from funds appropriated pursuant to the specified authorization for Diplomatic Programs in section 1001. In that case, the estimated costs for 2022 shown in Table 2 would be \$2 million instead of \$11 million.)

Public Corruption Overseas. Title VII would require the department to designate and train its staff to reduce corruption involving public officials of foreign countries. It also would require the department to provide to the Congress a detailed assessment of each country's efforts to deter, investigate, and punish such corruption. The department would use that information to reduce the misuse of U.S. foreign assistance in the most corrupt countries. Finally, the department would coordinate the federal government's efforts to promote good governance and reduce corruption overseas.

On the basis of information from the department, CBO expects that implementing those provisions would require the department to hire nine additional full-time employees in Washington, D.C., at an average annual cost of about \$240,000 each. CBO estimates that paying the salaries of those employees, providing training for agency personnel, and satisfying the reporting requirements would cost about \$3 million each year and \$15 million over the 2021–2026 period.

Public Diplomacy. Title VI would permanently reauthorize the U.S. Advisory Commission for Public Diplomacy. On the basis of in-

formation from the commission, CBO estimates that implementing that provision would cost about \$500,000 each year.

Title VI also would require the department to appoint a director, without increasing its overall number of employees, to examine and evaluate its public-diplomacy programs and to report to the Congress on the results. The director also would be required to provide additional guidance and training to public-diplomacy officers based on the results of that evaluation. Finally, it would require the department to consider consolidating the support functions of its bureaus. The department is in the process of meeting most of those requirements; thus, CBO estimates that implementing those provisions would cost less than \$500,000 each year.

In total, CBO estimates that implementing the public diplomacy provisions in title VI would cost \$5 million over the 2021–2026 period.

Miscellaneous Provisions. Other provisions in H.R. 1157, including several reporting requirements, would increase the department's administrative costs. CBO estimates that implementing each of them would cost less than \$500,000 annually and \$15 million in total over the 2021–2026 period. Some of those provisions would require or authorize the department to:

- Provide grants to fellowship programs for science and technology;
- Develop and implement programs to improve its cybersecurity, including a pilot program to reward hackers who discover vulnerabilities in systems that can be accessed through the Internet;
- Gather and analyze data on various aspects of its workforce;
- Provide training to department personnel to reduce harassment and discrimination;
- Offer the oral Foreign Service examination in more locations; and
- Provide more flexible leave arrangements for employees posted overseas who are separated from their families.

Direct spending: Two provisions in H.R. 1157 each would affect direct spending by insignificant amounts, CBO estimates.

Section 1012 would permanently authorize the Fishermen's Protection Fund and allow payments from the fund for losses that occurred before the date of enactment of H.R. 1157. That fund reimburses U.S. fishermen for financial losses they incur if their vessels are seized by a foreign nation. Owners of fishing vessels pay fees sufficient to cover the expected cost of those payments. No payments have been made from the fund in recent years.

Section 1322 would authorize the department to provide emergency medical care to private individuals in exigent circumstances and to seek reimbursement from those people for the cost of such care.

Pay-as-you-go considerations: CBO estimates that enacting H.R. 1157 would have insignificant effects on direct spending over the 2021–2031 period and would not affect revenues.

Increase in long-term deficits: None.

Mandates: None.

Estimate prepared by: Federal costs: Sunita D'Monte (Department of State), Dawn Sauter Regan and Dan Ready (Leave for Federal Employees); Mandates: Brandon Lever.

Estimate reviewed by: David Newman, Chief, Defense, International Affairs, and Veterans' Affairs Cost Estimates Unit; Leo Lex, Deputy Director of Budget Analysis; Theresa Gullo, Director of Budget Analysis.

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. 1157 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 workforce, information security, conducting public diplomacy, countering public corruption, and other items.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 1157 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. 1157 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

H.R. 1157 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 1001. Diplomatic Programs. Authorizes \$9,170,013,000 for Diplomatic Programs for Fiscal Year 2022.

Section 1002. Sense of Congress on Importance of 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 1003. 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 1004. 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 1005. 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 1006. 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 1007. Anti-Piracy Information Sharing. Improves the ability of the United States to share and receive information to combat piracy and armed robbery against ships by authorizing continued U.S. participation in the anti-Piracy Information Center in Singapore.

Section 1008. 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. Requires the Secretary of State to submit to Congress a strategy to establish a "training float" to allow for up to 15% of the Foreign Service to participate in long-term training at any given time.

Section 1009. 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 1010. Energy Diplomacy and Security within the Department of State. 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 1011. The National Museum of American Diplomacy. 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 1012. Extension of period for reimbursement of 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 United States.

Section 1013. Art in embassies. Requires consultation with and notification to Congress prior to purchase of any individual piece of art in excess of \$25,000 for the next two years and mandates a one-time report on prior costs of the Art in Embassies program for FY2012 through FY2020.

Section 1014. Amendment or repeal of reporting requirements. Eliminates or reduces and revises reporting requirements no longer relevant for Congress and the Department.

Section 1015. Reporting on Implementation of GAO Recommendations. Requires the State Department to report on and justify unimplemented GAO recommendations.

Section 1016. 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 atrocities.

TITLE II—EMBASSY CONSTRUCTION

Section 1201. Embassy Security, Construction, and Maintenance. Authorizes \$1,950,449,000 for Embassy Security, Construction, and Maintenance for Fiscal Year 2022.

Section 1202. Standard Design 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 1203. Capital Construction Transparency. Requires the State Department to report to Congress biannually instead of annually on all ongoing capital construction projects, including information on budget, schedule, and contractor claims for the next four years.

Section 1204. 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 1205. 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% growth for all projects).

Section 1206. 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 six years.

Section 1207. 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 1208. 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 cumulatively over three years.

Section 1209. Embassy Security Requests and Deficiencies. Requires the State Department to make available to Congress information on security deficiencies at posts abroad.

Section 1210. 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. 1211. 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. 1212. 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. 1213. 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. 1214. Definitions. Defines “design-build” and “non-standard design.”

TITLE III—PERSONNEL ISSUES

Section 1301. 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 1302. 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 1303. 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 authority would facilitate recruitment and coverage of travel and other appropriate expenses of fellows.

Section 1304. 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 1305. 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 1306. Sense of Congress Regarding Certain Fellowship Programs. States the sense of Congress on the importance of De-

partment fellowship programs that promote the employment of candidates belonging to under-represented groups.

Section 1307. Technical Correction. Clarifies that certain prerequisites for promotion into the Senior Foreign Service as carried in the Department of State Authorities Act for FY2017 (P.L. 114–323) only apply to Foreign Service Officer generalists (and not specialists).

Section 1308. Foreign Service Awards. Amends the Foreign Service Act of 1980 to clarify that members of the Civil Service may be awarded Department Awards.

Section 1309. Workforce Actions. 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 1310. 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 1311. 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 1312. 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 five 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 civil service employees eligible for reinstatement may apply.

Section 1313. Strategic Staffing Plan for the Department. Requires the Secretary to develop a comprehensive five-year strategic staffing plan for the Department that is aligned with the objectives of the National Security Strategy, including data on current and projected workforce 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 1314. 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 1315. Incentives for critical posts. Makes the permissive authority for incentive payments to hardship posts permanent.

Section 1316. Extension of Authority for Certain Accountability Review Boards. The waiver of a requirement for an “Accountability Review Board” for incidents involving serious injury or significant destruction of property at U.S. missions is extended for Afghanistan, Syria, and Yemen until September 30, 2022.

Section 1317. 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 1318. Foreign Affairs Manual and Foreign Affairs Handbook changes. Clarifies that the Foreign Affairs Manual and Foreign Affairs Handbook apply to all Department of State personnel with equal force and requires that the Department certify to Congress that it has communicated this fact to all Department personnel within 30 days. Requires quarterly reports to Congress on changes made to the Foreign Affairs Manual or the Foreign Affairs handbook; the requirement sunsets in five years.

Section 1319. 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 1320. Appointment of employees to the Global Engagement Center. Authorizes non-competitive temporary appointment for three years, with a two-year extension, of staff for the Global Engagement Center.

Section 1321. 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.

Section 1322. Emergency medical services authority. Amends the State Department Basic Authorities Act of 1956 to extend emergency medical services or related support for private United States citizens, nationals, and permanent resident aliens abroad or third country nationals connected to such persons or to the diplomatic or development missions of the United States who are unable to obtain such services or support otherwise.

Section 1323. Department of State Internship Program. Creates the Department of State Student Internship Program, a paid internship program open to students enrolled not less than half-time in a U.S. institution of higher education and certain institutions of higher education outside the United States who are able to receive and hold an appropriate security clearance.

Section 1324. Competitive status for certain employees hired by Inspectors General to support the lead IG mission. Amends subparagraph (A) of section 8L(d)(5)(A) of the Inspector General Act of 1978 to extend competitive hiring status to individuals hired by any of the Inspectors General for the Department of Defense, Department of State, or United States Agency for International Development.

Section 1325. Cooperation with the Office of the Inspector General. Requires the Department of State to make explicit in writing to all employees that any personnel who fail to comply with requests for interview or access to documents from the Office of the

Inspector General may be subject to administrative discipline. Requires a report to Congress not later than 180 days after the enactment of the Act and quarterly thereafter on non-compliance with Inspector General requests.

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

Section 1401. Definitions. Defines relevant terms that appear throughout this title.

Section 1402. Collection, Analysis, and Dissemination of Workforce Data. Requires the State Department to report on demographic data related to its workforce and diversity efforts—including enforcing anti-harassment and anti-discrimination policies, preventing unlawful discrimination or retaliation, providing reasonable accommodation, and recruiting a diverse workforce—in a substantial first report and annual updates for five years.

Section 1403. Exit interviews for workforce. 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 1404. Recruitment and retention. Encourages the State Department to recruit a diverse workforce 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 1405. Promoting diversity and inclusion in the national security workforce. Outlines guidelines for the Department to increase diversity through the hiring and promotion process, including through best efforts to consider at least one individual reflective of diversity in filling senior Department roles, and requires a report to Congress on the Department's plan to make appointments described in this section transparent, competitive, equitable and inclusive.

Section 1406. 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 1407. 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 workforce to participate in a Senior Executive Service candidate development program or similar programs.

Section 1408. 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 1409. 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 1410. Voluntary Participation. Clarifies that all the data collected under Title 4 is voluntary and subject to relevant privacy protections.

TITLE V—INFORMATION SECURITY

Section 1501. Definitions. Defines relevant terms that appear throughout this title.

Section 1502. List of 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 five 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.

Section 1503. 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 1504. Foreign Relations of the United States (FRUS) series and declassification. Lowers the time frame to automatically declassify Department historical records.

Section 1505. 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 1601. Short title.

Section 1602. 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 1603. 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 evalua-

tion. 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 1604. Permanent reauthorization of the United States Advisory Commission on Public Diplomacy.

Section 1605. 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 1606. 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 1607. Definitions.

TITLE VII—COMBATING PUBLIC CORRUPTION

Section 1701. 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 1702. Annual Assessment. Requires the Secretary for each of the fiscal years 2022 through 2027 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 1703. 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 1704. 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 pursuant to Section 1702. Points of contact shall be responsible for coordinating and overseeing a whole-of-government approach to combatting public corruption in their posted countries.

TITLE VIII—OTHER MATTERS

Section 1801. 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 expeditiously, and requires transmission to Congress within 30 days of signing.

Section 1802. 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 1803. 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 1804. Modification of authorities of Commission for the Preservation 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.

Section 1805. Chief of mission concurrence. Strengthens consultation between chiefs of mission and relevant individuals at U.S. diplomatic missions or other elements of the Department of State regarding chief of mission concurrence.

Section 1806. Report on efforts of the Coronavirus Repatriation Task Force. Requires a report to Congress evaluating the efforts of the Department’s Coronavirus Repatriation Task Force identifying impediments to repatriation, lessons learned from such repatriations, and any changes planned to future repatriation efforts to incorporate lessons learned.

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 im-

plementation 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 unless otherwise provided by law.*

(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 relat-

ing 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) *LOCAL OVERSIGHT.—United States missions, when executing DRL programming, 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 of State and other United States Government agencies, all forms of transnational organized crime, including human trafficking, illicit trafficking in 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.*

(D) *RULE OF CONSTRUCTION.—Nothing in this paragraph may 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.*

(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.*—If the Department establishes an Assistant Secretary of State for Energy Resources in accordance with the authorization provided in subparagraph (A), the Secretary of State shall ensure 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;*

(v) *coordinating with the Office of Sanctions Coordination on economic sanctions pertaining to the international energy sector; and*

(vi) *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; and*

(VII) *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) Assistant secretary for economic and business matters.—

(A) IN GENERAL.—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 who shall be responsible to the Secretary of State for matters pertaining to international economics and business matters in the conduct of foreign policy.

(B) MATTERS CONTEMPLATED.—The matters referred to in subparagraph (A) include the following:

- (i) International trade and investment policy.
- (ii) International finance, economic development, and debt policy.
- (iii) Economic sanctions and combating terrorist financing.
- (iv) International transportation policy.
- (v) Support for United States businesses.
- (vi) Economic policy analysis and private sector outreach.
- (vii) International data privacy and innovation policies.
- (viii) Such other related duties as the Secretary may from time to time designate.

(C) COORDINATION.—The Assistant Secretary authorized under subparagraph (A) shall coordinate with the Office of Sanctions Coordination established under subsection (h) with respect to the development and implementation of economic sanctions.

[(4)] (6) 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 De-

partment 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 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 Develop-

ment 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 com-

plementary 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.

[(h)] (j) OFFICE OF SANCTIONS COORDINATION.—

(1) IN GENERAL.—There is established, within the Department of State, an Office of Sanctions Coordination (in this subsection referred to as the “Office”).

(2) HEAD.—The head of the Office shall—

(A) have the rank and status of ambassador;

(B) be appointed by the President, by and with the advice and consent of the Senate; and

(C) report directly to the Secretary of State.

(3) DUTIES.—The head of the Office shall—

(A) exercise sanctions authorities delegated to the Secretary;

(B) serve as the principal advisor to the senior management of the Department and the Secretary regarding the development and implementation of sanctions policy;

(C) serve as the lead representative of the United States in diplomatic engagement on sanctions matters;

(D) consult and closely coordinate with allies and partners of the United States, including the United Kingdom, the European Union and member countries of the European Union, Canada, Australia, New Zealand, Japan, and South Korea, to ensure the maximum effectiveness of sanctions imposed by the United States and such allies and partners;

(E) serve as the coordinator for the development and implementation of sanctions policy with respect to all activities, policies, and programs of all bureaus and offices of the Department relating to the development and implementation of sanctions policy; and

(F) serve as the lead representative of the Department in interagency discussions with respect to the development and implementation of sanctions policy.

(4) DIRECT HIRE AUTHORITY.—

(A) IN GENERAL.—The head of the Office may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service, as defined in section 2102 of that title, in the Office.

(B) TERMINATION.—The authority provided under subparagraph (A) shall terminate on the date that is two years after the date of the enactment of this subsection.

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SEC. 3. The Secretary of State is authorized to—

(a) obtain insurance on official motor vehicles operated by the Department of State in foreign countries, and pay the expenses incident thereto;

(b) rent tie lines and teletype equipment;

(c) provide ice and drinking water for United States Embassies and Consulates abroad;

(d) pay excise taxes on negotiable instruments which are negotiated by the Department of State abroad;

(e) pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in international educational exchange activities under the jurisdiction of the Department of State;

(f) pay expenses incident to the relief, protection, and burial of American seamen, and alien seamen from United States vessels in foreign countries and in the United States, Territories and possessions;

(g) pay the expenses incurred in the acknowledgment of the services of officers and crews of foreign vessels and aircraft in rescuing American seamen, airmen, or citizens from shipwreck or other catastrophe abroad or at sea;

(h) rent or lease, for periods of less than ten years, such offices, buildings, grounds, and living quarters for the use of the Foreign

Service abroad as he may deem necessary, and make payments therefor in advance;

(i) maintain, improve, and repair properties rented or leased pursuant to authority contained in subsection (h) of this section and furnish fuel, water, and utilities for such properties;

(j) provide emergency medical attention and dietary supplements, and other emergency assistance, for United States citizens incarcerated abroad or destitute United States citizens abroad who are unable to obtain such services otherwise, such assistance to be provided on a reimbursable basis to the extent feasible;

(k) subject to the availability of appropriated funds, obtain insurance on the historic and artistic articles of furniture, fixtures, and decorative objects which may from time-to-time be within the responsibility of the Fine Arts Committee of the Department of State for the Diplomatic Rooms of the Department;

(l) make payments in advance, of the United States share of necessary expenses for international fisheries commissions, from appropriations available for such purpose; [and]

(m) establish, maintain, and operate passport and dispatch agencies[.]; and

(n) *in exigent circumstances, as determined by the Secretary, provide emergency medical services or related support for private United States citizens, nationals, and permanent resident aliens abroad, or third country nationals connected to such persons or to the diplomatic or development missions of the United States abroad, who are unable to obtain such services or support otherwise, with such assistance provided on a reimbursable basis to the extent feasible.*

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SEC. 64. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.

(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 National Museum of American 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 the National Museum for American Diplomacy. Any such revenues may be retained as a recovery of the costs of operating the museum.*

(b) **DISPOSITION OF NATIONAL MUSEUM OF AMERICAN DIPLOMACY 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 National Museum of American 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 National Museum of American Diplomacy and may not be used for any purpose other than the acquisition and direct care of the collections of the museum.

(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 National Museum of American Diplomacy as set forth in the collections management policy of the museum;

(B) the sale, trade, or transfer of such document, artifact, or other article would serve to maintain the standards of the collection of the museum; 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 National Museum of American 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

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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 accord-

ance 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) An assessment conducted by the Secretary of State, in consultation with the Secretary of the Treasury and the Director of National Intelligence, of the extent to which any diplomatic efforts described in section 7217(a) of the Fentanyl Sanctions Act have been successful.

(B) Each assessment required by subparagraph (A) shall include an identification of—

(i) the countries the governments of which have agreed to undertake measures to apply economic or other financial sanctions to foreign traffickers of illicit opioids and a description of those measures; and

(ii) the countries the governments of which have not agreed to measures described in clause (i), and, with respect to those countries, other measures the Secretary of State recommends that the United States take to apply economic and other financial sanctions to foreign traffickers of illicit opioids.

(10) *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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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 sentence, 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 con-

trolled 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 inter national 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 assist-

ance 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 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.

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FOREIGN SERVICE ACT OF 1980

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SEC. 2. TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title.

* * * * *

[Sec. 614. Foreign Service awards.]
Sec. 614. Department awards.

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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.

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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.

(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, who were separated for other than cause for up to five years prior to the date*

of the enactment of this sentence, shall not be required to accept a directed first assignment as a condition of reappointment.

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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.

(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 opportu-

nities 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 ap-

pointment 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. 603. BASIS FOR SELECTION BOARD REVIEW.—(a) Recommendations and rankings by selection boards shall be based upon records of the character, ability, conduct, quality of work, industry, experience, dependability, usefulness, and general performance of members of the Service. Such records may include reports prepared by or on behalf of the Inspector General of the Department of State and the Foreign Service, performance evaluation reports of supervisors, records of commendations, reports of language test scores from the Foreign Service Institute, awards, reprimands, and other disciplinary actions, and (with respect to members of the Senior Foreign Service) records of current and prospective assignments.

(b) Precepts for selection boards shall include a description of the needs of the Service for performance requirements, skills, and qualities, which are to be considered in recommendations for pro-

motion. The precepts for selection boards responsible for recommending promotions into and within the Senior Foreign Service shall emphasize performance which demonstrates the strong policy formulation capabilities, executive leadership qualities, and highly developed functional and area expertise, which are required for the Senior Foreign Service. The precepts for selection boards shall include, whether the member of the Service or the member of the Senior Foreign Service, as the case may be, has demonstrated—

(1) a willingness and ability to explain United States policies in person and through the media when occupying positions for which such willingness and ability is, to any degree, an element of the member's duties, or

(2) other experience in public diplomacy.

(c)(1) A member of the Service or member of the Senior Foreign Service whose performance will be evaluated by a selection board may submit to such selection board a gap memo in advance of such evaluation.

(2) Members of a selection board may not consider as negative the submission of a gap memo by a member described in paragraph (1) when evaluating the performance of such member.

(3) In this subsection, the term "gap memo" means a written record, submitted to a selection board in a standard format established by the Director General of the Foreign Service, which indicates and explains a gap in the record of a member of the Service or member of the Senior Foreign Service whose performance will be evaluated by such selection board, which gap is due to personal circumstances, including for health, family, or other reason as determined by the Director General in consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

* * * * *

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 established, 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 pro-

vided 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:] (7)

[(A) The term] *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 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, one 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.

* * * * *

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 a member of the Service has official orders to an unaccompanied post and in which the family members of the member reside apart from the member at authorized locations outside the United States, 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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FISHERMEN'S PROTECTIVE ACT OF 1967

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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 PRO- GRAMS 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 like-minded countries, a comprehensive, multilateral strategy to—*

(1) *assist Burma in addressing corrosive malign influence of the People's Republic of China; and*

(2) *support democratic, constitutional, economic, and security sector reforms in Burma designed to—*

(A) *advance democratic development and improve human rights practices and the quality of life; and*

(B) *promote 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.

ACT OF FEBRUARY 16, 1990

(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

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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 free-

dom 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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ACT OF OCTOBER 17, 1980

(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

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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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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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ACT OF JUNE 3, 1976

(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 Secretary of State shall submit to the Commission an annual report discussing the overall United States policy objectives that are advanced through meetings of decision-making bodies of the Organization for Security and Cooperation in Europe (OSCE), the OSCE implementation review process, and other activities of the OSCE. The report shall also include a summary of specific United States policy objectives with respect to participating states where there is particular concern relating to the implementation of

OSCE commitments or where an OSCE presence exists. Such summary shall address the role played by OSCE institutions, mechanisms, or field activities in achieving United States policy objectives. Each annual report shall cover the period from January 1 to December 31, shall be submitted not more than 90 days after the end of the reporting period, and shall be posted on the Internet website of the Department of State.】

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**INTERNATIONAL SECURITY AND
DEVELOPMENT COOPERATION ACT OF 1985**

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**TITLE V—INTERNATIONAL TERRORISM AND
FOREIGN AIRPORT SECURITY**

**PART A—INTERNATIONAL TERRORISM AND FOREIGN
AIRPORT SECURITY**

* * * * *

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) 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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**DEPARTMENT OF STATE AUTHORITIES ACT,
FISCAL YEAR 2017**

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Department of State Authorities Act, Fiscal Year 2017”.

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

Sec. 1. Short title; Table of contents.

* * * * *

Sec. 117. Assignment of personnel at high risk, high threat posts.

[Sec. 118. Annual report on embassy construction costs.]

Sec. 118. Biannual report on overseas capital construction projects.

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TITLE I—EMBASSY SECURITY AND PERSONNEL PROTECTION

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Subtitle B—Physical Security and Personnel Requirements

* * * * *

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 of State 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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TITLE IV—PERSONNEL AND ORGANIZATIONAL ISSUES

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SEC. 414. EMPLOYEE ASSIGNMENT RESTRICTIONS.

(a) APPEAL OF ASSIGNMENT RESTRICTION.—The Secretary shall establish a right and process for employees to appeal any assignment restriction or preclusion. *Such right and process shall ensure that 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) CERTIFICATION.—Upon full implementation of a right and process for employees to appeal an assignment restriction or preclusion under subsection (a), the Secretary shall submit to the appropriate congressional committee a report that—

- (1) certifies that such process has been fully implemented;
- (2) includes a detailed description of such process; and
- (3) details the number and nature of assignment restrictions and preclusions for the previous 3 years.

(c) NOTICE.—The Secretary shall—

- (1) publish in the Foreign Affairs Manual information relating to the right and process established pursuant to subsection (a); and

(2) include a reference to such publication in the report required under subsection (b).

(d) PROHIBITING DISCRIMINATION.—Paragraph (2) of section 502(a) of the Foreign Service Act of 1980 (22 U.S.C. 3982(a)) is amended—

- (1) by inserting “or prohibited from being assigned to” after “assigned to”; and
- (2) by striking “exclusively”.

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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, 2020, and ending on September 30, 2022*.

(B) REPORTING REQUIREMENTS.—In the case of an incident described in subparagraph (A), the Secretary shall—

(i) promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the incident;

(ii) conduct an inquiry of the incident; and

(iii) upon completion of the inquiry required by clause (ii), submit to each such Committee a report on the findings and recommendations related to such inquiry and the actions taken with respect to such recommendations.

(b) DEADLINES FOR CONVENING BOARDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of State shall convene a Board not later than 60 days after the occurrence of an incident described in subsection (a)(1), except that such 60-day period may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary for the convening of the Board.

(2) DELAY IN CASES INVOLVING INTELLIGENCE ACTIVITIES.—With respect to breaches of security involving intelligence activities, the Secretary of State may delay the establishment of a Board if, after consultation with the chairman of the Select Committee on Intelligence of the Senate and the chairman of the Permanent Select Committee on Intelligence of the House of Representatives, the Secretary determines that the establishment of a Board would compromise intelligence sources or methods. The Secretary shall promptly advise the chairmen of such committees of each determination pursuant to this paragraph to delay the establishment of a Board.

(c) NOTIFICATION TO CONGRESS.—Whenever the Secretary of State convenes a Board, the Secretary shall promptly inform the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives—

- (1) that a Board has been convened;
- (2) of the membership of the Board; and
- (3) of other appropriate information about the Board.

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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 I1 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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§ 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

Sec.

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 proce-

dures, 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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INSPECTOR GENERAL ACT OF 1978

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SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS CONTINGENCY OPERATIONS.

(a) **ADDITIONAL RESPONSIBILITIES OF CHAIR OF COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.**—The Chair of the Council of Inspectors General on Integrity and Efficiency (CIGIE) shall, in consultation with the members of the Council, have the additional responsibilities specified in subsection (b) with respect to the Inspectors General specified in subsection (c) upon the earlier of—

- (1) the commencement or designation of a military operation as an overseas contingency operation that exceeds 60 days; or
- (2) receipt of a notification under section 113(n) of title 10, United States Code, with respect to an overseas contingency operation.

(b) **SPECIFIC RESPONSIBILITIES.**—The responsibilities specified in this subsection are the following:

- (1) In consultation with the Inspectors General specified in subsection (c), to designate a lead Inspector General in accordance with subsection (d) to discharge the authorities of the lead Inspector General for the overseas contingency operation concerned as set forth in subsection (d).
- (2) To resolve conflicts of jurisdiction among the Inspectors General specified in subsection (c) on investigations, inspections, and audits with respect to such contingency operation in accordance with subsection (d)(2)(B).
- (3) To assist in identifying for the lead inspector general for such contingency operation, Inspectors General and inspector general office personnel available to assist the lead Inspector General and the other Inspectors General specified in subsection (c) on matters relating to such contingency operation.

(c) **INSPECTORS GENERAL.**—The Inspectors General specified in this subsection are the Inspectors General as follows:

- (1) The Inspector General of the Department of Defense.
- (2) The Inspector General of the Department of State.
- (3) The Inspector General of the United States Agency for International Development.

(d) **LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATION.**—(1) A lead Inspector General for an overseas contingency

operation shall be designated by the Chair of the Council of Inspectors General on Integrity and Efficiency under subsection (b)(1) not later than 30 days after the earlier of—

(A) the commencement or designation of the military operation concerned as an overseas contingency operation that exceeds 60 days; or

(B) receipt of a notification under section 113(n) of title 10, United States Code, with respect to an overseas contingency operation. The lead Inspector General for a contingency operation shall be designated from among the Inspectors General specified in subsection (c).

(2) The lead Inspector General for an overseas contingency operation shall have the following responsibilities:

(A) To appoint, from among the offices of the other Inspectors General specified in subsection (c), an Inspector General to act as associate Inspector General for the contingency operation who shall act in a coordinating role to assist the lead Inspector General in the discharge of responsibilities under this subsection.

(B) To develop and carry out, in coordination with the offices of the other Inspectors General specified in subsection (c), a joint strategic plan to conduct comprehensive oversight over all aspects of the contingency operation and to ensure through either joint or individual audits, inspections, and investigations, independent and effective oversight of all programs and operations of the Federal Government in support of the contingency operation.

(C) To review and ascertain the accuracy of information provided by Federal agencies relating to obligations and expenditures, costs of programs and projects, accountability of funds, and the award and execution of major contracts, grants, and agreements in support of the contingency operation.

(D)(i) If none of the Inspectors General specified in subsection (c) has principal jurisdiction over a matter with respect to the contingency operation, to identify and coordinate with the Inspector General who has principal jurisdiction over the matter to ensure effective oversight.

(ii) If more than one of the Inspectors General specified in subsection (c) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter.

(iii)(I) Upon written request by the Inspector General with principal jurisdiction over a matter with respect to the contingency operation, and with the approval of the lead Inspector General, an Inspector General specified in subsection (c) may provide investigative support or conduct an independent investigation of an allegation of criminal activity by any United States personnel, contractor, sub-contractor, grantee, or vendor in the applicable theater of operations.

(II) In the case of a determination by the lead Inspector General that no Inspector General has principal jurisdic-

tion over a matter with respect to the contingency operation, the lead Inspector General may—

(aa) conduct an independent investigation of an allegation described in subclause (I); or

(bb) request that an Inspector General specified in subsection (c) conduct such investigation.

(E) To employ, or authorize the employment by the other Inspectors General specified in subsection (c), on a temporary basis using the authorities in section 3161 of title 5, United States Code, (without regard to subsection (b)(2) of such section) such auditors, investigators, and other personnel as the lead Inspector General considers appropriate to assist the lead Inspector General and such other Inspectors General on matters relating to the contingency operation.

(F) To submit to Congress on a bi-annual basis, and to make available on an Internet website available to the public, a report on the activities of the lead Inspector General and the other Inspectors General specified in subsection (c) with respect to the contingency operation, including—

(i) the status and results of investigations, inspections, and audits and of referrals to the Department of Justice; and

(ii) overall plans for the review of the contingency operation by inspectors general, including plans for investigations, inspections, and audits.

(G) To submit to Congress on a quarterly basis, and to make available on an Internet website available to the public, a report on the contingency operation.

(H) To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (c) of duties relating to the contingency operation as the lead Inspector General shall specify.

(I) To enhance cooperation among Inspectors General and encourage comprehensive oversight of the contingency operation, any Inspector General responsible for conducting oversight of any program or operation performed in support of the contingency operation may, to the maximum extent practicable and consistent with the duties, responsibilities, policies, and procedures of such Inspector General—

(i) coordinate such oversight activities with the lead Inspector General; and

(ii) provide information requested by the lead Inspector General relating to the responsibilities of the lead Inspector General described in subparagraphs (B), (C), and (G).

(3)(A) The lead Inspector General for an overseas contingency operation may employ, or authorize the employment by the other Inspectors General specified in subsection (c) of, annuitants covered by section 9902(g) of title 5, United States Code, for purposes of assisting the lead Inspector General in

discharging responsibilities under this subsection with respect to the contingency operation.

(B) The employment of annuitants under this paragraph shall be subject to the provisions of section 9902(g) of title 5, United States Code, as if the lead Inspector General concerned was the Department of Defense.

(C)(i) An annuitant receiving an annuity under the Foreign Service Retirement and Disability System or the Foreign Service Pension System under chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) who is reemployed under this subsection—

(I) shall continue to receive the annuity; and

(II) shall not be considered a participant for purposes of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) or an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(ii) An annuitant described in clause (i) may elect in writing for the reemployment of the annuitant under this subsection to be subject to section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064). A reemployed annuitant shall make an election under this clause not later than 90 days after the date of the reemployment of the annuitant.

(4) The lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this Act generally and the authorities and requirements applicable to the Inspectors General specified in subsection (c) under this Act.

(5)(A) A person employed by **[a lead Inspector General for]** *any of the Inspectors General specified in subsection (c) for oversight of an overseas contingency operation* under this section shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications upon the completion of 2 years of continuous service as an employee under this section.

(B) No person who is first employed as described in subparagraph (A) more than 2 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 may acquire competitive status under subparagraph (A).

(e) SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.—The requirements and authorities of this section with respect to an overseas contingency operation shall cease at the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than \$100,000,000.

(f) CONSTRUCTION OF AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Inspectors General specified in subsection (c) to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of their oversight re-

sponsibilities in accordance with this Act with respect to overseas contingency operations.

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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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**SEC. 1002. ORGANIZATION OF DIVISION INTO SUBDIVISIONS; TABLE
OF CONTENTS.**

(a) DIVISIONS.—This division is organized into three subdivisions as follows:

(1) SUBDIVISION A.—Foreign Affairs Agencies Consolidation Act of 1998.

(2) SUBDIVISION B.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) SUBDIVISION C.—United Nations Reform Act of 1998.

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

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Sec. 1333. Application of certain laws.

[Sec. 1334. Abolition of United States Advisory Commission on Public Diplomacy.]

Sec. 1834. Continuation of United States Advisory Commission on Public Diplomacy.

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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, 2021]**.

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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 international 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]** 30 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 expeditiously 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.

(g) It is the sense of Congress that the executive branch should not prescribe or otherwise commit to or include specific legislative text in a treaty or executive agreement unless Congress has authorized such action.

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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 com-

mittees 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, relating 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.

* * * * *

§ 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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