

116TH CONGRESS
2D SESSION

S. 4026

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

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2020

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expanding Vital Amer-
5 ican Citizen Services Overseas (EVACS) Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

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

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

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

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

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

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

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

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

10 **SEC. 4. DEFINITIONS.**

11 In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (4) REIMBURSEMENT.—

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

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

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

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

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

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

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

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

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

1 (3) notify Congress of any additional monetary
2 or technical resources needed to carry out the ac-
3 tions described in this subsection.

4 **SEC. 7. PROTECTING RESPONDERS.**

5 Not later than 15 days after the date of the enact-
6 ment of this Act, the Secretary of State shall submit to
7 the appropriate congressional committees a report with a
8 comprehensive plan for COVID–19 infection risk mitiga-
9 tion procedures for all persons under chief of mission au-
10 thority at overseas posts, including an assessment of avail-
11 ability and adequacy of personal protective equipment at
12 United States embassies, consulates, and other diplomatic
13 missions.

14 **SEC. 8. PROGRESS REPORTS; YEARLY REMOTE ACS DRILLS**
15 **WORLDWIDE.**

16 (a) **COMPREHENSIVE PROGRESS REPORT.—**

17 (1) **IN GENERAL.—**Not later than 60 days after
18 the date of the enactment of this Act, and semiannu-
19 ally until the Global Health Advisory of Level 4: Do
20 Not Travel is rescinded by the Secretary of State,
21 the Secretary shall provide a comprehensive progress
22 report on the Bureau of Consular Affairs response
23 to the COVID–19 pandemic to the appropriate con-
24 gressional committees, including issues such as, but
25 not exclusively, assessment of consular system fail-

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

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

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

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

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

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

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

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

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

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

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

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

○