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1ST SESSION

H. R. 1157

IN THE SENATE OF THE UNITED STATES

MAY 19, 2021

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To provide for certain authorities of the Department of
State, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Determination of budgetary effects.

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.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs of
 4 the House of Representatives and the Committee on
 5 Foreign Relations of the Senate.

6 (2) DEPARTMENT.—If not otherwise specified,
 7 the term “Department” means the Department of
 8 State.
 9
 10

1 (3) SECRETARY.—If not otherwise specified, the
2 term “Secretary” means the Secretary of State.

3 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the House Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.

12 **TITLE I—ORGANIZATION AND**
13 **OPERATIONS OF THE DE-**
14 **PARTMENT OF STATE**

15 **SEC. 1001. DIPLOMATIC PROGRAMS.**

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

18 **SEC. 1002. SENSE OF CONGRESS ON IMPORTANCE OF DE-**

19 **PARTMENT OF STATE’S WORK.**

20 It is the sense of Congress that—

21 (1) United States global engagement is key to
22 a stable and prosperous world;

23 (2) United States leadership is indispensable in
24 light of the many complex and interconnected
25 threats facing the United States and the world;

1 (3) diplomacy and development are critical tools
2 of national power, and full deployment of these tools
3 is vital to United States national security;

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

9 (5) the United States Government must use all
10 of the instruments of national security and foreign
11 policy at its disposal to protect United States citi-
12 zens, promote United States interests and values,
13 and support global stability and prosperity;

14 (6) United States security and prosperity de-
15 pend on having partners and allies that share our in-
16 terests and values, and these partnerships are nur-
17 tured and our shared interests and values are pro-
18 moted through United States diplomatic engage-
19 ment, security cooperation, economic statecraft, and
20 assistance that helps further economic development,
21 good governance, including the rule of law and
22 democratic institutions, and the development of
23 shared responses to natural and humanitarian disas-
24 ters;

1 (7) as the United States Government agencies
2 primarily charged with conducting diplomacy and
3 development, the Department and the United States
4 Agency for International Development (USAID) re-
5 quire sustained and robust funding to carry out this
6 important work, which is essential to our ability to
7 project United States leadership and values and to
8 advance United States interests around the world;

9 (8) the work of the Department and USAID
10 makes the United States and the world safer and
11 more prosperous by alleviating global poverty and
12 hunger, fighting HIV/AIDS and other infectious dis-
13 eases, strengthening alliances, expanding educational
14 opportunities for women and girls, promoting good
15 governance and democracy, supporting anti-corrup-
16 tion efforts, driving economic development and
17 trade, preventing armed conflicts and humanitarian
18 crises, and creating American jobs and export oppor-
19 tunities;

20 (9) the Department and USAID are vital na-
21 tional security agencies, whose work is critical to the
22 projection of United States power and leadership
23 worldwide, and without which Americans would be
24 less safe, United States economic power would be di-

1 minished, and global stability and prosperity would
2 suffer;

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

6 (11) the contributions of personnel working at
7 the Department and USAID are extraordinarily val-
8 uable and allow the United States to maintain its
9 leadership around the world.

10 **SEC. 1003. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND**
11 **LABOR.**

12 Paragraph (2) of section 1(c) of the State Depart-
13 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a)
14 is amended—

15 (1) in subparagraph (A), by adding at the end
16 the following new sentence: “All special envoys, am-
17 bassadors, and coordinators located within the Bu-
18 reau of Democracy, Human Rights, and Labor shall
19 report directly to the Assistant Secretary unless oth-
20 erwise provided by law.”;

21 (2) in subparagraph (B)(ii)—

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

24 (B) by inserting before the period at the
25 end the following: “(commonly referred to as

1 the annual ‘Country Reports on Human Rights
2 Practices’); and

3 (3) by adding at the end the following new sub-
4 paragraphs:

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

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

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

15 “(iii) strengthen, empower, and pro-
16 tect civil society representatives, programs,
17 and organizations, and facilitate their abil-
18 ity to engage in dialogue with governments
19 and other civil society entities;

20 “(iv) work with regional bureaus to
21 ensure adequate personnel at diplomatic
22 posts are assigned responsibilities relating
23 to advancing democracy, human rights,
24 labor rights, women’s equal participation
25 in society, and the rule of law, with par-

1 particular attention paid to adequate oversight
2 and engagement on such issues by senior
3 officials at such posts;

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

7 “(I) defense articles and defense
8 services authorized under the Foreign
9 Assistance Act of 1961 (22 U.S.C.
10 2151 et seq.) or the Arms Export
11 Control Act (22 U.S.C. 2751 et seq.);
12 and

13 “(II) military items listed on the
14 ‘600 series’ of the Commerce Control
15 List contained in Supplement No. 1 to
16 part 774 of subtitle B of title 15,
17 Code of Federal Regulations;

18 “(vi) coordinate programs and activi-
19 ties that protect and advance the exercise
20 of human rights and internet freedom in
21 cyberspace; and

22 “(vii) implement other relevant poli-
23 cies and provisions of law.

24 “(D) LOCAL OVERSIGHT.—United States
25 missions, when executing DRL programming,

1 to the extent practicable, should assist in exer-
2 cising oversight authority and coordinate with
3 the Bureau of Democracy, Human Rights, and
4 Labor to ensure that funds are appropriately
5 used and comply with anti-corruption prac-
6 tices.”.

7 **SEC. 1004. ASSISTANT SECRETARY FOR INTERNATIONAL**
8 **NARCOTICS AND LAW ENFORCEMENT AF-**
9 **FAIRS.**

10 (a) IN GENERAL.—Section 1(c) of the State Depart-
11 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a(c))
12 is amended—

13 (1) by redesignating paragraphs (3) and (4) as
14 paragraphs (4) and (5), respectively; and

15 (2) by inserting after paragraph (2) the fol-
16 lowing new paragraph:

17 “(3) ASSISTANT SECRETARY FOR INTER-
18 NATIONAL NARCOTICS AND LAW ENFORCEMENT AF-
19 FAIRS.—

20 “(A) IN GENERAL.—There is authorized to
21 be in the Department of State an Assistant
22 Secretary for International Narcotics and Law
23 Enforcement Affairs, who shall be responsible
24 to the Secretary of State for all matters, pro-
25 grams, and related activities pertaining to inter-

1 national narcotics, anti-crime, and law enforce-
2 ment affairs in the conduct of foreign policy by
3 the Department, including, as appropriate, lead-
4 ing the coordination of programs carried out by
5 United States Government agencies abroad, and
6 such other related duties as the Secretary may
7 from time to time designate.

8 “(B) AREAS OF RESPONSIBILITY.—The
9 Assistant Secretary for International Narcotics
10 and Law Enforcement Affairs shall maintain
11 continuous observation and coordination of all
12 matters pertaining to international narcotics,
13 anti-crime, and law enforcement affairs in the
14 conduct of foreign policy, including programs
15 carried out by other United States Government
16 agencies when such programs pertain to the fol-
17 lowing matters:

18 “(i) Combating international narcotics
19 production and trafficking.

20 “(ii) Strengthening foreign justice sys-
21 tems, including judicial and prosecutorial
22 capacity, appeals systems, law enforcement
23 agencies, prison systems, and the sharing
24 of recovered assets.

1 “(iii) Training and equipping foreign
2 police, border control, other government of-
3 ficials, and other civilian law enforcement
4 authorities for anti-crime purposes, includ-
5 ing ensuring that no foreign security unit
6 or member of such unit shall receive such
7 assistance from the United States Govern-
8 ment absent appropriate vetting.

9 “(iv) Ensuring the inclusion of human
10 rights and women’s participation issues in
11 law enforcement programs, in consultation
12 with the Assistant Secretary for Democ-
13 racy, Human Rights, and Labor, and other
14 senior officials in regional and thematic
15 bureaus and offices.

16 “(v) Combating, in conjunction with
17 other relevant bureaus of the Department
18 of State and other United States Govern-
19 ment agencies, all forms of transnational
20 organized crime, including human traf-
21 ficking, illicit trafficking in arms, wildlife,
22 and cultural property, migrant smuggling,
23 corruption, money laundering, the illicit
24 smuggling of bulk cash, the licit use of fi-

1 nancial systems for malign purposes, and
2 other new and emerging forms of crime.

3 “(vi) Identifying and responding to
4 global corruption, including strengthening
5 the capacity of foreign government institu-
6 tions responsible for addressing financial
7 crimes and engaging with multilateral or-
8 ganizations responsible for monitoring and
9 supporting foreign governments’ anti-cor-
10 ruption efforts.

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

16 “(i) carry out timely and substantive
17 consultation with chiefs of mission and, as
18 appropriate, the heads of other United
19 States Government agencies to ensure ef-
20 fective coordination of all international
21 narcotics and law enforcement programs
22 carried out overseas by the Department
23 and such other agencies;

24 “(ii) coordinate with the Office of Na-
25 tional Drug Control Policy to ensure les-

1 sons learned from other United States
2 Government agencies are available to the
3 Bureau of International Narcotics and
4 Law Enforcement Affairs of the Depart-
5 ment;

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

11 “(iv) in coordination with the Sec-
12 retary of State, annually certify in writing
13 to the Committee on Foreign Affairs of the
14 House of Representatives and the Com-
15 mittee on Foreign Relations of the Senate
16 that United States law enforcement per-
17 sonnel posted abroad whose activities are
18 funded to any extent by the Bureau of
19 International Narcotics and Law Enforce-
20 ment Affairs are complying with section
21 207 of the Foreign Service Act of 1980
22 (22 U.S.C. 3927); and

23 “(v) carry out such other relevant du-
24 ties as the Secretary may assign.

1 “(D) RULE OF CONSTRUCTION.—Nothing
2 in this paragraph may be construed to limit or
3 impair the authority or responsibility of any
4 other Federal agency with respect to law en-
5 forcement, domestic security operations, or in-
6 telligence activities as defined in Executive
7 Order 12333.”.

8 (b) MODIFICATION OF ANNUAL INTERNATIONAL
9 NARCOTICS CONTROL STRATEGY REPORT.—Subsection
10 (a) of section 489 of the Foreign Assistance Act of 1961
11 (22 U.S.C. 2291h) is amended by inserting after para-
12 graph (9) the following new paragraph:

13 “(10) A separate section that contains an iden-
14 tification of all United States Government-supported
15 units funded by the Bureau of International Nar-
16 cotics and Law Enforcement Affairs and any Bu-
17 reau-funded operations by such units in which
18 United States law enforcement personnel have been
19 physically present.”.

20 **SEC. 1005. BUREAU OF CONSULAR AFFAIRS; BUREAU OF**
21 **POPULATION, REFUGEES, AND MIGRATION.**

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

24 (1) by redesignating subsection (g) and (h) as
25 subsections (i) and (j), respectively; and

1 (2) by inserting after subsection (f) the fol-
2 lowing new subsections:

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

7 “(h) BUREAU OF POPULATION, REFUGEES, AND MI-
8 GRATION.—There is in the Department of State the Bu-
9 reau of Population, Refugees, and Migration, which shall
10 be headed by the Assistant Secretary of State for Popu-
11 lation, Refugees, and Migration.”.

12 **SEC. 1006. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.**

13 (a) ESTABLISHMENT.—There should be established
14 in the Department of State an Office of International Dis-
15 ability Rights (referred to in this section as the “Office”).

16 (b) DUTIES.—The Office should—

17 (1) seek to ensure that all United States for-
18 eign operations are accessible to, and inclusive of,
19 persons with disabilities;

20 (2) promote the human rights and full partici-
21 pation in international development activities of all
22 persons with disabilities;

23 (3) promote disability inclusive practices and
24 the training of Department of State staff on solic-

1 iting quality programs that are fully inclusive of peo-
2 ple with disabilities;

3 (4) represent the United States in diplomatic
4 and multilateral fora on matters relevant to the
5 rights of persons with disabilities, and work to raise
6 the profile of disability across a broader range of or-
7 ganizations contributing to international develop-
8 ment efforts;

9 (5) conduct regular consultation with civil soci-
10 ety organizations working to advance international
11 disability rights and empower persons with disabil-
12 ities internationally;

13 (6) consult with other relevant offices at the
14 Department that are responsible for drafting annual
15 reports documenting progress on human rights, in-
16 cluding, wherever applicable, references to instances
17 of discrimination, prejudice, or abuses of persons
18 with disabilities;

19 (7) advise the Bureau of Human Resources or
20 its equivalent within the Department regarding the
21 hiring and recruitment and overseas practices of civil
22 service employees and Foreign Service officers with
23 disabilities and their family members with chronic
24 medical conditions or disabilities; and

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

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

4 (1) a senior advisor to the appropriate Assist-
5 ant Secretary of State; or

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

10 (d) CONSULTATION.—The Secretary of State should
11 direct Ambassadors at Large, Representatives, Special
12 Envoys, and coordinators working on human rights to con-
13 sult with the Office to promote the human rights and full
14 participation in international development activities of all
15 persons with disabilities.

16 **SEC. 1007. ANTI-PIRACY INFORMATION SHARING.**

17 The Secretary is authorized to provide for the partici-
18 pation by the United States in the Information Sharing
19 Centre located in Singapore, as established by the Re-
20 gional Cooperation Agreement on Combating Piracy and
21 Armed Robbery against Ships in Asia (ReCAAP).

22 **SEC. 1008. IMPORTANCE OF FOREIGN AFFAIRS TRAINING**
23 **TO NATIONAL SECURITY.**

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

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

7 (2) the Department of State’s investment of
8 time and resources with respect to the training and
9 education of its personnel is considerably below the
10 level of other Federal departments and agencies in
11 the national security field, and falls well below the
12 investments many allied and adversarial countries
13 make in the development of their diplomats;

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

19 (4) the Department must move beyond reliance
20 on “on-the-job training” and other informal
21 mentorship practices, which lead to an inequality in
22 skillset development and career advancement oppor-
23 tunities, often particularly for minority personnel,
24 and towards a robust professional tradecraft train-
25 ing continuum that will provide for greater equality

1 in career advancement and increase minority partici-
2 pation in the senior ranks;

3 (5) the Department’s Foreign Service Institute
4 and other training facilities should seek to substan-
5 tially increase its educational and training offerings
6 to Department personnel, including developing new
7 and innovative educational and training courses,
8 methods, programs, and opportunities; and

9 (6) consistent with existing Department gift ac-
10 ceptance authority and other applicable laws, the
11 Department and Foreign Service Institute may ac-
12 cept funds and other resources from foundations,
13 not-for-profit corporations, and other appropriate
14 sources to help the Department and the Institute en-
15 hance the quantity and quality of training offerings,
16 especially in the introduction of new, innovative, and
17 pilot model courses.

18 (b) TRAINING FLOAT.—Not later than 90 days after
19 the date of the enactment of this Act, the Secretary of
20 State shall develop and submit to the appropriate congres-
21 sional committees a strategy to establish a “training float”
22 to allow for up to 15 percent of the Civil and Foreign
23 Service to participate in long-term training at any given
24 time. The strategy should identify steps necessary to en-
25 sure implementation of the training priorities identified in

1 subsection (c), sufficient training capacity and opportuni-
2 ties are available to Civil and Foreign Service officers, eq-
3 uitable distribution of long-term training opportunities to
4 Civil and Foreign Service officers, and any additional re-
5 sources or authorities necessary to facilitate such a train-
6 ing float, including programs at the George P. Schultz Na-
7 tional Foreign Affairs Training Center, the Foreign Serv-
8 ice Institute, the Foreign Affairs Security Training Cen-
9 ter, and other facilities or programs operated by the De-
10 partment of State. The strategy shall identify which types
11 of training would be prioritized, the extent (if any) to
12 which such training is already being provided to Civil and
13 Foreign Service officers by the Department of State, any
14 factors incentivizing or disincentivizing such training, and
15 why such training cannot be achieved without Civil and
16 Foreign Service officers leaving the workforce. In addition
17 to training opportunities provided by the Department, the
18 strategy shall consider training that could be provided by
19 the other United States Government training institutions,
20 as well as non-governmental educational institutions. The
21 strategy shall consider approaches to overcome disincen-
22 tives to pursuing long-term training.

23 (c) **PRIORITIZATION.**—In order to provide the Civil
24 and Foreign Service with the level of education and train-

1 ing needed to effectively advance United States interests
2 across the globe, the Department of State should—

3 (1) increase its offerings—

4 (A) of virtual instruction to make training
5 more accessible to personnel deployed through-
6 out the world; or

7 (B) at partner organizations to provide
8 useful outside perspectives to Department per-
9 sonnel;

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

13 (3) consider increasing the duration and ex-
14 panding the focus of certain training courses, includ-
15 ing—

16 (A) the A-100 orientation course for For-
17 eign Service officers, and

18 (B) the chief of mission course to more ac-
19 curately reflect the significant responsibilities
20 accompanying such role.

21 (d) OTHER AGENCY RESPONSIBILITIES.—Other na-
22 tional security agencies should increase the enrollment of
23 their personnel in courses at the Foreign Service Institute
24 and other Department of State training facilities to pro-

1 mote a whole-of-government approach to mitigating na-
2 tional security challenges.

3 **SEC. 1009. CLASSIFICATION AND ASSIGNMENT OF FOREIGN**
4 **SERVICE OFFICERS.**

5 The Foreign Service Act of 1980 is amended—

6 (1) in section 501 (22 U.S.C. 3981), by insert-
7 ing “If a position designated under this section is
8 unfilled for more than 365 calendar days, such posi-
9 tion may be filled, as appropriate, on a temporary
10 basis, in accordance with section 309.” after “Posi-
11 tions designated under this section are excepted
12 from the competitive service.”; and

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

18 **SEC. 1010. ENERGY DIPLOMACY AND SECURITY WITHIN**
19 **THE DEPARTMENT OF STATE.**

20 Section 1(c) of the State Department Basic Authori-
21 ties Act of 1956 (22 U.S.C. 2651a), as amended by sec-
22 tion 1004 of this Act, is further amended—

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

1 (2) by inserting after paragraph (3) (as added
2 pursuant to such section 1004) the following new
3 paragraph:

4 “(4) ENERGY RESOURCES.—

5 “(A) AUTHORIZATION FOR ASSISTANT SEC-
6 RETARY.—Subject to the numerical limitation
7 specified in paragraph (1), there is authorized
8 to be established in the Department of State an
9 Assistant Secretary of State for Energy Re-
10 sources.

11 “(B) PERSONNEL.—If the Department es-
12 tablishes an Assistant Secretary of State for
13 Energy Resources in accordance with the au-
14 thorization provided in subparagraph (A), the
15 Secretary of State shall ensure there are suffi-
16 cient personnel dedicated to energy matters
17 within the Department of State whose respon-
18 sibilities shall include—

19 “(i) formulating and implementing
20 international policies aimed at protecting
21 and advancing United States energy secu-
22 rity interests by effectively managing
23 United States bilateral and multilateral re-
24 lations;

1 “(ii) ensuring that analyses of the na-
2 tional security implications of global en-
3 ergy and environmental developments are
4 reflected in the decision making process
5 within the Department;

6 “(iii) incorporating energy security
7 priorities into the activities of the Depart-
8 ment;

9 “(iv) coordinating energy activities of
10 the Department with relevant Federal de-
11 partments and agencies;

12 “(v) coordinating with the Office of
13 Sanctions Coordination on economic sanc-
14 tions pertaining to the international energy
15 sector; and

16 “(vi) working internationally to—

17 “(I) support the development of
18 energy resources and the distribution
19 of such resources for the benefit of
20 the United States and United States
21 allies and trading partners for their
22 energy security and economic develop-
23 ment needs;

24 “(II) promote availability of di-
25 versified energy supplies and a well-

1 functioning global market for energy
2 resources, technologies, and expertise
3 for the benefit of the United States
4 and United States allies and trading
5 partners;

6 “(III) resolve international dis-
7 putes regarding the exploration, devel-
8 opment, production, or distribution of
9 energy resources;

10 “(IV) support the economic and
11 commercial interests of United States
12 persons operating in the energy mar-
13 kets of foreign countries;

14 “(V) support and coordinate
15 international efforts to alleviate en-
16 ergy poverty;

17 “(VI) leading the United States
18 commitment to the Extractive Indus-
19 tries Transparency Initiative; and

20 “(VII) coordinating energy secu-
21 rity and other relevant functions with-
22 in the Department currently under-
23 taken by—

24 “(aa) the Bureau of Eco-
25 nomic and Business Affairs;

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

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

6 **SEC. 1011. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.**

7 Title I of the State Department Basic Authorities Act
8 of 1956 is amended by adding after section 63 (22 U.S.C.
9 2735) the following new section:

10 **“SEC. 64. NATIONAL MUSEUM OF AMERICAN DIPLOMACY.**

11 “(a) ACTIVITIES.—

12 “(1) SUPPORT AUTHORIZED.—The Secretary of
13 State is authorized to provide, by contract, grant, or
14 otherwise, for the performance of appropriate mu-
15 seum visitor and educational outreach services and
16 related events, including organizing programs and
17 conference activities, museum shop services and food
18 services in the public exhibition and related space
19 utilized by the National Museum of American Diplo-
20 macy.

21 “(2) RECOVERY OF COSTS.—The Secretary of
22 State is authorized to recover any revenues gen-
23 erated under the authority of paragraph (1) for vis-
24 itor and outreach services and related events re-
25 ferred to in such paragraph, including fees for use

1 of facilities at the National Museum for American
2 Diplomacy. Any such revenues may be retained as a
3 recovery of the costs of operating the museum.

4 “(b) DISPOSITION OF NATIONAL MUSEUM OF AMER-
5 ICAN DIPLOMACY DOCUMENTS, ARTIFACTS, AND OTHER
6 ARTICLES.—

7 “(1) PROPERTY.—All historic documents, arti-
8 facts, or other articles permanently acquired by the
9 Department of State and determined by the Sec-
10 retary of State to be suitable for display by the Na-
11 tional Museum of American Diplomacy shall be con-
12 sidered to be the property of the United States Gov-
13 ernment and shall be subject to disposition solely in
14 accordance with this subsection.

15 “(2) SALE, TRADE, OR TRANSFER.—Whenever
16 the Secretary of State makes the determination de-
17 scribed in paragraph (3) with respect to a document,
18 artifact, or other article under paragraph (1), the
19 Secretary may sell at fair market value, trade, or
20 transfer such document, artifact, or other article
21 without regard to the requirements of subtitle I of
22 title 40, United States Code. The proceeds of any
23 such sale may be used solely for the advancement of
24 the mission of the National Museum of American
25 Diplomacy and may not be used for any purpose

1 other than the acquisition and direct care of the col-
2 lections of the museum.

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

8 “(A) such document, artifact, or other arti-
9 cle no longer serves to further the purposes of
10 the National Museum of American Diplomacy
11 as set forth in the collections management pol-
12 icy of the museum;

13 “(B) the sale, trade, or transfer of such
14 document, artifact, or other article would serve
15 to maintain the standards of the collection of
16 the museum; or

17 “(C) sale, trade, or transfer of such docu-
18 ment, artifact, or other article would be in the
19 best interests of the United States.

20 “(4) LOANS.—In addition to the authorization
21 under paragraph (2) relating to the sale, trade, or
22 transfer of documents, artifacts, or other articles
23 under paragraph (1), the Secretary of State may
24 loan such documents, artifacts, or other articles,
25 when not needed for use or display by the National

1 Museum of American Diplomacy to the Smithsonian
2 Institution or a similar institution for repair, study,
3 or exhibition.”.

4 **SEC. 1012. EXTENSION OF PERIOD FOR REIMBURSEMENT**
5 **OF FISHERMEN FOR COSTS INCURRED FROM**
6 **THE ILLEGAL SEIZURE AND DETENTION OF**
7 **U.S.-FLAG FISHING VESSELS BY FOREIGN**
8 **GOVERNMENTS.**

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

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

15 (b) RETROACTIVE APPLICABILITY.—

16 (1) EFFECTIVE DATE.—The amendment made
17 by subsection (a) shall take effect on the date of the
18 enactment of this Act and apply as if the date speci-
19 fied in subsection (e) of section 7 of the Fishermen’s
20 Protective Act of 1967, as in effect on the day be-
21 fore the date of the enactment of this Act, were the
22 day after such date of enactment.

23 (2) AGREEMENTS AND PAYMENTS.—The Sec-
24 retary of State is authorized to—

1 (A) enter into agreements pursuant to sec-
2 tion 7 of the Fishermen's Protective Act of
3 1967 for any claims to which such section
4 would otherwise apply but for the date specified
5 in subsection (e) of such section, as in effect on
6 the day before the date of the enactment of this
7 Act; and

8 (B) make payments in accordance with
9 agreements entered into pursuant to such sec-
10 tion if any such payments have not been made
11 as a result of the expiration of the date speci-
12 fied in such section, as in effect on the day be-
13 fore the date of the enactment of this Act.

14 **SEC. 1013. ART IN EMBASSIES.**

15 (a) IN GENERAL.—No funds are authorized to be ap-
16 propriated for the purchase of any piece of art for the
17 purposes of installation or display in any embassy, con-
18 sulate, or other foreign mission of the United States if
19 the purchase price of such piece of art is in excess of
20 \$25,000, unless such purchase is subject to prior consulta-
21 tion with, and the regular notification procedures of, the
22 appropriate congressional committees.

23 (b) REPORT.—Not later than 90 days after the date
24 of the enactment of this Act, the Secretary of State shall
25 submit to the appropriate congressional committees a re-

1 port on the costs of the Art in Embassies Program for
2 fiscal years 2012 through 2020.

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

6 (d) DEFINITION.—In this section, the term “art” in-
7 cludes paintings, sculptures, photographs, industrial de-
8 sign, and craft art.

9 **SEC. 1014. AMENDMENT OR REPEAL OF REPORTING RE-**
10 **QUIREMENTS.**

11 (a) BURMA.—

12 (1) IN GENERAL.—Section 570 of Public Law
13 104–208 is amended—

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

16 “(c) MULTILATERAL STRATEGY.—The President
17 shall develop, in coordination with like-minded countries,
18 a comprehensive, multilateral strategy to—

19 “(1) assist Burma in addressing corrosive ma-
20 lign influence of the People’s Republic of China; and

21 “(2) support democratic, constitutional, eco-
22 nomic, and security sector reforms in Burma de-
23 signed to—

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

4 “(B) promote genuine national reconcili-
5 ation.”; and

6 (B) in subsection (d)—

7 (i) in the matter preceding paragraph
8 (1), by striking “six months” and inserting
9 “year”;

10 (ii) by redesignating paragraph (3) as
11 paragraph (7); and

12 (iii) by inserting after paragraph (2)
13 the following new paragraphs:

14 “(3) improvements in human rights practices;

15 “(4) progress toward broad-based and inclusive
16 economic growth;

17 “(5) progress toward genuine national reconcili-
18 ation;

19 “(6) progress on improving the quality of life of
20 the Burmese people, including progress relating to
21 market reforms, living standards, labor standards,
22 use of forced labor in the tourism industry, and en-
23 vironmental quality; and”.

24 (2) EFFECTIVE DATE.—The amendments made
25 by paragraph (1) shall take effect on the date of the

1 enactment of this Act and apply with respect to the
2 first report required under subsection (d) of section
3 570 of Public Law 104–208 that is required after
4 the date of the enactment of this Act.

5 (b) REPEALS.—The following provisions of law are
6 hereby repealed:

7 (1) Subsection (b) of section 804 of Public Law
8 101–246.

9 (2) Section 6 of Public Law 104–45.

10 (3) Subsection (c) of section 702 of Public Law
11 96–465 (22 U.S.C. 4022).

12 (4) Section 404 of the Arms Control and Disar-
13 mament Act (22 U.S.C. 2593b).

14 (5) Section 5 of Public Law 94–304 (22 U.S.C.
15 3005).

16 (6) Subsection (b) of section 502 of the Inter-
17 national Security and Development Cooperation Act
18 of 1985 (22 U.S.C. 2349aa–7).

19 (c) TECHNICAL AND CONFORMING AMENDMENT.—
20 Section 502 of the International Security and Develop-
21 ment Cooperation Act of 1985 (22 U.S.C. 2349aa–7) is
22 amended by redesignating subsection (c) as subsection (b).

1 **SEC. 1015. REPORTING ON IMPLEMENTATION OF GAO REC-**
2 **COMMENDATIONS.**

3 (a) INITIAL REPORT.—Not later than 120 days after
4 the date of the enactment of this Act, the Secretary shall
5 submit to the appropriate congressional committees a re-
6 port that lists all of the Government Accountability Of-
7 fice’s recommendations relating to the Department that
8 have not been fully implemented.

9 (b) IMPLEMENTATION REPORT.—

10 (1) IN GENERAL.—Not later than 120 days
11 after the date of the submission of the report re-
12 quired under subsection (a), the Secretary shall sub-
13 mit to the appropriate congressional committees a
14 report that describes the implementation status of
15 each recommendation from the Government Ac-
16 countability Office included in such report.

17 (2) JUSTIFICATION.—The report under para-
18 graph (1) shall include—

19 (A) a detailed justification for each deci-
20 sion not to fully implement a recommendation
21 or to implement a recommendation in a dif-
22 ferent manner than specified by the Govern-
23 ment Accountability Office;

24 (B) a timeline for the full implementation
25 of any recommendation the Secretary has de-

1 eided to adopt, but has not yet fully imple-
2 mented; and

3 (C) an explanation for any discrepancies
4 included in the Comptroller General report sub-
5 mitted under subsection (b).

6 (c) FORM.—The information required in each report
7 under this section shall be submitted in unclassified form,
8 to the maximum extent practicable, but may be included
9 in a classified annex to the extent necessary.

10 **SEC. 1016. OFFICE OF GLOBAL CRIMINAL JUSTICE.**

11 (a) IN GENERAL.—There should be established with-
12 in the Department of State an Office of Global Criminal
13 Justice (referred to in this section as the “Office”), which
14 may be placed within the organizational structure of the
15 Department at the discretion of the Secretary.

16 (b) DUTIES.—The Office should carry out the fol-
17 lowing:

18 (1) Advise the Secretary of State and other rel-
19 evant senior officials on issues related to atrocities,
20 including war crimes, crimes against humanity, and
21 genocide.

22 (2) Assist in formulating United States policy
23 on the prevention of, responses to, and account-
24 ability for atrocities.

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

6 (4) Work with other governments, international
7 organizations, and nongovernmental organizations,
8 as appropriate, to establish and assist international
9 and domestic commissions of inquiry, fact-finding
10 missions, and tribunals to investigate, document,
11 and prosecute atrocities around the world.

12 (5) Coordinate, as appropriate and with other
13 relevant Federal departments and agencies, the de-
14 ployment of diplomatic, legal, economic, military,
15 and other tools to help collect evidence of atrocities,
16 judge those responsible, protect and assist victims,
17 enable reconciliation, prevent and deter atrocities,
18 and promote the rule of law.

19 (6) Provide advice and expertise on transitional
20 justice mechanisms to United States personnel oper-
21 ating in conflict and post-conflict environments.

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

1 (8) Represent the Department on any inter-
2 agency whole-of-government coordinating entities ad-
3 dressing genocide and other atrocities.

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

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

10 **TITLE II—EMBASSY**
11 **CONSTRUCTION**

12 **SEC. 1201. EMBASSY SECURITY, CONSTRUCTION, AND MAIN-**
13 **TENANCE.**

14 For “Embassy Security, Construction, and Mainte-
15 nance”, there is authorized to be appropriated
16 \$1,950,449,000 for fiscal year 2022.

17 **SEC. 1202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Department’s Bureau of Overseas Building
20 Operations (OBO) or successor office should give appro-
21 priate consideration to standardization in construction, in
22 which each new United States embassy and consulate
23 starts with a standard design and keeps customization to
24 a minimum.

1 (b) CONSULTATION.—The Secretary of State shall
2 carry out any new United States embassy compound or
3 new consulate compound project that utilizes a non-stand-
4 ard design, including those projects that are in the design
5 or pre-design phase as of the date of the enactment of
6 this Act, only in consultation with the appropriate con-
7 gressional committees. The Secretary shall provide the ap-
8 propriate congressional committees, for each such project,
9 the following documentation:

10 (1) A comparison of the estimated full lifecycle
11 costs of the project to the estimated full lifecycle
12 costs of such project if it were to use a standard de-
13 sign.

14 (2) A comparison of the estimated completion
15 date of such project to the estimated completion
16 date of such project if it were to use a standard de-
17 sign.

18 (3) A comparison of the security of the com-
19 pleted project to the security of such completed
20 project if it were to use a standard design.

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

24 (5) A written explanation if any of the docu-
25 mentation necessary to support the comparisons and

1 justification, as the case may be, described in para-
2 graphs (1) through (4) cannot be provided.

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

6 **SEC. 1203. CAPITAL CONSTRUCTION TRANSPARENCY.**

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

10 (1) in the section heading, by striking “**AN-**
11 **NUAL REPORT ON EMBASSY CONSTRUCTION**
12 **COSTS**” and inserting “**BIANNUAL REPORT ON**
13 **OVERSEAS CAPITAL CONSTRUCTION**
14 **PROJECTS**”; and

15 (2) by striking subsections (a) and (b) and in-
16 serting the following new subsections:

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

24 “(b) CONTENTS.—Each report required under sub-
25 section (a) shall include the following with respect to each

1 ongoing overseas capital construction project and major
2 embassy security upgrade project:

3 “(1) The initial cost estimate as specified in the
4 proposed allocation of capital construction and main-
5 tenance funds required by the Committees on Appro-
6 priations for Acts making appropriations for the De-
7 partment of State, foreign operations, and related
8 programs.

9 “(2) The current cost estimate.

10 “(3) The value of each request for equitable ad-
11 justment received by the Department to date.

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

14 “(5) The value of any usage of the project’s
15 contingency fund to date and the value of the re-
16 mainder of the project’s contingency fund.

17 “(6) An enumerated list of each request for ad-
18 justment and certified claim that remains out-
19 standing or unresolved.

20 “(7) An enumerated list of each request for eq-
21 uitable adjustment and certified claim that has been
22 fully adjudicated or that the Department has settled,
23 and the final dollar amount of each adjudication or
24 settlement.

1 “(8) The date of estimated completion specified
2 in the proposed allocation of capital construction
3 and maintenance funds required by the Committees
4 on Appropriations not later than 45 days after the
5 date of the enactment of an Act making appropria-
6 tions for the Department of State, foreign oper-
7 ations, and related programs.

8 “(9) The current date of estimated comple-
9 tion.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 in section 1(b) of the Department of State Authorities
12 Act, Fiscal Year 2017 is amended by amending the item
13 relating to section 118 to read as follows:

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

14 **SEC. 1204. CONTRACTOR PERFORMANCE INFORMATION.**

15 (a) DEADLINE FOR COMPLETION.—The Secretary of
16 State shall complete all contractor performance evalua-
17 tions outstanding as of the date of the enactment of this
18 Act required by subpart 42.15 of the Federal Acquisition
19 Regulation for those contractors engaged in construction
20 of new embassy or new consulate compounds by April 1,
21 2022.

22 (b) PRIORITIZATION SYSTEM.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of the enactment of this Act, the Secretary
25 of State shall develop a prioritization system for

1 clearing the current backlog of required evaluations
2 referred to in subsection (a).

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

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

8 (B) Evaluations for relatively large con-
9 tracts should have priority.

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

13 (c) BRIEFING.—Not later than 90 days after the date
14 of the enactment of this Act, the Secretary of State shall
15 brief the appropriate congressional committees on the De-
16 partment’s plan for completing all evaluations by April 1,
17 2022, in accordance with subsection (a) and the
18 prioritization system developed pursuant to subsection (b).

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

21 (1) contractors deciding whether to bid on De-
22 partment contracts would benefit from greater un-
23 derstanding of the Department as a client; and

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

4 **SEC. 1205. GROWTH PROJECTIONS FOR NEW EMBASSIES**
5 **AND CONSULATES.**

6 (a) IN GENERAL.—For each new United States em-
7 bassy compound (NEC) and new consulate compound
8 project (NCC) in or not yet in the design phase as of the
9 date of the enactment of this Act, the Department of State
10 shall project growth over the estimated life of the facility
11 using all available and relevant data, including the fol-
12 lowing:

13 (1) Relevant historical trends for Department
14 personnel and personnel from other agencies rep-
15 resented at the NEC or NCC that is to be con-
16 structed.

17 (2) An analysis of the tradeoffs between risk
18 and the needs of United States Government policy
19 conducted as part of the most recent Vital Presence
20 Validation Process, if applicable.

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

24 (4) Any other data that would be helpful in pro-
25 jecting the future growth of NEC or NCC.

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

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

11 (d) CONGRESSIONAL NOTIFICATION.—Any congres-
12 sional notification of site selection for a NEC or NCC sub-
13 mitted after the date of the enactment of this Act shall
14 include the growth assumption used pursuant to sub-
15 section (c).

16 **SEC. 1206. LONG-RANGE PLANNING PROCESS.**

17 (a) PLANS REQUIRED.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act and an-
20 nually thereafter for the next five years as the Sec-
21 retary of State considers appropriate, the Secretary
22 shall develop—

23 (A) a comprehensive 6-year plan docu-
24 menting the Department's overseas building
25 program for the replacement of overseas diplo-

1 matic posts taking into account security factors
2 under the Secure Embassy Construction and
3 Counterterrorism Act of 1999 and other rel-
4 evant statutes and regulations, as well as occu-
5 pational safety and health factors pursuant to
6 the Occupational Safety and Health Act of
7 1970 and other relevant statutes and regula-
8 tions, including environmental factors such as
9 indoor air quality that impact employee health
10 and safety; and

11 (B) a comprehensive 6-year plan detailing
12 the Department's long-term planning for the
13 maintenance and sustainment of completed dip-
14 lomatic posts, which takes into account security
15 factors under the Secure Embassy Construction
16 and Counterterrorism Act of 1999 and other
17 relevant statutes and regulations, as well as oc-
18 cupational safety and health factors pursuant to
19 the Occupational Safety and Health Act of
20 1970 and other relevant statutes and regula-
21 tions, including environmental factors such as
22 indoor air quality that impact employee health
23 and safety.

24 (2) INITIAL REPORT.—The first plan developed
25 pursuant to paragraph (1)(A) shall also include a

1 one-time status report on existing small diplomatic
2 posts and a strategy for establishing a physical dip-
3 lomatic presence in countries in which there is no
4 current physical diplomatic presence and with which
5 the United States maintains diplomatic relations.
6 Such report, which may include a classified annex,
7 shall include the following:

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

11 (B) A description of how each small diplo-
12 matic post provides American Citizen Services,
13 including data on specific services provided and
14 the number of Americans receiving services over
15 the previous year.

16 (C) A description of whether each small
17 diplomatic post meets current security require-
18 ments.

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

21 (E) Input from the relevant chiefs of mis-
22 sion on any unique operational or policy value
23 the small diplomatic post provides.

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

1 (3) UPDATED INFORMATION.—The annual up-
2 dates of each of the plans developed pursuant to
3 paragraph (1) shall highlight any changes from the
4 previous year’s plan to the ordering of construction
5 and maintenance projects.

6 (b) REPORTING REQUIREMENTS.—

7 (1) SUBMISSION OF PLANS TO CONGRESS.—Not
8 later than 60 days after the completion of each plan
9 required under subsection (a), the Secretary of State
10 shall submit the plans to the appropriate congress-
11 sional committees.

12 (2) REFERENCE IN BUDGET JUSTIFICATION
13 MATERIALS.—In the budget justification materials
14 submitted to the appropriate congressional commit-
15 tees in support of the Department of State’s budget
16 for any fiscal year (as submitted with the budget of
17 the President under section 1105(a) of title 31,
18 United States Code), the plans required under sub-
19 section (a) shall be referenced to justify funding re-
20 quested for building and maintenance projects over-
21 seas.

22 (3) FORM OF REPORT.—Each report required
23 under paragraph (1) shall be submitted in unclassi-
24 fied form but may include a classified annex.

1 (c) SMALL DIPLOMATIC POST DEFINED.—In this
2 section, the term “small diplomatic post” means any
3 United States embassy or consulate that has employed five
4 or fewer United States Government employees or contrac-
5 tors on average over the 36 months prior to the date of
6 the enactment of this Act.

7 **SEC. 1207. VALUE ENGINEERING AND RISK ASSESSMENT.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) Federal departments and agencies are re-
11 quired to use value engineering (VE) as a manage-
12 ment tool, where appropriate, to reduce program and
13 acquisition costs pursuant to OMB Circular A–131,
14 Value Engineering, dated December 31, 2013.

15 (2) OBO has a Policy Directive and Standard
16 Operation Procedure, dated May 24, 2017, on con-
17 ducting risk management studies on all international
18 construction projects.

19 (b) NOTIFICATION REQUIREMENTS.—

20 (1) SUBMISSION TO AUTHORIZING COMMIT-
21 TEES.—Any notification that includes the allocation
22 of capital construction and maintenance funds shall
23 be submitted to the Committee on Foreign Relations
24 of the Senate and the Committee on Foreign Affairs
25 of the House of Representatives.

1 (2) REQUIREMENT TO CONFIRM COMPLETION
2 OF VALUE ENGINEERING AND RISK ASSESSMENT
3 STUDIES.—The notifications required under para-
4 graph (1) shall include confirmation that the De-
5 partment has completed the requisite VE and risk
6 management process described in subsection (a), or
7 applicable successor process.

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

11 (1) a description of each risk management
12 study referred to in subsection (a)(2) and a table de-
13 tailing which recommendations related to each such
14 study were accepted and which were rejected; and

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

19 **SEC. 1208. BUSINESS VOLUME.**

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

1 **SEC. 1209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.**
2

3 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:

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

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

17 **SEC. 1210. OVERSEAS SECURITY BRIEFINGS.**

18 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

1 United States diplomatic post or as soon as possible there-
2 after.

3 **SEC. 1211. CONTRACTING METHODS IN CAPITAL CON-**
4 **STRUCTION.**

5 (a) DELIVERY.—Unless the Secretary of State noti-
6 fies the appropriate congressional committees that the use
7 of the design-build project delivery method would not be
8 appropriate, the Secretary shall make use of such method
9 at United States diplomatic posts that have not yet re-
10 ceived design or capital construction contracts as of the
11 date of the enactment of this Act.

12 (b) NOTIFICATION.—Before executing a contract for
13 a delivery method other than design-build in accordance
14 with subsection (a), the Secretary of State shall notify the
15 appropriate congressional committees in writing of the de-
16 cision, including the reasons therefor. The notification re-
17 quired by this subsection may be included in any other
18 report regarding a new United States diplomatic post that
19 is required to be submitted to the appropriate congres-
20 sional committees.

21 (c) PERFORMANCE EVALUATION.—Not later than
22 180 days after the date of the enactment of this Act, the
23 Secretary of State shall report to the appropriate congres-
24 sional committees regarding performance evaluation meas-
25 ures in accordance with GAO’s “Standards for Internal

1 Control in the Federal Government” that will be applica-
2 ble to design and construction, lifecycle cost, and building
3 maintenance programs of the Bureau of Overseas Build-
4 ing Operations of the Department.

5 **SEC. 1212. COMPETITION IN EMBASSY CONSTRUCTION.**

6 Not later than 45 days after the date of the enact-
7 ment of this Act, the Secretary of State shall submit to
8 the appropriate congressional committee a report detailing
9 steps the Department of State is taking to expand the em-
10 bassy construction contractor base in order to increase
11 competition and maximize value.

12 **SEC. 1213. STATEMENT OF POLICY.**

13 It is the policy of the United States that the Bureau
14 of Overseas Building Operations of the Department or its
15 successor office shall continue to balance functionality and
16 security with accessibility, as defined by guidelines estab-
17 lished by the United States Access Board in constructing
18 embassies and consulates, and shall ensure compliance
19 with the Architectural Barriers Act of 1968 (42 U.S.C.
20 4151 et seq.) to the fullest extent possible.

21 **SEC. 1214. DEFINITIONS.**

22 In this title:

23 (1) DESIGN-BUILD.—The term “design-build”
24 means a method of project delivery in which one en-

1 tity works under a single contract with the Depart-
2 ment to provide design and construction services.

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

10 **TITLE III—PERSONNEL ISSUES**

11 **SEC. 1301. DEFENSE BASE ACT INSURANCE WAIVERS.**

12 (a) APPLICATION FOR WAIVERS.—Not later than 30
13 days after the date of the enactment of this Act, the Sec-
14 retary of State shall apply to the Department of Labor
15 for a waiver from insurance requirements under the De-
16 fense Base Act (42 U.S.C. 1651 et seq.) for all countries
17 with respect to which the requirement was waived prior
18 to January 2017, and for which there is not currently a
19 waiver.

20 (b) CERTIFICATION REQUIREMENT.—Not later than
21 45 days after the date of the enactment of this Act, the
22 Secretary of State shall certify to the appropriate congres-
23 sional committees that the requirement in subsection (a)
24 has been met.

1 **SEC. 1302. STUDY ON FOREIGN SERVICE ALLOWANCES.**

2 (a) REPORT REQUIRED.—

3 (1) IN GENERAL.—Not later than one year
4 after date of the enactment of this Act, the Sec-
5 retary of State shall submit to the appropriate con-
6 gressional committees a report detailing an empirical
7 analysis on the effect of overseas allowances on the
8 foreign assignment of Foreign Service officers
9 (FSOs), to be conducted by a federally-funded re-
10 search and development center with appropriate ex-
11 pertise in labor economics and military compensa-
12 tion.

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

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

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

21 (C) examine the factors that incentivize
22 FSOs to bid on particular assignments, includ-
23 ing danger levels and hardship conditions;

24 (D) examine the Department's strategy
25 and process for incentivizing FSOs to bid on
26 assignments that are historically in lower de-

1 mand, including with monetary compensation,
2 and whether monetary compensation is nec-
3 essary for assignments in higher demand;

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

8 (F) recommend options for restructuring
9 allowances to improve the efficiency of the as-
10 signments system and better align FSO incen-
11 tives with the needs of the Foreign Service, in-
12 cluding any cost savings associated with such
13 restructuring;

14 (G) recommend any statutory changes nec-
15 essary to implement subparagraph (F), such as
16 consolidating existing legal authorities for the
17 provision of hardship and danger pay; and

18 (H) detail any effects of recommendations
19 made pursuant to subparagraphs (F) and (G)
20 on other United States Government depart-
21 ments and agencies with civilian employees per-
22 manently assigned or on temporary duty in for-
23 eign areas, following consultation with such de-
24 partments and agencies.

1 (b) BRIEFING REQUIREMENT.—Before initiating the
2 analysis required under subsection (a)(1), and not later
3 than 60 days after the date of the enactment of this Act,
4 the Secretary of State shall provide to the Committee on
5 Foreign Relations of the Senate and the Committee on
6 Foreign Affairs in the House of Representatives a briefing
7 on the implementation of this section that includes the fol-
8 lowing:

9 (1) The name of the federally funded research
10 and development center that will conduct such anal-
11 ysis.

12 (2) The scope of such analysis and terms of ref-
13 erence for such analysis as specified between the De-
14 partment of State and such federally funded re-
15 search and development center.

16 (c) AVAILABILITY OF INFORMATION.—

17 (1) IN GENERAL.—The Secretary of State shall
18 make available to the federally-funded research and
19 development center carrying out the analysis re-
20 quired under subsection (a)(1) all necessary and rel-
21 evant information to allow such center to conduct
22 such analysis in a quantitative and analytical man-
23 ner, including historical data on the number of bids
24 for each foreign assignment and any survey data col-

1 lected by the Department of State from eligible bid-
2 ders on their bid decision-making.

3 (2) COOPERATION.—The Secretary of State
4 shall work with the heads of other relevant United
5 States Government departments and agencies to en-
6 sure such departments and agencies provide all nec-
7 essary and relevant information to the federally-
8 funded research and development center carrying
9 out the analysis required under subsection (a)(1).

10 (d) INTERIM REPORT TO CONGRESS.—The Secretary
11 of State shall require that the chief executive officer of
12 the federally-funded research and development center that
13 carries out the analysis required under subsection (a)(1)
14 submit to the Committee on Foreign Relations of the Sen-
15 ate and the Committee on Foreign Affairs of the House
16 of Representatives an interim report on such analysis not
17 later than 180 days after the date of the enactment of
18 this Act.

19 **SEC. 1303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.**

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

23 “(e) GRANTS AND COOPERATIVE AGREEMENTS RE-
24 LATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP
25 PROGRAMS.—

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

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

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

15 **SEC. 1304. TRAVEL FOR SEPARATED FAMILIES.**

16 Section 901(15) of the Foreign Service Act of 1980
17 (22 U.S.C. 4081(15)) is amended—

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

24 (2) in subparagraph (A)—

1 (A) by inserting “for each child” before
2 “to visit the member abroad”; and

3 (B) by striking “; or” and inserting a
4 comma;

5 (3) in subparagraph (B)—

6 (A) by inserting “for each child” before
7 “to visit the other parent”; and

8 (B) by inserting “or” after “resides,”;

9 (4) by inserting after subparagraph (B) the fol-
10 lowing new subparagraph:

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

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

22 **SEC. 1305. HOME LEAVE TRAVEL FOR SEPARATED FAMI-**
23 **LIES.**

24 Section 903(b) of the Foreign Service Act of 1980
25 (22 U.S.C. 4083(b)) is amended by adding at the end the

1 following new sentence: “In cases in which a member of
2 the Service has official orders to an unaccompanied post
3 and in which the family members of the member reside
4 apart from the member at authorized locations outside the
5 United States, the member may take the leave ordered
6 under this section where that member’s family members
7 reside, notwithstanding section 6305 of title 5, United
8 States Code.”.

9 **SEC. 1306. SENSE OF CONGRESS REGARDING CERTAIN FEL-**
10 **LOWSHIP PROGRAMS.**

11 It is the sense of Congress that Department fellow-
12 ships that promote the employment of candidates belong-
13 ing to under-represented groups, including the Charles B.
14 Rangel International Affairs Graduate Fellowship Pro-
15 gram, the Thomas R. Pickering Foreign Affairs Fellow-
16 ship Program, and the Donald M. Payne International De-
17 velopment Fellowship Program, represent smart invest-
18 ments vital for building a strong, capable, and representa-
19 tive national security workforce.

20 **SEC. 1307. TECHNICAL CORRECTION.**

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

24 (1) striking “promotion” and inserting “pro-
25 motion, on or after January 1, 2017,”; and

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

6 **SEC. 1308. FOREIGN SERVICE AWARDS.**

7 (a) IN GENERAL.—Section 614 of the Foreign Serv-
8 ice Act of 1980 (22 U.S.C. 4013) is amended—

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

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

13 (b) CONFORMING AMENDMENT.—The item relating
14 to section 614 in the table of contents of the Foreign Serv-
15 ice Act of 1980 is amended to read as follows:

 “Sec. 614. Department awards.”.

16 **SEC. 1309. WORKFORCE ACTIONS.**

17 (a) SENSE OF CONGRESS ON WORKFORCE RECRUIT-
18 MENT.—It is the sense of Congress that the Secretary of
19 State should continue to hold entry-level classes for For-
20 eign Service officers and specialists and continue to recruit
21 civil servants through programs such as the Presidential
22 Management Fellows Program and Pathways Internship
23 Programs in a manner and at a frequency consistent with
24 prior years and consistent with the need to maintain a
25 pool of experienced personnel effectively distributed across

1 skill codes and ranks. It is further the sense of Congress
2 that absent continuous recruitment and training of For-
3 eign Service officers and civil servants, the Department
4 of State will lack experienced, qualified personnel in the
5 short, medium, and long terms.

6 (b) LIMITATION.—The Secretary of State should not
7 implement any reduction-in-force action under section
8 3502 or 3595 of title 5, United States Code, or for any
9 incentive payments for early separation or retirement
10 under any other provision of law unless—

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

14 (2) the Secretary has provided to the appro-
15 priate congressional committees a detailed report
16 that describes the Department of State’s strategic
17 staffing goals, including—

18 (A) a justification that describes how any
19 proposed workforce reduction enhances the ef-
20 fectiveness of the Department;

21 (B) a certification that such workforce re-
22 duction is in the national interest of the United
23 States;

24 (C) a comprehensive strategic staffing plan
25 for the Department, including 5-year workforce

1 forecasting and a description of the anticipated
2 impact of any proposed workforce reduction;
3 and

4 (D) a dataset displaying comprehensive
5 workforce data for all current and planned em-
6 ployees of the Department, disaggregated by—

7 (i) Foreign Service officer and For-
8 eign Service specialist rank;

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

11 (iii) contracted employees, including
12 the equivalent job skill code and bureau of
13 assignment; and

14 (iv) employees hired under schedule C
15 of subpart C of part 213 of title 5, Code
16 of Federal Regulations, including their
17 equivalent grade and job skill code and bu-
18 reau of assignment.

19 **SEC. 1310. SENSE OF CONGRESS REGARDING VETERANS**
20 **EMPLOYMENT AT THE DEPARTMENT OF**
21 **STATE.**

22 It is the sense of Congress that—

23 (1) the Department of State should continue to
24 promote the employment of veterans, in accordance
25 with section 301 of the Foreign Service Act of 1980

1 (22 U.S.C. 3941), as amended by section 1407 of
2 this Act, including those veterans belonging to tradi-
3 tionally under-represented groups at the Depart-
4 ment;

5 (2) veterans employed by the Department have
6 made significant contributions to United States for-
7 eign policy in a variety of regional and global affairs
8 bureaus and diplomatic posts overseas; and

9 (3) the Department should continue to encour-
10 age veteran employment and facilitate their partici-
11 pation in the workforce.

12 **SEC. 1311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND**
13 **PRECLUSIONS.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the Department of State should expand the ap-
16 peal process it makes available to employees related to as-
17 signment preclusions and restrictions.

18 (b) APPEAL OF ASSIGNMENT RESTRICTION OR PRE-
19 CLUSION.—Subsection (a) of section 414 of the Depart-
20 ment of State Authorities Act, Fiscal Year 2017 (22
21 U.S.C. 2734c(a)) is amended by adding at the end the
22 following new sentences: “Such right and process shall en-
23 sure that any employee subjected to an assignment restric-
24 tion or preclusion shall have the same appeal rights as
25 provided by the Department regarding denial or revocation

1 of a security clearance. Any such appeal shall be resolved
2 not later than 60 days after such appeal is filed.”.

3 (c) NOTICE AND CERTIFICATION.—Not later than 90
4 days after the date of the enactment of this Act, the Sec-
5 retary of State shall revise, and certify to the Committee
6 on Foreign Affairs of the House of Representatives and
7 the Committee on Foreign Relations of the Senate regard-
8 ing such revision, the Foreign Affairs Manual guidance
9 regarding denial or revocation of a security clearance to
10 expressly state that all review and appeal rights relating
11 thereto shall also apply to any recommendation or decision
12 to impose an assignment restriction or preclusion to an
13 employee.

14 **SEC. 1312. RECALL AND REEMPLOYMENT OF CAREER MEM-**
15 **BERS.**

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

18 (1) career Department of State employees pro-
19 vide invaluable service to the United States as non-
20 partisan professionals who contribute subject matter
21 expertise and professional skills to the successful de-
22 velopment and execution of United States foreign
23 policy; and

24 (2) reemployment of skilled former members of
25 the Foreign and civil service who have voluntarily

1 separated from the Foreign or civil service due to
2 family reasons or to obtain professional skills outside
3 government is of benefit to the Department.

4 (b) NOTICE OF EMPLOYMENT OPPORTUNITIES FOR
5 DEPARTMENT OF STATE AND USAID POSITIONS.—

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

9 **“CHAPTER 103—NOTICE OF EMPLOYMENT**
10 **OPPORTUNITIES FOR DEPARTMENT**
11 **OF STATE AND USAID POSITIONS**

“Sec.

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

12 **“§ 10301. Notice of employment opportunities for De-**
13 **partment of State and USAID positions**

14 “To ensure that individuals who have separated from
15 the Department of State or the United States Agency for
16 International Development and who are eligible for re-
17 appointment are aware of such opportunities, the Depart-
18 ment of State and the United States Agency for Inter-
19 national Development shall publicize notice of all employ-
20 ment opportunities, including positions for which the rel-
21 evant agency is accepting applications from individuals
22 within the agency’s workforce under merit promotion pro-
23 cedures, on publicly accessible sites, including
24 www.usajobs.gov. If using merit promotion procedures, the

1 notice shall expressly state that former employees eligible
2 for reinstatement may apply.”.

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

“103. Notice of employment opportunities for Department of State and USAID positions10301”.

7 **SEC. 1313. STRATEGIC STAFFING PLAN FOR THE DEPARTMENT OF STATE.**
8

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

19 (1) A dataset displaying comprehensive workforce data, including all shortages in bureaus described in GAO report GAO–19–220, for all current
20 and planned employees of the Department,
21
22
23 disaggregated by—

1 (A) Foreign Service officer and Foreign
2 Service specialist rank;

3 (B) civil service job skill code, grade level,
4 and bureau of assignment;

5 (C) contracted employees, including the
6 equivalent job skill code and bureau of assign-
7 ment;

8 (D) employees hired under schedule C of
9 subpart C of part 213 of title 5, Code of Fed-
10 eral Regulations, including the equivalent grade
11 and job skill code and bureau of assignment of
12 such employee; and

13 (E) overseas region.

14 (2) Recommendations on the number of For-
15 eign Service officers disaggregated by service cone
16 that should be posted at each United States diplo-
17 matic post and in the District of Columbia, with a
18 detailed basis for such recommendations.

19 (3) Recommendations on the number of civil
20 service officers that should be employed by the De-
21 partment, with a detailed basis for such rec-
22 ommendations.

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

1 (c) CONSULTATION.—The Secretary of State shall
2 lead the development of the plan required under sub-
3 section (a) but may consult or partner with private sector
4 entities with expertise in labor economics, management,
5 or human resources, as well as organizations familiar with
6 the demands and needs of the Department of State’s
7 workforce.

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

15 **SEC. 1314. CONSULTING SERVICES.**

16 (a) IN GENERAL.—Chapter 103 of title 5, United
17 States Code, as added by section 1312(b) of this Act, is
18 amended by adding at the end the following:

19 **“§ 10302. Consulting services for the Department of**
20 **State**

21 “Any consulting service obtained by the Department
22 of State through procurement contract pursuant to section
23 3109 of title 5, United States Code, shall be limited to
24 those contracts with respect to which expenditures are a
25 matter of public record and available for public inspection,

1 except if otherwise provided under existing law, or under
2 existing Executive order issued pursuant to existing law.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 103 of title 5, United States Code, as added
5 by section 1312(b) of this Act, is amended by adding after
6 the item relating to section 10301 the following new item:

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

7 **SEC. 1315. INCENTIVES FOR CRITICAL POSTS.**

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

11 **SEC. 1316. EXTENSION OF AUTHORITY FOR CERTAIN AC-**
12 **COUNTABILITY REVIEW BOARDS.**

13 Section 301(a)(3) of the Omnibus Diplomatic Secu-
14 rity and Antiterrorism Act of 1986 (22 U.S.C.
15 4831(a)(3)) is amended—

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

19 (2) in subparagraph (A)—

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

23 (B) in clause (ii), by striking “beginning
24 on October 1, 2005, and ending on September

1 30, 2009” and inserting “beginning on October
2 1, 2020, and ending on September 30, 2022”.

3 **SEC. 1317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.**

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

6 (1) in paragraph (1), in the matter preceding
7 subparagraph (A), by striking “suspend” and insert-
8 ing “indefinitely suspend without duties”;

9 (2) by redesignating paragraph (5) as para-
10 graph (7);

11 (3) by inserting after paragraph (4) the fol-
12 lowing new paragraphs:

13 “(5) For each member of the Service suspended
14 under paragraph (1)(A) whose security clearance remains
15 suspended for more than one calendar year, not later than
16 30 days after the end of such calendar year the Secretary
17 of State shall report to the Committee on Foreign Affairs
18 of the House of Representatives and the Committee on
19 Foreign Relations of the Senate in writing regarding the
20 specific reasons relating to the duration of each such sus-
21 pension.

22 “(6) Any member of the Service suspended under
23 paragraph (1)(B) may be suspended without pay only
24 after a final written decision is provided to such member
25 pursuant to paragraph (2).”; and

- 1 (4) in paragraph (7), as so redesignated—
2 (A) by striking “(7) In this subsection:”;
3 (B) in subparagraph (A), by striking “(A)
4 The term” and inserting the following:
5 “(7) In this subsection, the term—”;
6 (C) by redesignating clauses (i) and (ii) as
7 subparagraphs (A) and (B), respectively, and
8 moving such subparagraphs 2 ems to the left;
9 and
10 (D) by striking subparagraph (B) (relating
11 to the definition of “suspend” and “suspension”).
12

13 **SEC. 1318. FOREIGN AFFAIRS MANUAL AND FOREIGN AF-**
14 **FAIRS HANDBOOK CHANGES.**

- 15 (a) **APPLICABILITY.**—The Foreign Affairs Manual
16 and the Foreign Affairs Handbook apply with equal force
17 and effect and without exception to all Department of
18 State personnel, including the Secretary of State, Depart-
19 ment employees, and political appointees, regardless of an
20 individual’s status as a Foreign Service officer, Civil Serv-
21 ice employee, or political appointee hired under any legal
22 authority.
- 23 (b) **CERTIFICATION.**—Not later than 30 days after
24 the date of the enactment of this Act, the Secretary of
25 State shall submit to the appropriate congressional com-

1 mitted a certification in unclassified form that the appli-
2 cability described in subsection (a) has been commu-
3 nicated to all Department personnel, including the per-
4 sonnel referred to in such subsection.

5 (c) REPORT.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act and every
8 180 days thereafter for five years, the Secretary of
9 State shall submit to the appropriate congressional
10 committees a report detailing all significant changes
11 made to the Foreign Affairs Manual or the Foreign
12 Affairs Handbook.

13 (2) COVERED PERIODS.—The first report re-
14 quired under paragraph (1) shall cover the 5-year
15 period preceding the submission of such report.
16 Each subsequent report shall cover the 180-day pe-
17 riod preceding submission.

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

20 (A) The location within the Foreign Af-
21 fairs Manual or the Foreign Affairs Handbook
22 where a change has been made.

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

1 (C) A side-by-side comparison of the For-
2 eign Affairs Manual or Foreign Affairs Hand-
3 book before and after such change.

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

6 **SEC. 1319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPA-**
7 **TIONAL REQUIREMENTS OF CERTAIN POSI-**
8 **TIONS.**

9 The Secretary of State may waive any or all of the
10 individual occupational requirements with respect to an
11 employee or prospective employee of the Department of
12 State for a civilian position categorized under the GS-
13 0130 occupational series if the Secretary determines that
14 the individual possesses significant scientific, techno-
15 logical, engineering, or mathematical expertise that is inte-
16 gral to performing the duties of the applicable position,
17 based on demonstrated job performance and qualifying ex-
18 perience. With respect to each waiver granted under this
19 subsection, the Secretary shall set forth in a written docu-
20 ment that is transmitted to the Director of the Office of
21 Personnel Management the rationale for the decision of
22 the Secretary to waive such requirements.

1 **SEC. 1320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL**
2 **ENGAGEMENT CENTER.**

3 The Secretary of State may appoint, for a 3-year pe-
4 riod that may be extended for up to an additional two
5 years, solely to carry out the functions of the Global En-
6 gagement Center, employees of the Department of State
7 without regard to the provisions of title 5, United States
8 Code, governing appointment in the competitive service,
9 and may fix the basic compensation of such employees
10 without regard to chapter 51 and subchapter III of chap-
11 ter 53 of such title.

12 **SEC. 1321. REST AND RECUPERATION AND OVERSEAS OP-**
13 **ERATIONS LEAVE FOR FEDERAL EMPLOYEES.**

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

17 **“§ 6329d. Rest and recuperation leave**

18 “(a) DEFINITIONS.—In this section—

19 “(1) the term ‘agency’ means an Executive
20 agency (as that term is defined in section 105), but
21 does not include the Government Accountability Of-
22 fice;

23 “(2) the term ‘combat zone’ means a geo-
24 graphic area designated by an Executive order of the
25 President as an area in which the Armed Forces are
26 engaging or have engaged in combat, an area des-

1 ignated by law to be treated as a combat zone, or
2 a location the Department of Defense has certified
3 for combat zone tax benefits due to its direct sup-
4 port of military operations;

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

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

11 “(5) the term ‘leave year’ means the period be-
12 ginning on the first day of the first complete pay pe-
13 riod in a calendar year and ending on the day imme-
14 diately before the first day of the first complete pay
15 period in the following calendar year.

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

23 “(c) DISCRETIONARY AUTHORITY OF AGENCY
24 HEAD.—Use of the authority under subsection (b) is at

1 the sole and exclusive discretion of the head of the agency
2 concerned.

3 “(d) RECORDS.—An agency shall record leave pro-
4 vided under this section separately from leave authorized
5 under any other provision of law.

6 **“§ 6329e. Overseas operations leave**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘agency’ means an Executive
9 agency (as that term is defined in section 105), but
10 does not include the Government Accountability Of-
11 fice;

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

14 “(3) the term ‘leave year’ means the period be-
15 ginning with the first day of the first complete pay
16 period in a calendar year and ending with the day
17 immediately before the first day of the first complete
18 pay period in the following calendar year.

19 “(b) LEAVE FOR OVERSEAS OPERATIONS.—The head
20 of an agency may prescribe regulations to grant up to 10
21 days of paid leave, per leave year, to an employee of the
22 agency serving abroad where the conduct of business could
23 pose potential security or safety related risks or would be
24 inconsistent with host-country practice. Such regulations
25 may provide that additional leave days may be granted

1 during such leave year if the head of the agency deter-
2 mines that to do so is necessary to advance the national
3 security or foreign policy interests of the United States.

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

8 “(d) RECORDS.—An agency shall record leave pro-
9 vided under this section separately from leave authorized
10 under any other provision of law.”.

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

“6329d. Rest and recuperation leave
“6329e. Overseas operations leave”.

15 **SEC. 1322. EMERGENCY MEDICAL SERVICES AUTHORITY.**

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

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

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

22 (3) by adding at the end the following new sub-
23 section:

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

11 **SEC. 1323. DEPARTMENT OF STATE STUDENT INTERNSHIP**
12 **PROGRAM.**

13 (a) IN GENERAL.—The Secretary of State shall es-
14 tablish the Department of State Student Internship Pro-
15 gram (in this section referred to as the “Program”) to
16 offer internship opportunities at the Department of State
17 to eligible students to raise awareness of the essential role
18 of diplomacy in the conduct of United States foreign policy
19 and the realization of United States foreign policy objec-
20 tives.

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

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

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

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

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

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

11 (c) SELECTION.—The Secretary of State shall estab-
12 lish selection criteria for students to be admitted into the
13 Program that includes the following:

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

16 (2) Academic performance.

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

19 (d) OUTREACH.—The Secretary of State shall adver-
20 tise the Program widely, including on the internet,
21 through the Department of State’s Diplomats in Resi-
22 dence program, and through other outreach and recruiting
23 initiatives targeting undergraduate and graduate students.
24 The Secretary shall actively encourage people belonging to
25 traditionally under-represented groups in terms of racial,

1 ethnic, geographic, and gender diversity, and disability
2 status to apply to the Program, including by conducting
3 targeted outreach at minority serving institutions (as such
4 term is described in section 371(a) of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1067q(a)).

6 (e) COMPENSATION.—

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

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

12 (B) the minimum wage of the jurisdiction
13 in which the internship is located,
14 whichever is greater.

15 (2) HOUSING ASSISTANCE.—

16 (A) ABROAD.—The Secretary of State
17 shall provide housing assistance to a student
18 participating in the Program whose permanent
19 address is within the United States if the loca-
20 tion of the internship in which such student is
21 participating is outside the United States.

22 (B) DOMESTIC.—The Secretary of State is
23 authorized to provide housing assistance to a
24 student participating in the Program whose
25 permanent address is within the United States

1 if the location of the internship in which such
2 student is participating is more than 50 miles
3 away from such student's permanent address.

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

12 (A) more than 50 miles from such stu-
13 dent's permanent address; or

14 (B) outside the United States.

15 (f) WORKING WITH INSTITUTIONS OF HIGHER EDU-
16 CATION.—The Secretary of State is authorized to enter
17 into agreements with institutions of higher education to
18 structure internships to ensure such internships satisfy
19 criteria for academic programs in which participants in
20 such internships are enrolled.

21 (g) TRANSITION PERIOD.—

22 (1) IN GENERAL.—Not later than two years
23 after the date of the enactment of this Act, the Sec-
24 retary of State shall transition all unpaid internship
25 programs of the Department, including the Foreign

1 Service Internship Program, to internship programs
2 that offer compensation. Upon selection as a can-
3 didate for entry into an internship program of the
4 Department after such date, a participant in such
5 internship program shall be afforded the opportunity
6 to forgo compensation, including if doing so allows
7 such participant to receive college or university cur-
8 ricular credit.

9 (2) EXCEPTION.—The transition required
10 under paragraph (1) shall not apply in the case of
11 unpaid internship programs of the Department of
12 State that are part of the Virtual Student Federal
13 Service internship program.

14 (3) WAIVER.—

15 (A) IN GENERAL.—The Secretary may
16 waive the requirement under this subsection to
17 transition an unpaid internship program of the
18 Department to an internship program that of-
19 fers compensation if the Secretary determines
20 and not later than 30 days after any such de-
21 termination submits to the appropriate congres-
22 sional committees a report that to do so would
23 not be consistent with effective management
24 goals.

1 (B) REPORT.—The report required under
2 subparagraph (A) shall describe the reason why
3 transitioning an unpaid internship program of
4 the Department to an internship program that
5 offers compensation would not be consistent
6 with effective management goals, including any
7 justification for maintaining such unpaid status
8 indefinitely, or any additional authorities or re-
9 sources necessary to transition such unpaid pro-
10 gram to offer compensation in the future.

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

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

23 (2) Data on the number of security clearance
24 investigations started for such students and the
25 timeline for such investigations, including whether

1 such investigations were completed or if, and when,
2 an interim security clearance was granted.

3 (3) Information on expenditures on the Pro-
4 gram.

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

7 (i) VOLUNTARY PARTICIPATION.—

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

15 (2) PRIVACY PROTECTION.—Any data collected
16 under this section shall be subject to the relevant
17 privacy protection statutes and regulations applica-
18 ble to Federal employees.

19 (j) SPECIAL HIRING AUTHORITY.—The Department
20 of State may offer compensated internships for not more
21 than 52 weeks, and select, appoint, employ, and remove
22 individuals in such compensated internships without re-
23 gard to the provisions of law governing appointments in
24 the competitive service.

1 (k) USE OF FUNDS.—Internships offered and com-
2 pensated by the Department subject to this section shall
3 be funded by amounts appropriated pursuant to—

4 (1) the authorization of appropriations under
5 section 1001; and

6 (2) any other Act.

7 **SEC. 1324. COMPETITIVE STATUS FOR CERTAIN EMPLOY-**
8 **EES HIRED BY INSPECTORS GENERAL TO**
9 **SUPPORT THE LEAD IG MISSION.**

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

15 **SEC. 1325. COOPERATION WITH OFFICE OF THE INSPECTOR**
16 **GENERAL.**

17 (a) ADMINISTRATIVE DISCIPLINE.—Not later than
18 30 days after the date of the enactment of this Act, the
19 Secretary of State shall make explicit in writing to all De-
20 partment of State personnel, including the Secretary of
21 State, Department employees, contractors, and political
22 appointees, and shall consider updating the Foreign Af-
23 fairs Manual and the Foreign Affairs Handbook to explic-
24 itly specify, that if any of such personnel does not comply
25 within 60 days with a request for an interview or access

1 to documents from the Office of the Inspector General of
2 the Department such personnel may be subject to appro-
3 priate administrative discipline including, when cir-
4 cumstances warrant, suspension without pay or removal.

5 (b) REPORT.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act and on
8 a quarterly basis thereafter, the Office of the Inspec-
9 tor General of the Department of State and the
10 United States Agency for Global Media shall submit
11 to the appropriate congressional committees and the
12 Secretary of State a report in unclassified form de-
13 tailing the following:

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

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

21 (C) Any extension of time that was volun-
22 tarily granted to such individual by the Office
23 of the Inspector General.

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

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

10 **SEC. 1326. INFORMATION ON EDUCATIONAL OPPORTUNI-**
11 **TIES FOR CHILDREN WITH SPECIAL EDU-**
12 **CATIONAL NEEDS CONSISTENT WITH THE IN-**
13 **DIVIDUALS WITH DISABILITIES EDUCATION**
14 **ACT.**

15 Not later than March 31, 2022, and annually there-
16 after, the Director of the Office of Overseas Schools of
17 the Department of State shall maintain and update a list
18 of overseas schools receiving assistance from the Office
19 and detailing the extent to which each such school provides
20 special education and related services to children with dis-
21 abilities in accordance with part B of the Individuals with
22 Disabilities Education Act (20 U.S.C. 1411 et seq.). Each
23 list required under this section shall be posted on the pub-
24 lic website of the Office for access by members of the For-

1 eign Service, Senior Foreign Service, and their eligible
2 family members.

3 **SEC. 1327. IMPLEMENTATION OF GAP MEMORANDUM IN SE-**
4 **LECTION BOARD PROCESS.**

5 (a) IN GENERAL.—Section 603 of the Foreign Serv-
6 ice Act of 1980 (22 U.S.C. 4003) is amended by adding
7 at the end the following new subsection:

8 “(c)(1) A member of the Service or member of the
9 Senior Foreign Service whose performance will be evalu-
10 ated by a selection board may submit to such selection
11 board a gap memo in advance of such evaluation.

12 “(2) Members of a selection board may not consider
13 as negative the submission of a gap memo by a member
14 described in paragraph (1) when evaluating the perform-
15 ance of such member.

16 “(3) In this subsection, the term ‘gap memo’ means
17 a written record, submitted to a selection board in a stand-
18 ard format established by the Director General of the For-
19 eign Service, which indicates and explains a gap in the
20 record of a member of the Service or member of the Senior
21 Foreign Service whose performance will be evaluated by
22 such selection board, which gap is due to personal cir-
23 cumstances, including for health, family, or other reason
24 as determined by the Director General in consultation with
25 the Committee on Foreign Affairs of the House of Rep-

1 representatives and the Committee on Foreign Relations of
2 the Senate.”.

3 (b) CONSULTATION AND GUIDANCE.—

4 (1) CONSULTATION.—Not later than 30 days
5 after the date of the enactment of this Act, the Di-
6 rector General of the Foreign Service shall consult
7 with the Committee on Foreign Affairs of the House
8 of Representatives and the Committee on Foreign
9 Relations of the Senate regarding the development
10 of the gap memo under subsection (c) of section 603
11 of the Foreign Service Act of 1980, as added by sub-
12 section (a).

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

17 **TITLE IV—A DIVERSE WORK-**
18 **FORCE: RECRUITMENT, RE-**
19 **TENTION, AND PROMOTION**

20 **SEC. 1401. DEFINITIONS.**

21 In this title:

22 (1) APPLICANT FLOW DATA.—The term “appli-
23 cant flow data” means data that tracks the rate of
24 applications for job positions among demographic
25 categories.

1 (2) DEMOGRAPHIC DATA.—The term “demo-
2 graphic data” means facts or statistics relating to
3 the demographic categories specified in the Office of
4 Management and Budget statistical policy directive
5 entitled “Standards for Maintaining, Collecting, and
6 Presenting Federal Data on Race and Ethnicity”
7 (81 Fed. Reg. 67398).

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

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

15 (A) individuals serving in a position in the
16 civil service (as such term is defined in section
17 2101 of title 5, United States Code);

18 (B) individuals who are members of the
19 Foreign Service (as such term defined in sec-
20 tion 103 of the Foreign Service Act of 1980 (22
21 U.S.C. 3902));

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

24 (D) all individuals serving under a Foreign
25 Service limited appointment under section 309

1 of the Foreign Service Act of 1980 (22 U.S.C.
2 3949); or

3 (E) individuals other than Locally Em-
4 ployed Staff working in the Department of
5 State under any other authority.

6 **SEC. 1402. COLLECTION, ANALYSIS, AND DISSEMINATION**
7 **OF WORKFORCE DATA.**

8 (a) INITIAL REPORT.—Not later than 180 days after
9 the date of the enactment of this Act, the Secretary of
10 State shall, in consultation with the Director of the Office
11 of Personnel Management and the Director of the Office
12 of Management and Budget, submit to the appropriate
13 congressional committees a report, which shall also be
14 published on a publicly available website of the Depart-
15 ment in a searchable database format, that includes
16 disaggregated demographic data and other information re-
17 garding the diversity of the workforce of the Department
18 of State.

19 (b) DATA.—The report under subsection (a) shall in-
20 clude the following data to the maximum extent collection
21 of such data is permissible by law:

22 (1) Demographic data on each element of the
23 workforce of the Department of State, disaggregated
24 by rank and grade or grade-equivalent, with respect
25 to the following groups:

1 (A) Applicants for positions in the Depart-
2 ment.

3 (B) Individuals hired to join the workforce.

4 (C) Individuals promoted during the 5-year
5 period ending on the date of the enactment of
6 this Act, including promotions to and within the
7 Senior Executive Service or the Senior Foreign
8 Service.

9 (D) Individuals serving during the 5-year
10 period ending on the date of the enactment of
11 this Act as special assistants in any of the of-
12 fices of the Secretary of State, the Deputy Sec-
13 retary of State, the Counselor of the Depart-
14 ment of State, the Secretary's Policy Planning
15 Staff, the Under Secretary for Arms Control
16 and International Security, the Under Secretary
17 for Civilian Security, Democracy, and Human
18 Rights, the Under Secretary for Economic
19 Growth, Energy, and the Environment, the Un-
20 dersecretary for Management, the Undersecre-
21 tary of State for Political Affairs, and the Un-
22 dersecretary for Public Diplomacy and Public
23 Affairs.

1 (E) Individuals serving in the 5-year pe-
2 riod ending on the date of the enactment of this
3 Act in each bureau's front office.

4 (F) Individuals serving in the 5-year pe-
5 riod ending on the date of the enactment of this
6 Act as detailees to the National Security Coun-
7 cil.

8 (G) Individuals serving on applicable selec-
9 tion boards.

10 (H) Members of any external advisory
11 committee or board who are subject to appoint-
12 ment by individuals at senior positions in the
13 Department.

14 (I) Individuals participating in professional
15 development programs of the Department, and
16 the extent to which such participants have been
17 placed into senior positions within the Depart-
18 ment after such participation.

19 (J) Individuals participating in mentorship
20 or retention programs.

21 (K) Individuals who separated from the
22 agency during the 5-year period ending on the
23 date of the enactment of this Act, including in-
24 dividuals in the Senior Executive Service or the
25 Senior Foreign Service.

1 (2) An assessment of agency compliance with
2 the essential elements identified in Equal Employ-
3 ment Opportunity Commission Management Direc-
4 tive 715, effective October 1, 2003.

5 (3) Data on the overall number of individuals
6 who are part of the workforce, the percentages of
7 such workforce corresponding to each element speci-
8 fied in section 1401(4), and the percentages cor-
9 responding to each rank, grade, or grade-equivalent.

10 (c) RECOMMENDATION.—The Secretary of State may
11 include in the report under subsection (a) a recommenda-
12 tion to the Director of Office of Management and Budget
13 and to the appropriate congressional committees regarding
14 whether the Department of State should be permitted to
15 collect more detailed data on demographic categories in
16 addition to the race and ethnicity categories specified in
17 the Office of Management and Budget statistical policy
18 directive entitled “Standards for Maintaining, Collecting,
19 and Presenting Federal Data on Race and Ethnicity” (81
20 Fed. Reg. 67398), in order to comply with the intent and
21 requirements of this Act.

22 (d) OTHER CONTENTS.—The report under sub-
23 section (a) shall also describe and assess the effectiveness
24 of the efforts of the Department of State—

1 (1) to propagate fairness, impartiality, and in-
2 clusion in the work environment, both domestically
3 and abroad;

4 (2) to enforce anti-harassment and anti-dis-
5 crimination policies, both domestically and at posts
6 overseas;

7 (3) to refrain from engaging in unlawful dis-
8 crimination in any phase of the employment process,
9 including recruitment, hiring, evaluation, assign-
10 ments, promotion, retention, and training;

11 (4) to prevent retaliation against employees for
12 participating in a protected equal employment op-
13 portunity activity or for reporting sexual harassment
14 or sexual assault;

15 (5) to provide reasonable accommodation for
16 qualified employees and applicants with disabilities;
17 and

18 (6) to recruit a representative workforce by—

19 (A) recruiting women, persons with disabil-
20 ities, and minorities;

21 (B) recruiting at women’s colleges, histori-
22 cally Black colleges and universities, minority-
23 serving institutions, and other institutions serv-
24 ing a significant percentage of minority stu-
25 dents;

1 (C) placing job advertisements in news-
2 papers, magazines, and job sites oriented to-
3 ward women and minorities;

4 (D) sponsoring and recruiting at job fairs
5 in urban and rural communities and land-grant
6 colleges or universities;

7 (E) providing opportunities through the
8 Foreign Service Internship Program under
9 chapter 12 of the Foreign Service Act of 1980
10 (22 U.S.C. 4141 et seq.) and other hiring ini-
11 tiatives;

12 (F) recruiting mid-level and senior-level
13 professionals through programs designed to in-
14 crease representation in international affairs of
15 people belonging to traditionally under-rep-
16 resented groups;

17 (G) offering the Foreign Service written
18 and oral assessment examinations in several lo-
19 cations throughout the United States to reduce
20 the burden of applicants having to travel at
21 their own expense to take either or both such
22 examinations;

23 (H) expanding the use of paid internships;
24 and

1 (I) supporting recruiting and hiring oppor-
2 tunities through—

3 (i) the Charles B. Rangel Inter-
4 national Affairs Fellowship Program;

5 (ii) the Thomas R. Pickering Foreign
6 Affairs Fellowship Program; and

7 (iii) other initiatives, including agen-
8 cy-wide policy initiatives.

9 (e) ANNUAL UPDATES.—Not later than one year
10 after the publication of the report required under sub-
11 section (a) and annually thereafter for the following five
12 years, the Secretary of State shall work with the Director
13 of the Office of Personnel Management and the Director
14 of the Office of Management and Budget to provide a re-
15 port to the appropriate congressional committees, which
16 shall be posted on the Department’s website, which may
17 be included in another annual report required under an-
18 other provision of law, that includes—

19 (1) disaggregated demographic data, to the
20 maximum extent collection of such data is permis-
21 sible by law, relating to the workforce and informa-
22 tion on the status of diversity and inclusion efforts
23 of the Department;

1 (2) an analysis of applicant flow data, to the
2 maximum extent collection of such data is permis-
3 sible by law;; and

4 (3) disaggregated demographic data relating to
5 participants in professional development programs of
6 the Department and the rate of placement into sen-
7 ior positions for participants in such programs.

8 **SEC. 1403. EXIT INTERVIEWS FOR WORKFORCE.**

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

14 (1) to understand the reasons of individuals in
15 such workforce for remaining in a position in the
16 Department; and

17 (2) to receive feedback on workplace policies,
18 professional development opportunities, and other
19 issues affecting the decision of individuals in the
20 workforce to remain in the Department.

21 (b) **DEPARTING MEMBERS.**—The Director General of
22 the Foreign Service and the Director of the Bureau of
23 Human Resources or its equivalent shall provide an oppor-
24 tunity for an exit interview to each individual in the work-
25 force of the Department of State who separates from serv-

1 ice with the Department to better understand the reasons
2 of such individual for leaving such service.

3 (c) USE OF ANALYSIS FROM INTERVIEWS.—The Di-
4 rector General of the Foreign Service and the Director of
5 the Bureau of Human Resources or its equivalent shall
6 analyze demographic data and other information obtained
7 through interviews under subsections (a) and (b) to deter-
8 mine—

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

12 (2) whether to implement any policy changes or
13 include any recommendations in a report required
14 under subsection (a) or (e) of section 1402 relating
15 to the determination reached pursuant to paragraph
16 (1).

17 (d) TRACKING DATA.—The Department of State
18 shall—

19 (1) track demographic data relating to partici-
20 pants in professional development programs and the
21 rate of placement into senior positions for partici-
22 pants in such programs;

23 (2) annually evaluate such data—

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

4 (B) to understand the extent to which par-
5 ticipation in any professional development pro-
6 gram offered or sponsored by the Department
7 differs among the demographic categories of the
8 workforce; and

9 (3) actively encourage participation from a
10 range of demographic categories, especially from cat-
11 egories with consistently low participation, in such
12 professional development programs.

13 **SEC. 1404. RECRUITMENT AND RETENTION.**

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

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

17 (2) instruct the Director General of the Foreign
18 Service and the Director of the Bureau of Human
19 Resources of the Department of State to have a re-
20 cruitment plan of action for the recruitment of peo-
21 ple belonging to traditionally under-represented
22 groups, which should include outreach at appro-
23 priate colleges, universities, affinity groups, and pro-
24 fessional associations.

1 (b) SCOPE.—The diversity recruitment initiatives de-
2 scribed in subsection (a) shall include—

3 (1) recruiting at women’s colleges, historically
4 Black colleges and universities, minority-serving in-
5 stitutions, and other institutions serving a signifi-
6 cant percentage of minority students;

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

10 (3) sponsoring and recruiting at job fairs in
11 urban and rural communities and land-grant colleges
12 or universities;

13 (4) providing opportunities through highly re-
14 spected, international leadership programs, that
15 focus on diversity recruitment and retention;

16 (5) expanding the use of paid internships; and

17 (6) cultivating partnerships with organizations
18 dedicated to the advancement of the profession of
19 international affairs and national security to advance
20 shared diversity goals.

21 (c) EXPAND TRAINING ON ANTI-HARASSMENT AND
22 ANTI-DISCRIMINATION.—

23 (1) IN GENERAL.—The Secretary of State shall,
24 through the Foreign Service Institute and other edu-
25 cational and training opportunities—

1 (A) ensure the provision to all individuals
2 in the workforce of training on anti-harassment
3 and anti-discrimination information and poli-
4 cies, including in existing Foreign Service Insti-
5 tute courses or modules prioritized in the De-
6 partment of State's Diversity and Inclusion
7 Strategic Plan for 2016–2020 to promote diver-
8 sity in Bureau awards or mitigate unconscious
9 bias;

10 (B) expand the provision of training on
11 workplace rights and responsibilities to focus on
12 anti-harassment and anti-discrimination infor-
13 mation and policies, including policies relating
14 to sexual assault prevention and response; and

15 (C) make such expanded training manda-
16 tory for—

17 (i) individuals in senior and super-
18 visory positions;

19 (ii) individuals having responsibilities
20 related to recruitment, retention, or pro-
21 motion of employees; and

22 (iii) any other individual determined
23 by the Department who needs such train-
24 ing based on analysis by the Department
25 or OPM analysis.

1 (2) BEST PRACTICES.—The Department of
2 State shall give special attention to ensuring the
3 continuous incorporation of research-based best
4 practices in training provided under this subsection.

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

7 (a) IN GENERAL.—The Secretary of State shall en-
8 sure that individuals in senior and supervisory positions
9 of the Department of State, or Department individuals
10 having responsibilities related to recruitment, retention, or
11 promotion of employees, should have a demonstrated com-
12 mitment to equal opportunity, diversity, and inclusion.

13 (b) CONSIDERATION.—In making any recommenda-
14 tions on nominations, conducting interviews, identifying or
15 selecting candidates, or appointing acting individuals for
16 positions equivalent to an Assistant Secretary or above,
17 the Secretary of State shall use best efforts to consider
18 at least one individual reflective of diversity.

19 (c) ESTABLISHMENT.—

20 (1) IN GENERAL.—The Secretary of State shall
21 establish a mechanism to ensure that appointments
22 or details of Department of State employees to staff
23 positions in the Offices of the Secretary, the Deputy
24 Secretary, the Counselor of the Department, the
25 Secretary's Policy Planning Staff, or any of the

1 Undersecretaries of State, and details to the Na-
2 tional Security Council, are transparent, competitive,
3 equitable, and inclusive, and made without regard to
4 an individual's race, color, religion, sex (including
5 pregnancy, transgender status, or sexual orienta-
6 tion), national origin, age (if 40 or older), disability,
7 or genetic information.

8 (2) REPORT.—Not later than 90 days after the
9 date of the enactment of this Act, the Secretary of
10 State shall submit to the appropriate congressional
11 committees a report regarding the mechanism re-
12 quired under paragraph (1).

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

18 **SEC. 1406. LEADERSHIP ENGAGEMENT AND ACCOUNT-**
19 **ABILITY.**

20 (a) REWARD AND RECOGNIZE EFFORTS TO PRO-
21 MOTE DIVERSITY AND INCLUSION.—

22 (1) IN GENERAL.—The Secretary of State shall
23 implement performance and advancement require-
24 ments that reward and recognize the efforts of indi-
25 viduals in senior positions and supervisors in the De-

1 partment of State in fostering an inclusive environ-
2 ment and cultivating talent consistent with merit
3 system principles, such as through participation in
4 mentoring programs or sponsorship initiatives, re-
5 cruitment events, and other similar opportunities.

6 (2) OUTREACH EVENTS.—The Secretary of
7 State shall create opportunities for individuals in
8 senior positions and supervisors in the Department
9 of State to participate in outreach events and to dis-
10 cuss issues relating to diversity and inclusion with
11 the workforce on a regular basis, including with em-
12 ployee resource groups.

13 (b) EXTERNAL ADVISORY COMMITTEES AND
14 BOARDS.—For each external advisory committee or board
15 to which individuals in senior positions in the Department
16 of State appoint members, the Secretary of State is
17 strongly encouraged by Congress to ensure such external
18 advisory committee or board is developed, reviewed, and
19 carried out by qualified teams that represent the diversity
20 of the organization.

21 **SEC. 1407. PROFESSIONAL DEVELOPMENT OPPORTUNITIES**
22 **AND TOOLS.**

23 (a) EXPAND PROVISION OF PROFESSIONAL DEVEL-
24 OPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

1 (1) IN GENERAL.—The Secretary of State is
2 authorized to expand professional development op-
3 portunities that support the mission needs of the
4 Department of State, such as—

5 (A) academic programs;

6 (B) private-public exchanges; and

7 (C) detail assignments to relevant positions

8 in—

9 (i) private or international organiza-
10 tions;

11 (ii) State, local, and Tribal govern-
12 ments;

13 (iii) other branches of the Federal
14 Government; or

15 (iv) professional schools of inter-
16 national affairs.

17 (2) TRAINING FOR SENIOR POSITIONS.—

18 (A) IN GENERAL.—The Secretary of State
19 shall offer, or sponsor members of the work-
20 force to participate in, a Senior Executive Serv-
21 ice candidate development program or other
22 program that trains members on the skills re-
23 quired for appointment to senior positions in
24 the Department of State.

1 (B) REQUIREMENTS.—In determining
2 which members of the workforce are granted
3 professional development or career advancement
4 opportunities under subparagraph (A), the Sec-
5 retary of State shall—

6 (i) ensure any program offered or
7 sponsored by the Department of State
8 under such subparagraph comports with
9 the requirements of subpart C of part 412
10 of title 5, Code of Federal Regulations, or
11 any successor thereto, including merit
12 staffing and assessment requirements;

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

17 (iii) understand how participation in
18 any program offered or sponsored by the
19 Department under such subparagraph dif-
20 fers by gender, race, national origin, dis-
21 ability status, or other demographic cat-
22 egories; and

23 (iv) actively encourage participation
24 from a range of demographic categories,

1 especially from categories with consistently
2 low participation.

3 **SEC. 1408. EXAMINATION AND ORAL ASSESSMENT FOR THE**
4 **FOREIGN SERVICE.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the Department of State should offer both the
7 Foreign Service written examination and oral assessment
8 in more locations throughout the United States. Doing so
9 would ease the financial burden on potential candidates
10 who do not currently reside in and must travel at their
11 own expense to one of the few locations where these as-
12 sessments are offered.

13 (b) FOREIGN SERVICE EXAMINATIONS.—Section
14 301(b) of the Foreign Service Act of 1980 (22 U.S.C.
15 3941) is amended—

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

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

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

1 **SEC. 1409. PAYNE FELLOWSHIP AUTHORIZATION.**

2 (a) IN GENERAL.—Undergraduate and graduate
3 components of the Donald M. Payne International Devel-
4 opment Fellowship Program may conduct outreach to at-
5 tract outstanding students with an interest in pursuing
6 a Foreign Service career who represent diverse ethnic and
7 socioeconomic backgrounds.

8 (b) REVIEW OF PAST PROGRAMS.—The Secretary of
9 State shall review past programs designed to increase mi-
10 nority representation in international affairs positions.

11 **SEC. 1410. VOLUNTARY PARTICIPATION.**

12 (a) IN GENERAL.—Nothing in this title should be
13 construed so as to compel any employee to participate in
14 the collection of the data or divulge any personal informa-
15 tion. Department of State employees shall be informed
16 that their participation in the data collection contemplated
17 by this title is voluntary.

18 (b) PRIVACY PROTECTION.—Any data collected
19 under this title shall be subject to the relevant privacy pro-
20 tection statutes and regulations applicable to Federal em-
21 ployees.

22 **TITLE V—INFORMATION**
23 **SECURITY**

24 **SEC. 1501. DEFINITIONS.**

25 In this title:

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

5 (2) RELEVANT CONGRESSIONAL COMMIT-
6 TEES.—The term “relevant congressional commit-
7 tees” means—

8 (A) the appropriate congressional commit-
9 tees;

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

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

14 **SEC. 1502. LIST OF CERTAIN TELECOMMUNICATIONS PRO-**
15 **VIDERS.**

16 (a) LIST OF COVERED CONTRACTORS.—Not later
17 than 30 days after the date of the enactment of this Act,
18 the Secretary of State, in consultation with the Director
19 of National Intelligence, shall develop or maintain, as the
20 case may be, and update as frequently as the Secretary
21 determines appropriate, a list of covered contractors with
22 respect to which the Department should seek to avoid en-
23 tering into contracts. Not later than 30 days after the ini-
24 tial development of the list under this subsection, any up-
25 date thereto, and annually thereafter for five years after

1 such initial 30 day period, the Secretary shall submit to
2 the appropriate congressional committees a copy of such
3 list.

4 (b) COVERED CONTRACTOR DEFINED.—In this sec-
5 tion, the term “covered contractor” means a provider of
6 telecommunications, telecommunications equipment, or in-
7 formation technology equipment, including hardware, soft-
8 ware, or services, that has knowingly assisted or facilitated
9 a cyber attack or conducted surveillance, including passive
10 or active monitoring, carried out against—

11 (1) the United States by, or on behalf of, any
12 government, or persons associated with such govern-
13 ment, listed as a cyber threat actor in the intel-
14 ligence community’s 2017 assessment of worldwide
15 threats to United States national security or any
16 subsequent worldwide threat assessment of the intel-
17 ligence community; or

18 (2) individuals, including activists, journalists,
19 opposition politicians, or other individuals for the
20 purposes of suppressing dissent or intimidating crit-
21 ics, on behalf of a country included in the annual
22 country reports on human rights practices of the
23 Department for systematic acts of political repres-
24 sion, including arbitrary arrest or detention, torture,

1 extrajudicial or politically motivated killing, or other
2 gross violations of human rights.

3 **SEC. 1503. PRESERVING RECORDS OF ELECTRONIC COM-**
4 **MUNICATIONS CONDUCTED RELATED TO OF-**
5 **FICIAL DUTIES OF POSITIONS IN THE PUBLIC**
6 **TRUST OF THE AMERICAN PEOPLE.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that all officers and employees of the Department
9 and the United States Agency for International Develop-
10 ment are obligated under chapter 31 of title 44, United
11 States Code (popularly referred to as the Federal Records
12 Act of 1950), to create and preserve records containing
13 adequate and proper documentation of the organization,
14 functions, policies, decisions, procedures, and essential
15 transactions or operations of the Department and United
16 States embassies, consulates, and missions abroad, includ-
17 ing records of official communications with foreign govern-
18 ment officials or other foreign entities.

19 (b) CERTIFICATION.—Not later than 180 days after
20 the date of the enactment of this Act, the Secretary shall
21 submit to the appropriate congressional committees a cer-
22 tification in unclassified form that Secretary has commu-
23 nicated to all Department personnel, including the Sec-
24 retary of State and all political appointees, that such per-
25 sonnel are obligated under chapter 31 of title 44, United

1 States Code, to treat electronic messaging systems, soft-
2 ware, and applications as equivalent to electronic mail for
3 the purpose of identifying Federal records.

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

6 The State Department Basic Authorities Act of 1956
7 is amended—

8 (1) in section 402(a)(2) (22 U.S.C.
9 4352(a)(2)), by striking “26” and inserting “20”;
10 and

11 (2) in section 404 (22 U.S.C. 4354)—

12 (A) in subsection (a)(1), by striking
13 “30” and inserting “25”; and

14 (B) in subsection (c)(1)(C), by striking
15 “30” and inserting “25”.

16 **SEC. 1505. VULNERABILITY DISCLOSURE POLICY AND BUG**
17 **BOUNTY PILOT PROGRAM.**

18 (a) DEFINITIONS.—In this section:

19 (1) BUG BOUNTY PROGRAM.—The term “bug
20 bounty program” means a program under which an
21 approved individual, organization, or company is
22 temporarily authorized to identify and report
23 vulnerabilities of internet-facing information tech-
24 nology of the Department of State in exchange for
25 compensation.

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

5 (b) VULNERABILITY DISCLOSURE PROCESS.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of State shall design, establish, and make
9 publicly known a Vulnerability Disclosure Process
10 (VDP) to improve Department of State cybersecu-
11 rity by—

12 (A) providing security researchers with
13 clear guidelines for—

14 (i) conducting vulnerability discovery
15 activities directed at Department informa-
16 tion technology; and

17 (ii) submitting discovered security
18 vulnerabilities to the Department; and

19 (B) creating Department procedures and
20 infrastructure to receive and fix discovered
21 vulnerabilities.

22 (2) REQUIREMENTS.—In establishing the VDP
23 pursuant to paragraph (1), the Secretary of State
24 shall—

1 (A) identify which Department of State in-
2 formation technology should be included in the
3 process;

4 (B) determine whether the process should
5 differentiate among and specify the types of se-
6 curity vulnerabilities that may be targeted;

7 (C) provide a readily available means of re-
8 porting discovered security vulnerabilities and
9 the form in which such vulnerabilities should be
10 reported;

11 (D) identify which Department offices and
12 positions will be responsible for receiving,
13 prioritizing, and addressing security vulner-
14 ability disclosure reports;

15 (E) consult with the Attorney General re-
16 garding how to ensure that individuals, organi-
17 zations, and companies that comply with the re-
18 quirements of the process are protected from
19 prosecution under section 1030 of title 18,
20 United States Code, and similar provisions of
21 law for specific activities authorized under the
22 process;

23 (F) consult with the relevant offices at the
24 Department of Defense that were responsible
25 for launching the 2016 Vulnerability Disclosure

1 Program, “Hack the Pentagon”, and subse-
2 quent Department of Defense bug bounty pro-
3 grams;

4 (G) engage qualified interested persons, in-
5 cluding nongovernmental sector representatives,
6 about the structure of the process as construc-
7 tive and to the extent practicable; and

8 (H) award contracts to entities, as nec-
9 essary, to manage the process and implement
10 the remediation of discovered security
11 vulnerabilities.

12 (3) ANNUAL REPORTS.—Not later than 180
13 days after the establishment of the VDP under para-
14 graph (1) and annually thereafter for the next five
15 years, the Secretary of State shall submit to the
16 Committee on Foreign Affairs of the House of Rep-
17 resentatives and the Committee on Foreign Rela-
18 tions of the Senate a report on the VDP, including
19 information relating to the following:

20 (A) The number and severity of all secu-
21 rity vulnerabilities reported.

22 (B) The number of previously unidentified
23 security vulnerabilities remediated as a result.

1 (C) The current number of outstanding
2 previously unidentified security vulnerabilities
3 and Department of State remediation plans.

4 (D) The average length of time between
5 the reporting of security vulnerabilities and re-
6 mediation of such vulnerabilities.

7 (E) The resources, surge staffing, roles,
8 and responsibilities within the Department used
9 to implement the VDP and complete security
10 vulnerability remediation.

11 (F) Any other information the Secretary
12 determines relevant.

13 (c) BUG BOUNTY PILOT PROGRAM.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of the enactment of this Act, the Sec-
16 retary of State shall establish a bug bounty pilot
17 program to minimize security vulnerabilities of inter-
18 net-facing information technology of the Department
19 of State.

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

23 (A) provide compensation for reports of
24 previously unidentified security vulnerabilities
25 within the websites, applications, and other

1 internet-facing information technology of the
2 Department of State that are accessible to the
3 public;

4 (B) award contracts to entities, as nec-
5 essary, to manage such pilot program and for
6 executing the remediation of security
7 vulnerabilities identified pursuant to subpara-
8 graph (A);

9 (C) identify which Department of State in-
10 formation technology should be included in such
11 pilot program;

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

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

1 (F) develop a process by which an ap-
2 proved individual, organization, or company can
3 register with the entity referred to in subpara-
4 graph (B), submit to a background check as de-
5 termined by the Department of State, and re-
6 ceive a determination as to eligibility for par-
7 ticipation in such pilot program;

8 (G) engage qualified interested persons, in-
9 cluding nongovernmental sector representatives,
10 about the structure of such pilot program as
11 constructive and to the extent practicable; and

12 (H) consult with relevant United States
13 Government officials to ensure that such pilot
14 program complements persistent network and
15 vulnerability scans of the Department of State's
16 internet-accessible systems, such as the scans
17 conducted pursuant to Binding Operational Di-
18 rective BOD-19-02 or successor directive.

19 (3) DURATION.—The pilot program established
20 under paragraph (1) should be short-term in dura-
21 tion and not last longer than one year.

22 (4) REPORT.—Not later than 180 days after
23 the date on which the bug bounty pilot program
24 under subsection (a) is completed, the Secretary of
25 State shall submit to the Committee on Foreign Re-

1 lations of the Senate and the Committee on Foreign
2 Affairs of the House of Representatives a report on
3 such pilot program, including information relating
4 to—

5 (A) the number of approved individuals,
6 organizations, or companies involved in such
7 pilot program, broken down by the number of
8 approved individuals, organizations, or compa-
9 nies that—

10 (i) registered;

11 (ii) were approved;

12 (iii) submitted security vulnerabilities;

13 and

14 (iv) received compensation;

15 (B) the number and severity of all security
16 vulnerabilities reported as part of such pilot
17 program;

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

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

1 (E) the average length of time between the
2 reporting of security vulnerabilities and remedi-
3 ation of such vulnerabilities;

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

6 (G) the lessons learned from such pilot
7 program.

8 (d) USE OF FUNDS.—Compensation offered by the
9 Department subject to this section shall be funded by
10 amounts appropriated pursuant to—

11 (1) the authorization of appropriations under
12 section 1001; and

13 (2) any other Act.

14 **TITLE VI—PUBLIC DIPLOMACY**

15 **SEC. 1601. SHORT TITLE.**

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

18 **SEC. 1602. AVOIDING DUPLICATION OF PROGRAMS AND EF-**

19 **FORTS.**

20 The Secretary of State shall—

21 (1) identify opportunities for greater efficiency
22 of operations, including through improved coordina-
23 tion of efforts across public diplomacy bureaus and
24 offices of the Department of State; and

1 (2) maximize shared use of resources between,
 2 and within, such public diplomacy bureaus and of-
 3 fices in cases in which programs, facilities, or admin-
 4 istrative functions are duplicative or substantially
 5 overlapping.

6 **SEC. 1603. IMPROVING RESEARCH AND EVALUATION OF**
 7 **PUBLIC DIPLOMACY.**

8 (a) RESEARCH AND EVALUATION ACTIVITIES.—The
 9 Secretary of State, acting through the Director of Re-
 10 search and Evaluation appointed pursuant to subsection
 11 (b), shall—

12 (1) conduct regular research and evaluation of
 13 public diplomacy programs and activities of the De-
 14 partment, including through the routine use of audi-
 15 ence research, digital analytics, and impact evalua-
 16 tions, to plan and execute such programs and activi-
 17 ties; and

18 (2) make available to Congress the findings of
 19 the research and evaluations conducted under para-
 20 graph (1).

21 (b) DIRECTOR OF RESEARCH AND EVALUATION.—

22 (1) APPOINTMENT.—Not later than 90 days
 23 after the date of the enactment of this Act, the Sec-
 24 retary of State shall appoint a Director of Research
 25 and Evaluation (referred to in this subsection as the

1 “Director”) in the Office of Policy, Planning, and
2 Resources for Public Diplomacy and Public Affairs
3 of the Department.

4 (2) LIMITATION ON APPOINTMENT.—The ap-
5 pointment of the Director pursuant to paragraph (1)
6 shall not result in an increase in the overall full-time
7 equivalent positions within the Department of State.

8 (3) RESPONSIBILITIES.—The Director shall—

9 (A) coordinate and oversee the research
10 and evaluation of public diplomacy programs
11 and activities of the Department of State in
12 order to—

13 (i) improve public diplomacy strate-
14 gies and tactics; and

15 (ii) ensure that such programs and
16 activities are increasing the knowledge, un-
17 derstanding, and trust of the United
18 States by relevant target audiences;

19 (B) routinely organize and oversee audi-
20 ence research, digital analytics, and impact
21 evaluations across all public diplomacy bureaus
22 and offices of the Department;

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

1 (D) share appropriate public diplomacy re-
2 search and evaluation information within the
3 Department and with other appropriate Federal
4 departments and agencies;

5 (E) regularly design and coordinate stand-
6 ardized research questions, methodologies, and
7 procedures to ensure that public diplomacy pro-
8 grams and activities across all public diplomacy
9 bureaus and offices are designed to meet appro-
10 priate foreign policy objectives; and

11 (F) report biannually to the United States
12 Advisory Commission on Public Diplomacy,
13 through the Subcommittee on Research and
14 Evaluation established pursuant to subsection
15 (f), regarding the research and evaluation of all
16 public diplomacy bureaus and offices.

17 (4) GUIDANCE AND TRAINING.—Not later than
18 one year after the appointment of the Director pur-
19 suant to paragraph (1), the Director shall develop
20 guidance and training, including curriculum for use
21 by the Foreign Service Institute, for all public diplo-
22 macy officers of the Department regarding the read-
23 ing and interpretation of public diplomacy program
24 and activity evaluation findings to ensure that such
25 findings and related lessons learned are implemented

1 in the planning and evaluation of all public diplo-
2 macy programs and activities of the Department.

3 (c) PRIORITIZING RESEARCH AND EVALUATION.—

4 (1) IN GENERAL.—The head of the Office of
5 Policy, Planning, and Resources for Public Diplo-
6 macy and Public Affairs of the Department of State
7 shall ensure that research and evaluation of public
8 diplomacy and activities of the Department, as co-
9 ordinated and overseen by the Director pursuant to
10 subsection (b), supports strategic planning and re-
11 source allocation across all public diplomacy bureaus
12 and offices of the Department.

13 (2) ALLOCATION OF RESOURCES.—Amounts al-
14 located for the purpose of research and evaluation of
15 public diplomacy programs and activities of the De-
16 partment of State pursuant to subsection (b) shall
17 be made available to be disbursed at the direction of
18 the Director of Research and Evaluation among the
19 research and evaluation staff across all public diplo-
20 macy bureaus and offices of the Department.

21 (3) SENSE OF CONGRESS.—It is the sense of
22 Congress that the Department of State should
23 gradually increase its allocation of funds made avail-
24 able under the headings “Educational and Cultural
25 Exchange Programs” and “Diplomatic Programs”

1 for research and evaluation of public diplomacy pro-
2 grams and activities of the Department pursuant to
3 subsection (b) to a percentage of program funds that
4 is commensurate with Federal Government best
5 practices.

6 (d) LIMITED EXEMPTION RELATING TO THE PAPER-
7 WORK REDUCTION ACT.—Chapter 35 of title 44, United
8 States Code (commonly known as the “Paperwork Reduc-
9 tion Act”) shall not apply to the collection of information
10 directed at any individuals conducted by, or on behalf of,
11 the Department of State for the purpose of audience re-
12 search, monitoring, and evaluations, and in connection
13 with the Department’s activities conducted pursuant to
14 any of the following:

15 (1) The Mutual Educational and Cultural Ex-
16 change Act of 1961 (22 U.S.C. 2451 et seq.).

17 (2) Section 1287 of the National Defense Au-
18 thorization Act for Fiscal Year 2017 (Public Law
19 114–328; 22 U.S.C. 2656 note).

20 (3) The Foreign Assistance Act of 1961 (22
21 U.S.C. 2151 et seq.).

22 (e) LIMITED EXEMPTION RELATING TO THE PRI-
23 VACY ACT.—

24 (1) IN GENERAL.—The Department of State
25 shall maintain, collect, use, and disseminate records

1 (as such term is defined in section 552a(a)(4) of
2 title 5, United States Code) for audience research,
3 digital analytics, and impact evaluation of commu-
4 nications related to public diplomacy efforts intended
5 for foreign audiences.

6 (2) CONDITIONS.—Audience research, digital
7 analytics, and impact evaluations under paragraph

8 (1) shall be—

9 (A) reasonably tailored to meet the pur-
10 poses of this subsection; and

11 (B) carried out with due regard for privacy
12 and civil liberties guidance and oversight.

13 (f) UNITED STATES ADVISORY COMMISSION ON PUB-
14 LIC DIPLOMACY.—

15 (1) SUBCOMMITTEE FOR RESEARCH AND EVAL-
16 UATION.—The United States Advisory Commission
17 on Public Diplomacy shall establish a Subcommittee
18 on Research and Evaluation to monitor and advise
19 regarding audience research, digital analytics, and
20 impact evaluations carried out by the Department of
21 State and the United States Agency for Global
22 Media.

23 (2) ANNUAL REPORT.—The Subcommittee on
24 Research and Evaluation established pursuant to
25 paragraph (1) shall submit to the appropriate con-

1 gressional committees an annual report, in conjunc-
2 tion with the United States Advisory Commission on
3 Public Diplomacy’s Comprehensive Annual Report
4 on the performance of the Department and the
5 United States Agency for Global Media, describing
6 all actions taken by the Subcommittee pursuant to
7 paragraph (1) and any findings made as a result of
8 such actions.

9 **SEC. 1604. PERMANENT REAUTHORIZATION OF THE**
10 **UNITED STATES ADVISORY COMMISSION ON**
11 **PUBLIC DIPLOMACY.**

12 (a) IN GENERAL.—Section 1334 of the Foreign Af-
13 fairs Reform and Restructuring Act of 1998 (22 U.S.C.
14 6553) is amended—

15 (1) in the section heading, by striking “**SUN-**
16 **SET**” and inserting “**CONTINUATION**”; and

17 (2) by striking “until October 1, 2021”.

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

“Sec. 1334. Continuation of United States Advisory Commission on Public Di-
plomacy.”.

22 **SEC. 1605. STREAMLINING OF SUPPORT FUNCTIONS.**

23 (a) WORKING GROUP ESTABLISHED.—Not later than
24 60 days after the date of the enactment of this Act, the

1 Secretary of State shall establish a working group to ex-
2 plore the possibilities and cost-benefit analysis of
3 transitioning to a shared services model as such pertains
4 to human resources, travel, purchasing, budgetary plan-
5 ning, and all other executive support functions for all bu-
6 reaus of the Department that report to the Under Sec-
7 retary for Public Diplomacy of the Department.

8 (b) REPORT.—Not later than 180 days after the date
9 of the enactment of this Act, the Secretary of State shall
10 submit to the appropriate congressional committees a plan
11 to implement any such findings of the working group es-
12 tablished under subsection (a).

13 **SEC. 1606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLO-**
14 **MACY FACILITIES.**

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

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

3 (1) Standardized notification to each chief of
4 mission at a diplomatic post describing the require-
5 ments of the Secure Embassy Construction and
6 Counterterrorism Act of 1999 and the impact on the
7 mission footprint of such requirements.

8 (2) An assessment and recommendations from
9 each chief of mission of potential impacts to public
10 diplomacy programming at such diplomatic post if
11 any public diplomacy facility referred to in sub-
12 section (a) is closed or staff is co-located in accord-
13 ance with such Act.

14 (3) A process by which assessments and rec-
15 ommendations under paragraph (2) are considered
16 by the Secretary of State and the appropriate Under
17 Secretaries and Assistant Secretaries of the Depart-
18 ment.

19 (4) Notification to the appropriate congres-
20 sional committees, prior to the initiation of a new
21 embassy compound or new consulate compound de-
22 sign, of the intent to close any such public diplomacy
23 facility or co-locate public diplomacy staff in accord-
24 ance with such Act.

1 (c) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary of State shall
3 submit to the appropriate congressional committees a re-
4 port containing the guidelines required under subsection
5 (a) and any recommendations for any modifications to
6 such guidelines.

7 **SEC. 1607. DEFINITIONS.**

8 In this title:

9 (1) AUDIENCE RESEARCH.—The term “audi-
10 ence research” means research conducted at the out-
11 set of a public diplomacy program or the outset of
12 campaign planning and design regarding specific au-
13 dience segments to understand the attitudes, inter-
14 ests, knowledge, and behaviors of such audience seg-
15 ments.

16 (2) DIGITAL ANALYTICS.—The term “digital
17 analytics” means the analysis of qualitative and
18 quantitative data, accumulated in digital format, to
19 indicate the outputs and outcomes of a public diplo-
20 macy program or campaign.

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

1 (4) PUBLIC DIPLOMACY BUREAUS AND OF-
2 FICES.—The term “public diplomacy bureaus and
3 offices” means, with respect to the Department, the
4 following:

5 (A) The Bureau of Educational and Cul-
6 tural Affairs.

7 (B) The Bureau of Global Public Affairs.

8 (C) The Office of Policy, Planning, and
9 Resources for Public Diplomacy and Public Af-
10 fairs.

11 (D) The Global Engagement Center.

12 (E) The public diplomacy functions within
13 the regional and functional bureaus.

14 **TITLE VII—COMBATING PUBLIC** 15 **CORRUPTION**

16 **SEC. 1701. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

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

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

25 (3) the Department of State should—

1 (A) promote coordination among the Fed-
2 eral departments and agencies implementing
3 programs to promote good governance and com-
4 bat public corruption in foreign countries in
5 order to improve effectiveness and efficiency;
6 and

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

11 **SEC. 1702. ANNUAL ASSESSMENT.**

12 (a) IN GENERAL.—For each of fiscal years 2022
13 through 2027, the Secretary of State shall assess the ca-
14 pacity and commitment of foreign governments to which
15 the United States provides foreign assistance under the
16 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)
17 or the Arms Export Control Act (22 U.S.C. 2751 et seq.)
18 to combat public corruption. Each such assessment
19 shall—

20 (1) utilize independent, third party indicators
21 that measure transparency, accountability, and cor-
22 ruption in the public sector in such countries, includ-
23 ing the extent to which public power is exercised for
24 private gain, to identify those countries that are
25 most vulnerable to public corruption;

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

4 (A) has adopted measures to prevent pub-
5 lic corruption, such as measures to inform and
6 educate the public, including potential victims,
7 about the causes and consequences of public
8 corruption;

9 (B) has enacted laws and established gov-
10 ernment structures, policies, and practices that
11 prohibit public corruption;

12 (C) enforces such laws through a fair judi-
13 cial process;

14 (D) vigorously investigates, prosecutes,
15 convicts, and sentences public officials who par-
16 ticipate in or facilitate public corruption, includ-
17 ing nationals of such country who are deployed
18 in foreign military assignments, trade delega-
19 tions abroad, or other similar missions who en-
20 gage in or facilitate public corruption;

21 (E) prescribes appropriate punishment for
22 serious and significant corruption that is com-
23 mensurate with the punishment prescribed for
24 serious crimes;

1 (F) prescribes appropriate punishment for
2 significant corruption that provides a suffi-
3 ciently stringent deterrent and adequately re-
4 flects the nature of the offense;

5 (G) convicts and sentences persons respon-
6 sible for such acts that take place wholly or
7 partly within the country of such government,
8 including, as appropriate, requiring the incar-
9 ceration of individuals convicted of such acts;

10 (H) holds private sector representatives ac-
11 countable for their role in public corruption;
12 and

13 (I) addresses threats for civil society to
14 monitor anti-corruption efforts;

15 (3) further consider—

16 (A) verifiable measures taken by the gov-
17 ernment of a country identified under para-
18 graph (1) to prohibit government officials from
19 participating in, facilitating, or condoning pub-
20 lic corruption, including the investigation, pros-
21 ecution, and conviction of such officials;

22 (B) the extent to which such government
23 provides access, or, as appropriate, makes ade-
24 quate resources available, to civil society organi-
25 zations and other institutions to combat public

1 corruption, including reporting, investigating,
2 and monitoring;

3 (C) the extent to which an independent ju-
4 diciary or judicial body in such country is re-
5 sponsible for, and effectively capable of, decid-
6 ing public corruption cases impartially, on the
7 basis of facts and in accordance with law, with-
8 out any improper restrictions, influences, in-
9 ducements, pressures, threats, or interferences,
10 whether direct or indirect, from any source or
11 for any reason;

12 (D) the extent to which such government
13 cooperates meaningfully with the United States
14 to strengthen government and judicial institu-
15 tions and the rule of law to prevent, prohibit,
16 and punish public corruption; and

17 (E) the extent to which such government—
18 (i) is assisting in international inves-
19 tigation of transnational public corruption
20 networks and in other cooperative efforts
21 to combat serious, significant corruption,
22 including cooperating with the govern-
23 ments of other countries to extradite cor-
24 rupt actors;

1 (ii) recognizes the rights of victims of
2 public corruption, ensures their access to
3 justice, and takes steps to prevent such
4 victims from being further victimized or
5 persecuted by corrupt actors, government
6 officials, or others; and

7 (iii) refrains from prosecuting legiti-
8 mate victims of public corruption or whis-
9 tleblowers due to such persons having as-
10 sisted in exposing public corruption, and
11 refrains from other discriminatory treat-
12 ment of such persons; and

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

16 (b) IDENTIFICATION.—After conducting each assess-
17 ment under subsection (a), the Secretary of State shall
18 identify, of the countries described in subsection (a)(1)—

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

21 (2) which countries are not meeting such min-
22 imum standards but are making significant efforts
23 to do so; and

1 (3) which countries are not meeting such min-
2 imum standards and are not making significant ef-
3 forts to do so.

4 (c) REPORT.—Except as provided in subsection (d),
5 not later than 180 days after the date of the enactment
6 of this Act and annually thereafter through fiscal year
7 2027, the Secretary of State shall submit to the appro-
8 priate congressional committees, the Committee on Appro-
9 priations of the House of Representatives, and the Com-
10 mittee on Appropriations of the Senate a report, and make
11 such report publicly available, that—

12 (1) identifies the countries described in sub-
13 section (a)(1) and paragraphs (2) and (3) of sub-
14 section (b);

15 (2) describes the methodology and data utilized
16 in the assessments under subsection (a); and

17 (3) identifies the reasons for the identifications
18 referred to in paragraph (1).

19 (d) BRIEFING IN LIEU OF REPORT.—The Secretary
20 of State may waive the requirement to submit and make
21 publicly available a written report under subsection (c) if
22 the Secretary—

23 (1) determines that publication of such report
24 would—

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

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

5 (2) provides to the appropriate congressional
6 committees a briefing that—

7 (A) identifies the countries described in
8 subsection (a)(1) and paragraphs (2) and (3) of
9 subsection (b);

10 (B) describes the methodology and data
11 utilized in the assessment under subsection (a);
12 and

13 (C) identifies the reasons for the identifica-
14 tions referred to in subparagraph (A).

15 **SEC. 1703. TRANSPARENCY AND ACCOUNTABILITY.**

16 For each country identified under paragraphs (2) and
17 (3) of section 1702(b), the Secretary of State, in coordina-
18 tion with the Administrator of the United States Agency
19 for International Development, as appropriate, shall—

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

23 (2) utilize appropriate mechanisms to combat
24 corruption in such countries, including by ensur-
25 ing—

1 (A) the inclusion of anti-corruption clauses
2 in contracts, grants, and cooperative agree-
3 ments entered into by the Department of State
4 or the United States Agency for International
5 Development for or in such countries, which
6 allow for the termination of such contracts,
7 grants, or cooperative agreements, as the case
8 may be, without penalty if credible indicators of
9 public corruption are discovered;

10 (B) the inclusion of appropriate clawback
11 or flowdown clauses within the procurement in-
12 struments of the Department of State and the
13 United States Agency for International Devel-
14 opment that provide for the recovery of funds
15 misappropriated through corruption;

16 (C) the appropriate disclosure to the
17 United States Government, in confidential
18 form, if necessary, of the beneficial ownership
19 of contractors, subcontractors, grantees, cooper-
20 ative agreement participants, and other organi-
21 zations implementing programs on behalf of the
22 Department of State or the United States
23 Agency for International Development; and

1 (D) the establishment of mechanisms for
2 investigating allegations of misappropriated re-
3 sources and equipment.

4 **SEC. 1704. DESIGNATION OF EMBASSY ANTI-CORRUPTION**
5 **POINTS OF CONTACT.**

6 (a) IN GENERAL.—The Secretary of State shall an-
7 nually designate an anti-corruption point of contact at the
8 United States diplomatic post to each country identified
9 under paragraphs (2) and (3) of section 1702(b), or which
10 the Secretary otherwise determines is in need of such a
11 point of contact. The point of contact shall be the chief
12 of mission or the chief of mission’s designee.

13 (b) RESPONSIBILITIES.—Each anti-corruption point
14 of contact designated under subsection (a) shall be respon-
15 sible for coordinating and overseeing the implementation
16 of a whole-of-government approach among the relevant
17 Federal departments and agencies operating programs
18 that—

19 (1) promote good governance in foreign coun-
20 tries; and

21 (2) enhance the ability of such countries to—

22 (A) combat public corruption; and

23 (B) develop and implement corruption risk
24 assessment tools and mitigation strategies.

1 (c) TRAINING.—The Secretary of State shall imple-
2 ment appropriate training for anti-corruption points of
3 contact designated under subsection (a).

4 **TITLE VIII—OTHER MATTERS**

5 **SEC. 1801. CASE-ZABLOCKI ACT REFORM.**

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

8 (1) in subsection (a)—

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

11 (B) in the second sentence, by striking
12 “Committee on International Relations” and in-
13 serting “Committee on Foreign Affairs”; and

14 (2) by amending subsection (b) to read as fol-
15 lows:

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

21 “(1) shall be a current employee of such depart-
22 ment or agency;

23 “(2) shall serve concurrently as Chief Inter-
24 national Agreements Officer; and

1 “(3) subject to the authority of the head of
2 such department or agency, shall have department
3 or agency-wide responsibility for efficient and appro-
4 priate compliance with subsection (a) to transmit the
5 text of any international agreement to the Depart-
6 ment of State expeditiously after such agreement
7 has been signed.”.

8 **SEC. 1802. LIMITATION ON ASSISTANCE TO COUNTRIES IN**
9 **DEFAULT.**

10 Section 620(q) of the Foreign Assistance Act of 1961
11 (22 U.S.C. 2370(q)) is amended—

12 (1) by striking “No assistance” and inserting
13 the following “(1) No assistance”;

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

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

18 (4) by striking “determines” and all that fol-
19 lows and inserting “determines, after consultation
20 with the Committee on Foreign Affairs and the
21 Committee on Appropriations of the House of Rep-
22 resentatives and the Committee on Foreign Rela-
23 tions and the Committee on Appropriations of the
24 Senate, that assistance for such country is in the na-
25 tional interest of the United States.”; and

1 (5) by adding at the end the following:

2 “(2) No assistance shall be furnished under this Act,
3 the Peace Corps Act, the Millennium Challenge Act of
4 2003, the African Development Foundation Act, the
5 BUILD Act of 2018, section 504 of the FREEDOM Sup-
6 port Act, or section 23 of the Arms Export Control Act
7 to the government of any country which is in default dur-
8 ing a period in excess of 1 calendar year in payment to
9 the United States of principal or interest or any loan made
10 to the government of such country by the United States
11 unless the President determines, following consultation
12 with the congressional committees specified in paragraph
13 (1), that assistance for such country is in the national in-
14 terest of the United States.”.

15 **SEC. 1803. SEAN AND DAVID GOLDMAN CHILD ABDUCTION**
16 **PREVENTION AND RETURN ACT OF 2014**
17 **AMENDMENT.**

18 Subsection (b) of section 101 of the Sean and David
19 Goldman International Child Abduction Prevention and
20 Return Act of 2014 (22 U.S.C. 9111; Public Law 113–
21 150) is amended—

22 (1) in paragraph (2)—

23 (A) in subparagraph (A)—

24 (i) by inserting “, respectively,” after
25 “access cases”; and

1 (ii) by inserting “and the number of
2 children involved” before the semicolon at
3 the end;

4 (B) in subparagraph (D), by inserting “re-
5 spectively, the number of children involved,”
6 after “access cases,”;

7 (2) in paragraph (7), by inserting “, and num-
8 ber of children involved in such cases” before the
9 semicolon at the end;

10 (3) in paragraph (8), by striking “and” after
11 the semicolon at the end;

12 (4) in paragraph (9), by striking the period at
13 the end and inserting “; and”; and

14 (5) by adding at the end the following new
15 paragraph:

16 “(10) the total number of pending cases the
17 Department of State has assigned to case officers
18 and number of children involved for each country
19 and as a total for all countries.”.

20 **SEC. 1804. MODIFICATION OF AUTHORITIES OF COMMIS-**
21 **SION FOR THE PRESERVATION OF AMERICA’S**
22 **HERITAGE ABROAD.**

23 (a) IN GENERAL.—Chapter 3123 of title 54, United
24 States Code, is amended as follows:

1 (1) In section 312302, by inserting “, and
2 unimpeded access to those sites,” after “and historic
3 buildings”.

4 (2) In section 312304(a)—

5 (A) in paragraph (2)—

6 (i) by striking “and historic build-
7 ings” and inserting “and historic buildings,
8 and unimpeded access to those sites”; and

9 (ii) by striking “and protected” and
10 inserting “, protected, and made acces-
11 sible”; and

12 (B) in paragraph (3), by striking “and
13 protecting” and inserting “, protecting, and
14 making accessible”.

15 (3) In section 312305, by inserting “and to the
16 Committee on Foreign Affairs of the House of Rep-
17 resentatives and the Committee on Foreign Rela-
18 tions of the Senate” after “President”.

19 (b) REPORT.—Not later than 90 days after the date
20 of the enactment of this Act, the Commission for the Pres-
21 ervation of America’s Heritage Abroad shall submit to the
22 President and to the Committee on Foreign Affairs of the
23 House of Representatives and the Committee on Foreign
24 Relations of the Senate a report that contains an evalua-
25 tion of the extent to which the Commission is prepared

1 to continue its activities and accomplishments with respect
2 to the foreign heritage of United States citizens from east-
3 ern and central Europe, were the Commission's duties and
4 powers extended to include other regions, including the
5 Middle East and North Africa, and any additional re-
6 sources or personnel the Commission would require.

7 **SEC. 1805. CHIEF OF MISSION CONCURRENCE.**

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

12 (1) each relevant chief of mission shall inform
13 and consult in a timely manner with relevant indi-
14 viduals at relevant missions or bureaus of the De-
15 partment of State; and

16 (2) the Secretary of State shall take such steps
17 as may be necessary to ensure that such relevant in-
18 dividuals have the security clearances necessary and
19 access to relevant compartmented and special pro-
20 grams to so consult in a timely manner with respect
21 to such concurrence.

22 **SEC. 1806. REPORT ON EFFORTS OF THE CORONAVIRUS RE-**
23 **PATRIATION TASK FORCE.**

24 Not later than 90 days after the date of the enact-
25 ment of this Act, the Secretary of State shall submit to

1 the appropriate congressional committees, the Committee
2 on Armed Services of the House of Representatives, and
3 the Committee on Armed Services of the Senate a report
4 evaluating the efforts of the Coronavirus Repatriation
5 Task Force of the Department of State to repatriate
6 United States citizens and legal permanent residents in
7 response to the 2020 coronavirus outbreak. The report
8 shall identify—

9 (1) the most significant impediments to repa-
10 triating such persons;

11 (2) the lessons learned from such repatriations;
12 and

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

Passed the House of Representatives May 18, 2021.

Attest: CHERYL L. JOHNSON,
Clerk.