

Congress a report on the findings of the Secretary with respect to the study conducted under subsection (a).

(2) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Homeland Security of the House of Representatives.

**SA 5616.** Mrs. HYDE-SMITH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

**SEC. 144. PROHIBITION ON REDUCTION IN NUMBER OF T-1A AIRCRAFT IN THE TRAINING AIRCRAFT INVENTORY.**

None of the funds authorized to be appropriated by this Act for the Air Force for fiscal year 2023 may be used to reduce the number of T-1A aircraft in the training aircraft inventory of the Air Force.

**SA 5617.** Mrs. HYDE-SMITH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

**SEC. 517. DIVESTITURE OF TACTICAL CONTROL PARTY.**

No divestiture of any Tactical Control Party specialist force structure from the Air National Guard may occur until the Chief of the National Guard Bureau, in consultation with the Chief of Staff of the Army and the Chief of Staff of the Air Force, provides a report to the congressional defense committees describing—

(1) the capability gaps caused by divestiture of Tactical Control Party force structure from the Air National Guard and its impact on the Department of Defense to execute the National Defense Strategy; and

(2) the impacts of such divestiture to the operational capabilities of the Army National Guard.

**SA 5618.** Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE)

and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. —. PROHIBITION ON AVAILABILITY OF FUNDS FOR ENTITIES WHO MAINTAIN CONTRACTS WITH CERTAIN INSTITUTIONS OF HIGHER EDUCATION DOMICILED IN THE PEOPLE'S REPUBLIC OF CHINA.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by section 201 may be obligated or expended to provide to an entity that maintains a contract between the entity and an entity identified on the list established under subsection (b)(2).

(b) LIST.—

(1) IDENTIFICATION.—The Secretary of Defense shall, in consultation with the Director of National Intelligence, identify each entity that is an institution of higher education domiciled in the People's Republic of China that provides support to the People's Liberation Army, including involvement in the implementation of the military-civil fusion strategy of China and participation in the defense industrial base of China.

(2) ESTABLISHMENT AND SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish and submit to the appropriate congressional committees a list of each entity identified pursuant to paragraph (1).

(3) ADDITIONS AND DELETIONS.—The Secretary shall, in consultation with the Director, make additions or deletions to the most recent list established under paragraph (2) on an ongoing basis based on the latest information available to the Secretary.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Health, Education, Labor and Pensions of the Senate; and

(B) the Committee on Armed Services, the Committee on Education and Labor, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 5619.** Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON PHARMACEUTICALS IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of Food and Drugs, in consultation with the United States Trade Representative, shall submit to the appropriate congressional committees a report that sets forth a list of—

(1) each finished pharmaceutical product that is imported into the United States from the People's Republic of China in a quantity that exceeds 20 percent of the quantity of the product available for use in the United States; and

(2) each active pharmaceutical ingredient that is imported into the United States from the People's Republic of China in a quantity that exceeds 20 percent of the quantity of the ingredient available for use in the United States.

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

(1) the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate; and

(2) the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives.

**SA 5620.** Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**DIVISION E—DEPARTMENT OF STATE AUTHORIZATIONS**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the “Department of State Authorization Act of 2022”.

**SEC. 5002. DEFINITIONS.**

In this division:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Agency for International Development.

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

(3) DEPARTMENT.—Unless otherwise specified, the term “Department” means the Department of State.

(4) SECRETARY.—Unless otherwise specified, the term “Secretary” means the Secretary of State.

(5) USAID.—The term “USAID” means the United States Agency for International Development.

**TITLE LI—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE**

**SEC. 5101. MODERNIZING THE BUREAU OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE AND THE BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.**

It is the sense of Congress that—

(1) the Secretary should take steps to address staffing shortfalls in the chemical, biological, and nuclear weapons issue areas in the Bureau of Arms Control, Verification, and Compliance and in the Bureau of International Security and Nonproliferation;

(2) maintaining a fully staffed and resourced Bureau of Arms Control, Verification, and Compliance and Bureau of International Security and Nonproliferation is necessary to effectively confront the threat of increased global proliferation; and

(3) the Bureau of Arms Control, Verification, and Compliance and the Bureau of International Security and Nonproliferation should increase efforts and dedicate resources to combat the dangers posed by the People's Republic of China's conventional and nuclear build-up, the Russian Federation's tactical nuclear weapons and new types of nuclear weapons, bioweapons proliferation, dual use of life sciences research, and chemical weapons.

**SEC. 5102. NOTIFICATION TO CONGRESS FOR UNITED STATES NATIONALS UNLAWFULLY OR WRONGFULLY DETAINED ABROAD.**

Section 302 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741) is amended—

(1) in subsection (a), by inserting “, as expeditiously as possible,” after “review”; and  
(2) by amending subsection (b) to read as follows:

“(b) REFERRALS TO SPECIAL ENVOY; NOTIFICATION TO CONGRESS.—

“(1) IN GENERAL.—Upon a determination by the Secretary of State, based on the totality of the circumstances, that there is credible information that the detention of a United States national abroad is unlawful or wrongful, and regardless of whether the detention is by a foreign government or a nongovernmental actor, the Secretary shall—

“(A) expeditiously transfer responsibility for such case from the Bureau of Consular Affairs of the Department of State to the Special Envoy for Hostage Affairs; and

“(B) not later than 14 days after such determination, notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such determination and provide such committees with a summary of the facts that led to such determination.

“(2) FORM.—The notification described in paragraph (1)(B) may be classified, if necessary.”.

**SEC. 5103. FAMILY ENGAGEMENT COORDINATOR.**

Section 303 of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (22 U.S.C. 1741a) is amended by adding at the end the following:

“(d) FAMILY ENGAGEMENT COORDINATOR.—There shall be, in the Office of the Special Presidential Envoy for Hostage Affairs, a Family Engagement Coordinator, who shall ensure—

“(1) for a United States national unlawfully or wrongfully detained abroad, that—

“(A) any interaction by executive branch officials with any family member of such United States national occurs in a coordinated fashion;

“(B) such family member receives consistent and accurate information from the United States Government; and

“(C) appropriate coordination with the Family Engagement Coordinator described in section 304(c)(2); and

“(2) for a United States national held hostage abroad, that any engagement with a family member is coordinated with, consistent with, and not duplicative of the efforts of the Family Engagement Coordinator described in section 304(c)(2).”.

**SEC. 5104. REWARDS FOR JUSTICE.**

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

(1) in paragraph (4), by striking “or (10);” and inserting “(10), or (14);”; and

(2) in paragraph (12), by striking “or” at the end;

(3) in paragraph (13), by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following:

“(14) the prevention, frustration, or resolution of the hostage taking of a United States

person, the identification, location, arrest, or conviction of a person responsible for the hostage taking of a United States person, or the location of a United States person who has been taken hostage, in any country.”.

**SEC. 5105. ENSURING GEOGRAPHIC DIVERSITY AND ACCESSIBILITY OF PASSPORT AGENCIES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that Department initiatives to expand passport services and accessibility, including through online modernization projects, should include the construction of new physical passport agencies.

(b) REVIEW.—The Secretary shall conduct a review of the geographic diversity and accessibility of existing passport agencies to identify—

(1) the geographic areas in the United States that are farther than 6 hours' driving distance from the nearest passport agency;

(2) the per capita demand for passport services in the areas described in paragraph (1); and

(3) a plan to ensure that in-person services at physical passport agencies are accessible to all eligible Americans, including Americans living in large population centers, in rural areas, and in States with a high per capita demand for passport services.

(c) CONSIDERATIONS.—The Secretary shall consider the metrics identified in paragraphs (1) and (2) of subsection (b) when determining locations for the establishment of new physical passport agencies.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains the findings of the review conducted pursuant to subsection (b).

**SEC. 5106. CULTURAL ANTIQUITIES TASK FORCE.**

The Secretary is authorized to use up to \$1,000,000 for grants to carry out the activities of the Cultural Antiquities Task Force.

**SEC. 5107. BRIEFING ON “CHINA HOUSE”.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees regarding the organizational structure, personnel, resources, and mission of the Department of State's “China House” team.

**SEC. 5108. OFFICE OF SANCTIONS COORDINATION.**

(a) EXTENSION OF AUTHORITIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended, in paragraph (4)(B) of subsection (1), as redesignated by section 5502(a)(2) of this Act, by striking “the date that is two years after the date of the enactment of this subsection” and inserting “December 31, 2024”.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Office of Sanctions Coordination shall brief the appropriate congressional committees with respect to the steps the Office has taken to coordinate its activities with the Office of Foreign Assets Control and humanitarian aid programs, in an effort to help ensure appropriate flows of humanitarian assistance and goods to countries subject to United States sanctions.

**TITLE LII—PERSONNEL ISSUES**

**SEC. 5201. DEPARTMENT OF STATE PAID STUDENT INTERNSHIP PROGRAM.**

(a) IN GENERAL.—The Secretary shall establish the Department of State Student Internship Program (referred to in this section as the “Program”) to offer internship opportunities at the Department to eligible stu-

dents to raise awareness of the essential role of diplomacy in the conduct of United States foreign policy and the realization of United States foreign policy objectives.

(b) ELIGIBILITY.—An applicant is eligible to participate in the Program if the applicant—

(1) is enrolled at least half-time at—

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

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

(2) is eligible to receive and hold an appropriate security clearance.

(c) SELECTION.—The Secretary shall establish selection criteria for students to be admitted into the Program that includes a demonstrated interest in a career in foreign affairs.

(d) OUTREACH.—The Secretary shall—

(1) widely advertise the Program, including—

(A) on the internet;

(B) through the Department's Diplomats in Residence program; and

(C) through other outreach and recruiting initiatives targeting undergraduate and graduate students; and

(2) conduct targeted outreach to encourage participation in the Program from—

(A) individuals belonging to an underrepresented group; and

(B) students enrolled at minority-serving institutions (which shall include any institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).

(e) COMPENSATION.—

(1) HOUSING ASSISTANCE.—

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

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

(2) TRAVEL ASSISTANCE.—The Secretary shall provide a student participating in the Program whose permanent address is within the United States with financial assistance that is sufficient to cover the travel costs of a single round trip by air, train, bus, or other appropriate transportation between the student's permanent address and the location of the internship in which such student is participating if such location is—

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

(B) outside of the United States.

(f) WORKING WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary, to the maximum extent practicable, shall structure internships to ensure that such internships satisfy criteria for academic credit at the institutions of higher education in which participants in such internships are enrolled.

(g) TRANSITION PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), beginning not later than 2 years after the date of the enactment of this Act—

(A) the Secretary shall convert unpaid internship programs of the Department, including the Foreign Service Internship Program, to internship programs that offer compensation; and

(B) upon selection as a candidate for entry into an internship program of the Department, a participant in such internship program may refuse compensation, including if

doing so allows such participant to receive college or university curricular credit.

(2) **EXCEPTION.**—The transition required under paragraph (1) shall not apply to unpaid internship programs of the Department that are part of the Virtual Student Federal Service internship program.

(3) **WAIVER.**—

(A) **IN GENERAL.**—The Secretary may waive the requirement under paragraph (1)(A) with respect to a particular unpaid internship program if the Secretary, not later than 30 days after making a determination that the conversion of such internship program to a compensated internship program would not be consistent with effective management goals, submits a report explaining such determination to—

(i) the appropriate congressional committees;

(ii) the Committee on Appropriations of the Senate; and

(iii) the Committee on Appropriations of the House of Representatives.

(B) **REPORT.**—The report required under subparagraph (A) shall—

(i) describe the reasons why converting an unpaid internship program of the Department to an internship program that offers compensation would not be consistent with effective management goals; and

(ii) (I) provide justification for maintaining such unpaid status indefinitely; or

(II) identify any additional authorities or resources that would be necessary to convert such unpaid internship program to offer compensation in the future.

(h) **REPORTS.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the committees referred to in subsection (g)(3)(A) that includes—

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

(2) data regarding the number of security clearance investigations initiated for the students described in paragraph (1), including the timeline for such investigations, whether such investigations were completed, and when an interim security clearance was granted;

(3) information on Program expenditures; and

(4) information regarding the Department's compliance with subsection (g).

(i) **VOLUNTARY PARTICIPATION.**—

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

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

(j) **SPECIAL HIRING AUTHORITY.**—Notwithstanding any other provision of law, the Secretary, in consultation with the Director of the Office of Personnel Management, with respect to the number of interns to be hired each year, may—

(1) select, appoint, and employ individuals for up to 1 year through compensated internships in the excepted service; and

(2) remove any compensated intern employed pursuant to paragraph (1) without regard to the provisions of law governing ap-

pointments in the competitive excepted service.

(k) **AVAILABILITY OF APPROPRIATIONS.**—Internships offered and compensated by the Department under this section shall be funded solely by available amounts appropriated under the heading “Diplomatic Programs”.

**SEC. 5202. IMPROVEMENTS TO THE PREVENTION OF, AND THE RESPONSE TO, HARASSMENT, DISCRIMINATION, SEXUAL ASSAULT, AND RELATED RETALIATION.**

(a) **COORDINATION WITH OTHER AGENCIES.**—The Secretary, in coordination with the heads of other Federal agencies that provide personnel to serve in overseas posts under Chief of Mission authority, should develop interagency policies regarding harassment, discrimination, sexual assault, and related retaliation, including policies for—

(1) addressing, reporting, and providing transitioning support;

(2) advocacy, service referrals, and travel accommodations; and

(3) disciplining anyone who violates Department policies regarding harassment, discrimination, sexual assault, or related retaliation occurring between covered individuals and noncovered individuals.

(b) **DISCIPLINARY ACTION.**—

(1) **SEPARATION FOR CAUSE.**—Section 610(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(1)), is amended—

(A) by striking “decide to”; and

(B) by inserting “upon receiving notification from the Bureau of Diplomatic Security that such member has engaged in criminal misconduct, such as murder, rape, or other sexual assault” before the period at the end.

(2) **UPDATE TO MANUAL.**—The Director of Global Talent shall—

(A) update the “Grounds for Disciplinary Action” and “List of Disciplinary Offenses and Penalties” sections of the Foreign Affairs Manual to reflect the amendments made under paragraph (1); and

(B) communicate such updates to Department staff through publication in Department Notices.

(c) **SEXUAL ASSAULT PREVENTION AND RESPONSE VICTIM ADVOCATES.**—

(1) **PLACEMENT.**—The Secretary shall ensure that the Diplomatic Security Service's Victims' Resource Advocacy Program—

(A) is appropriately staffed by advocates who are physically present at—

(i) the headquarters of the Department; and

(ii) major domestic and international facilities and embassies, as determined by the Secretary;

(B) considers the logistics that are necessary to allow for the expedient travel of victims from Department facilities that do not have advocates; and

(C) uses funds available to the Department to provide emergency food, shelter, clothing, and transportation for victims involved in matters being investigated by the Diplomatic Security Service.

**SEC. 5203. INCREASING THE MAXIMUM AMOUNT AUTHORIZED FOR SCIENCE AND TECHNOLOGY FELLOWSHIP GRANTS AND COOPERATIVE AGREEMENTS.**

Section 504(e)(3) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656d(e)(3)) is amended by striking “\$500,000” and inserting “\$2,000,000”.

**SEC. 5204. ADDITIONAL PERSONNEL TO ADDRESS BACKLOGS IN HIRING AND INVESTIGATIONS.**

(a) **IN GENERAL.**—The Secretary shall seek to increase the number of personnel within the Bureau of Global Talent Management and the Office of Civil Rights to address backlogs in hiring and investigations into complaints conducted by the Office of Civil Rights.

(b) **EMPLOYMENT TARGETS.**—The Secretary shall seek to employ—

(1) not fewer than 15 additional personnel in the Bureau of Global Talent Management and the Office of Civil Rights (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 180 days after such date of enactment; and

(2) not fewer than 15 additional personnel in such Bureau and Office (compared to the number of personnel so employed as of the day before the date of the enactment of this Act) by the date that is 1 year after such date of enactment.

**SEC. 5205. COMMISSION ON REFORM AND MODERNIZATION OF THE DEPARTMENT OF STATE.**

(a) **SHORT TITLE.**—This section may be cited as the “Commission on Reform and Modernization of the Department of State Act”.

(b) **ESTABLISHMENT OF COMMISSION.**—There is established, in the legislative branch, the Commission on Reform and Modernization of the Department of State (referred to in this section as the “Commission”).

(c) **PURPOSES.**—The purposes of the Commission are—

(1) to examine the changing nature of diplomacy in the 21st century and the ways in which the Department and its personnel can modernize to advance the interests of the United States; and

(2) to offer recommendations to the President and Congress related to—

(A) the organizational structure of the Department, including a review of the jurisdictional responsibilities of all of the Department's regional bureaus (the Bureau of African Affairs, the Bureau of East Asian and Pacific Affairs, the Bureau of European and Eurasian Affairs, the Bureau of Near Eastern Affairs, the Bureau of South and Central Asian Affairs, and the Bureau of Western Hemisphere Affairs);

(B) personnel-related matters, including recruitment, promotion, training, and retention of the Department's workforce in order to retain the best and brightest personnel and foster effective diplomacy worldwide, including measures to strengthen diversity and inclusion to ensure that the Department's workforce represents all of America;

(C) the Department of State's infrastructure (both domestic and overseas), including infrastructure relating to information technology, transportation, and security;

(D) the link among diplomacy and defense, intelligence, development, commercial, health, law enforcement, and other core United States interests;

(E) core legislation that authorizes United States diplomacy, including the Foreign Service Act of 1980 (Public Law 96-465);

(F) related regulations, rules, and processes that define United States diplomatic efforts, including the Foreign Affairs Manual;

(G) Chief of Mission authority at United States diplomatic missions overseas, including authority over employees of other Federal departments and agencies; and

(H) treaties that impact United States overseas presence.

(d) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Commission shall be composed of 8 members, of whom—

(A) 1 member shall be appointed by the chairperson of the Committee on Foreign Relations of the Senate, who shall serve as co-chair of the Commission;

(B) 1 member shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate, who shall serve as co-chair of the Commission;

(C) 1 member shall be appointed by the chairperson of the Committee on Foreign Affairs of the House of Representatives;

(D) 1 member shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(E) 1 member shall be appointed by the majority leader of the Senate;

(F) 1 member shall be appointed by the Speaker of the House of Representatives;

(G) 1 member shall be appointed by the minority leader of the Senate; and

(H) 1 member shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS; MEETINGS.—

(A) MEMBERSHIP.—The members of the Commission should be prominent United States citizens, with national recognition and significant depth of experience in international relations and with the Department.

(B) POLITICAL PARTY AFFILIATION.—Not more than 4 members of the Commission may be from the same political party.

(C) MEETINGS.—

(i) INITIAL MEETING.—The Commission shall hold the first meeting and begin operations as soon as practicable.

(ii) FREQUENCY.—The Commission shall meet at the call of the co-chairs.

(iii) QUORUM.—Five members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(D) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(e) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section. The actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel may not be considered the findings and determinations of the Commission unless such findings and determinations are approved by the Commission.

(3) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(f) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or any panel or member of the Commission, as delegated by the co-chairs, may, for the purpose of carrying out this section—

(A) hold such hearings and meetings, take such testimony, receive such evidence, and administer such oaths as the Commission or such designated subcommittee or designated member considers necessary;

(B) require the attendance and testimony of such witnesses and the production of such correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member considers necessary; and

(C) subject to applicable privacy laws and relevant regulations, secure directly from any Federal department or agency information and data necessary to enable it to carry out its mission, which shall be provided by the head or acting representative of the department or agency not later than 30 days after the Commission provides a written request for such information and data.

(2) CONTRACTS.—The Commission, to such extent and in such amounts as are provided in appropriations Acts, may enter into contracts to enable the Commission to discharge its duties under this section.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) FURNISHING INFORMATION.—Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality, to the extent authorized by law, shall furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by a co-chair, the chair of any panel created by a majority of the Commission, or any member designated by a majority of the Commission.

(C) HANDLING.—Information may only be received, handled, stored, and disseminated by members of the Commission and its staff in accordance with all applicable statutes, regulations, and Executive orders.

(4) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) SECRETARY OF STATE.—The Secretary shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this section.

(B) OTHER DEPARTMENTS AND AGENCIES.—Other Federal departments and agencies may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(C) COOPERATION.—The Commission shall receive the full and timely cooperation of any official, department, or agency of the Federal Government whose assistance is necessary, as jointly determined by the co-chairs of the Commission, for the fulfillment of the duties of the Commission, including the provision of full and current briefings and analyses.

(5) ASSISTANCE FROM INDEPENDENT ORGANIZATIONS.—

(A) IN GENERAL.—In order to inform its work, the Commission should review reports that were written during the 15-year period ending on the date of the enactment of this Act by independent organizations and outside experts relating to reform and modernization of the Department.

(B) AVOIDING DUPLICATION.—In analyzing the reports referred to in subparagraph (A), the Commission should pay particular attention to any specific reform proposals that have been recommended by 2 or more of such reports.

(6) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(7) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(8) CONGRESSIONAL CONSULTATION.—Not less frequently than quarterly, the Commission shall provide a briefing to the appropriate congressional committees about the work of the Commission.

(g) STAFF AND COMPENSATION.—

(1) STAFF.—

(A) COMPENSATION.—The co-chairs of the Commission, in accordance with rules established by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title

5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairs of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(2) COMMISSION MEMBERS.—

(A) COMPENSATION.—

(i) IN GENERAL.—Except as provided in paragraph (2), each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission under this section.

(ii) WAIVER OF CERTAIN PROVISIONS.—Subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) are waived for an annuitant on a temporary basis so as to be compensated for work performed as part of the Commission.

(3) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of service for the Commission, members and staff of the Commission, and any Federal Government employees detailed to the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(4) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided access to classified information under this section without the appropriate security clearances.

(h) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit a final report to the President and to Congress that—

(A) examines all substantive aspects of Department personnel, management, and operations; and

(B) contains such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(2) ELEMENTS.—The report required under paragraph (1) shall include findings, conclusions, and recommendations related to—

(A) the organizational structure of the Department, including recommendations on whether any of the jurisdictional responsibilities among the bureaus referred to in subsection (c)(2)(A) should be adjusted, with particular focus on the opportunities and costs of adjusting jurisdictional responsibility between the Bureau of Near Eastern

Affairs to the Bureau of African Affairs, the Bureau of East Asian and Pacific Affairs, the Bureau of South and Central Asian Affairs, and any other bureaus as may be necessary to advance United States efforts to strengthen its diplomatic engagement in the Indo-Pacific region;

(B) personnel-related matters, including recruitment, promotion, training, and retention of the Department's workforce in order to retain the best and brightest personnel and foster effective diplomacy worldwide, including measures to strengthen diversity and inclusion to ensure that the Department's workforce represents all of America;

(C) the Department of State's infrastructure (both domestic and overseas), including infrastructure relating to information technology, transportation, and security;

(D) the link between diplomacy and defense, intelligence, development, commercial, health, law enforcement, and other core United States interests;

(E) core legislation that authorizes United States diplomacy;

(F) related regulations, rules, and processes that define United States diplomatic efforts, including the Foreign Affairs Manual;

(G) treaties that impact United States overseas presence;

(H) the authority of Chiefs of Mission at United States diplomatic missions overseas, including the degree of authority that Chiefs of Mission exercise in reality over Department employees and other Federal employees at overseas posts;

(I) any other areas that the Commission considers necessary for a complete appraisal of United States diplomacy and Department management and operations; and

(J) the amount of time, manpower, and financial resources that would be necessary to implement the recommendations specified under this paragraph.

(3) DEPARTMENT RESPONSE.—The Secretary shall have the right to review and respond to all Commission recommendations—

(A) before the Commission submits its report to the President and to Congress; and

(B) not later than 90 days after receiving such recommendations from the Commission.

(i) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission, and all the authorities under this section, shall terminate on the date that is 60 days after the date on which the final report is submitted pursuant to subsection (h).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the report.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this section \$2,000,000 for fiscal year 2023.

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until the date on which the Commission is terminated pursuant to subsection (i)(1).

(k) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act") shall not apply to the activities, records, and proceedings of the Commission.

SEC. 5206. FOREIGN AFFAIRS TRAINING.

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

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

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

(3) the new and evolving challenges of national security in the 21st century necessitate the expansion of standardized training and professional development opportunities linked to equitable, accountable, and transparent promotion and leadership practices for Department and other national security agency personnel; and

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

(b) DEFINED TERM.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

(c) TRAINING AND PROFESSIONAL DEVELOPMENT PRIORITIZATION.—In order to provide the Civil Service of the Department and the Foreign Service with the level of professional development and training needed to effectively advance United States interests across the world, the Secretary shall—

(1) increase relevant offerings provided by the Department—

(A) of interactive virtual instruction to make training and professional development more accessible and useful to personnel deployed throughout the world; or

(B) at partner organizations, including universities, industry entities, and nongovernmental organizations, throughout the United States to provide useful outside perspectives to Department personnel by providing such personnel—

(i) a more comprehensive outlook on different sectors of United States society; and

(ii) practical experience dealing with commercial corporations, universities, labor unions, and other institutions critical to United States diplomatic success;

(2) offer courses using computer-based or computer-assisted simulations, allowing civilian officers to lead decision making in a crisis environment, and encourage officers of the Department, and reciprocally, officers of other Federal departments to participate in similar exercises held by the Department or other government organizations and the private sector;

(3) increase the duration and expand the focus of certain training and professional development courses, including by extending—

(A) the A-100 entry-level course to as long as 12 weeks, which better matches the length of entry-level training and professional de-

velopment provided to the officers in other national security departments and agencies; and

(B) the Chief of Mission course to as long as 6 weeks for first time Chiefs of Mission and creating comparable courses for new Assistant Secretaries and Deputy Assistant Secretaries to more accurately reflect the significant responsibilities accompanying such roles; and

(4) ensure that Foreign Service officers who are assigned to a country experiencing significant population displacement due to the impacts of climatic and non-climatic shocks and stresses, including rising sea levels and lack of access to affordable and reliable energy and electricity, receive specific instruction on United States policy with respect to resiliency and adaptation to such climatic and non-climatic shocks and stresses.

(d) FELLOWSHIPS.—The Director General of the Foreign Service shall—

(1) expand and establish new fellowship programs for Foreign Service and Civil Service officers that include short- and long-term opportunities at organizations, including—

(A) think tanks and nongovernmental organizations;

(B) the Department of Defense, the elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), and other relevant Federal agencies;

(C) industry entities, especially such entities related to technology, global operations, finance, and other fields directly relevant to international affairs; and

(D) schools of international relations and other relevant programs at universities throughout the United States; and

(2) not later than 180 days after the date of the enactment of this Act, submit a report to Congress that describes how the Department could expand the Pearson Fellows Program for Foreign Service Officers and the Brookings Fellow Program for Civil Servants to provide fellows in such programs with the opportunity to undertake a follow-on assignment within the Department in an office in which fellows will gain practical knowledge of the people and processes of Congress, including offices other than the Legislative Affairs Bureau, including—

(A) an assessment of the current state of congressional fellowships, including the demand for fellowships and the value the fellowships provide to both the career of the officer and to the Department; and

(B) an assessment of the options for making congressional fellowships for both the Foreign and Civil Services more career-enhancing.

(e) BOARD OF VISITORS OF THE FOREIGN SERVICE INSTITUTE.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall establish a Board of Visitors of the Foreign Service Institute (referred to in this subsection as the "Board").

(2) DUTIES.—The Board shall provide the Secretary with independent advice and recommendations regarding organizational management, strategic planning, resource management, curriculum development, and other matters of interest to the Foreign Service Institute, including regular observations about how well the Department is integrating training and professional development into the work of the Bureau for Global Talent Management.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall be—

(i) nonpartisan; and

(ii) composed of 12 members, of whom—

(I) 2 members shall be appointed by the Chairperson of the Committee on Foreign Relations of the Senate;

(II) 2 members shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(III) 2 members shall be appointed by the Chairperson of the Committee on Foreign Affairs of the House of Representatives;

(IV) 2 members shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives; and

(V) 4 members shall be appointed by the Secretary.

(B) QUALIFICATIONS.—Members of the Board shall be appointed from among individuals who—

(i) are not officers or employees of the Federal Government; and

(ii) are eminent authorities in the fields of diplomacy, national security, management, leadership, economics, trade, technology, or advanced international relations education.

(C) OUTSIDE EXPERTISE.—

(i) IN GENERAL.—Not fewer than 6 members of the Board shall have a minimum of 10 years of relevant expertise outside the field of diplomacy.

(ii) PRIOR SENIOR SERVICE AT THE DEPARTMENT.—Not more than 6 members of the Board may be persons who previously served in the Senior Foreign Service or the Senior Executive Service at the Department.

(4) TERMS.—Each member of the Board shall be appointed for a term of 3 years, except that of the members first appointed—

(A) 4 members shall be appointed for a term of 3 years;

(B) 4 members shall be appointed for a term of 2 years; and

(C) 4 members shall be appointed for a term of 1 year.

(5) REAPPOINTMENT; REPLACEMENT.—A member of the Board may be reappointed or replaced at the discretion of the official who made the original appointment.

(6) CHAIRPERSON; CO-CHAIRPERSON.—

(A) APPROVAL.—The Chairperson and Vice Chairperson of the Board shall be approved by the Secretary of State based upon a recommendation from the members of the Board.

(B) SERVICE.—The Chairperson and Vice Chairperson shall serve at the discretion of the Secretary.

(7) MEETINGS.—The Board shall meet—

(A) at the call of the Director of the Foreign Service Institute and the Chairperson; and

(B) not fewer than 2 times per year.

(8) COMPENSATION.—Each member of the Board shall serve without compensation, except that a member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated service of members of the Board.

(9) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board established under this subsection.

(f) ESTABLISHMENT OF PROVOST OF THE FOREIGN SERVICE INSTITUTE.—

(1) ESTABLISHMENT.—There is established in the Foreign Service Institute the position of Provost.

(2) APPOINTMENT; REPORTING.—The Provost shall—

(A) be appointed by the Secretary; and

(B) report to the Director of the Foreign Service Institute.

(3) QUALIFICATIONS.—The Provost shall be—

(A) an eminent authority in the field of diplomacy, national security, education, management, leadership, economics, history, trade, adult education, or technology; and

(B) a person with significant experience outside the Department, whether in other national security agencies or in the private sector, and preferably in positions of authority in educational institutions or the field of professional development and mid-career training with oversight for the evaluation of academic programs.

(4) DUTIES.—The Provost shall—

(A) oversee, review, evaluate, and coordinate the academic curriculum for all courses taught and administered by the Foreign Service Institute;

(B) coordinate the development of an evaluation system to ascertain how well participants in Foreign Service Institute courses have absorbed and utilized the information, ideas, and skills imparted by each such course, such that performance assessments can be included in the personnel records maintained by the Bureau of Global Talent Management and utilized in Foreign Service Selection Boards, which may include—

(i) the implementation of a letter or numerical grading system; and

(ii) assessments done after the course has concluded; and

(C) report not less frequently than quarterly to the Board of Visitors regarding the development of curriculum and the performance of Foreign Service officers.

(5) TERM.—The Provost shall serve for a term of not fewer than 5 years and may be reappointed for 1 additional 5-year term.

(6) COMPENSATION.—The Provost shall receive a salary commensurate with the rank and experience of a member of the Senior Foreign Service or the Senior Executive Service, as determined by the Secretary.

(g) OTHER AGENCY RESPONSIBILITIES AND OPPORTUNITIES FOR CONGRESSIONAL STAFF.—

(1) OTHER AGENCIES.—National security agencies other than the Department should be afforded the ability to increase the enrollment of their personnel in courses at the Foreign Service Institute and other training and professional development facilities of the Department to promote a whole-of-government approach to mitigating national security challenges.

(2) CONGRESSIONAL STAFF.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that describes—

(A) the training and professional development opportunities at the Foreign Service Institute and other Department facilities available to congressional staff;

(B) the budget impacts of offering such opportunities to congressional staff; and

(C) potential course offerings.

(h) STRATEGY FOR ADAPTING TRAINING REQUIREMENTS FOR MODERN DIPLOMATIC NEEDS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and submit to the appropriate committees of Congress a strategy for adapting and evolving training requirements to better meet the Department's current and future needs for 21st century diplomacy.

(2) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(A) Integrating training requirements into the Department's promotion policies, including establishing educational and professional development standards for training and attainment to be used as a part of tenure and promotion guidelines.

(B) Addressing multiple existing and emerging national security challenges, including—

(i) democratic backsliding and authoritarianism;

(ii) countering, and assisting United States allies to address, state-sponsored disinformation, including through the Global Engagement Center;

(iii) cyber threats;

(iv) the aggression and malign influence of Russia, Cuba, Iran, North Korea, the Maduro Regime, and the Chinese Communist Party's multi-faceted and comprehensive challenge to the rules-based order;

(v) the implications of climate change for United States diplomacy; and

(vi) nuclear threats.

(C) An examination of the likely advantages and disadvantages of establishing residential training for the A-100 orientation course administered by the Foreign Service Institute and evaluating the feasibility of residential training for other long-term training opportunities.

(D) An examination of the likely advantages and disadvantages of establishing a press freedom curriculum for the National Foreign Affairs Training Center that enables Foreign Service officers to better understand issues of press freedom and the tools that are available to help protect journalists and promote freedom of the press norms, which may include—

(i) the historic and current issues facing press freedom, including countries of specific concern;

(ii) the Department's role in promoting press freedom as an American value, a human rights issue, and a national security imperative;

(iii) ways to incorporate press freedom promotion into other aspects of diplomacy; and

(iv) existing tools to assist journalists in distress and methods for engaging foreign governments and institutions on behalf of individuals engaged in journalistic activity who are at risk of harm.

(E) The expansion of external courses offered by the Foreign Service Institute at academic institutions or professional associations on specific topics, including in-person and virtual courses on monitoring and evaluation, audience analysis, and the use of emerging technologies in diplomacy.

(3) UTILIZATION OF EXISTING RESOURCES.—In examining the advantages and disadvantages of establishing a residential training program pursuant to paragraph (2)(C), the Secretary shall—

(A) collaborate with other national security departments and agencies that employ residential training for their orientation courses; and

(B) consider using the Department's Foreign Affairs Security Training Center in Blackstone, Virginia.

(i) REPORT AND BRIEFING REQUIREMENTS.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that includes—

(A) a strategy for broadening and deepening professional development and training at the Department, including assessing current and future needs for 21st century diplomacy;

(B) the process used and resources needed to implement the strategy referred to in subparagraph (A) throughout the Department; and

(C) the results and impact of the strategy on the workforce of the Department, particularly the relationship between professional development and training and promotions



for Department personnel, and the measurement and evaluation methods used to evaluate such results.

(2) **BRIEFING.**—Not later than 1 year after the date on which the Secretary submits the report required under paragraph (1), and annually thereafter for 2 years, the Secretary shall provide to the appropriate committees of Congress a briefing on the information required to be included in the report.

(j) **FOREIGN LANGUAGE MAINTENANCE INCENTIVE PROGRAM.**—

(1) **AUTHORIZATION.**—The Secretary is authorized to establish and implement an incentive program, with a similar structure as the Foreign Language Proficiency Bonus offered by the Department of Defense, to encourage members of the Foreign Service who possess language proficiency in any of the languages that qualify for additional incentive pay, as determined by the Secretary, to maintain critical foreign language skills.

(2) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate committees of Congress that includes a detailed plan for implementing the program authorized under paragraph (1), including anticipated resource requirements to carry out such program.

(k) **DEPARTMENT OF STATE WORKFORCE MANAGEMENT.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that informed, data-driven, and long-term workforce management, including with respect to the Foreign Service, the Civil Service, locally employed staff, and contractors, is needed to align diplomatic priorities with the appropriate personnel and resources.

(2) **ANNUAL WORKFORCE REPORT.**—

(A) **IN GENERAL.**—In order to understand the Department's long-term trends with respect to its workforce, the Secretary, in consultation with relevant bureaus and offices, including the Bureau of Global Talent Management and the Center for Analytics, shall submit a report to the appropriate committees of Congress that details the Department's workforce, disaggregated by Foreign Service, Civil Service, locally employed staff, and contractors, including, with respect to the reporting period—

(i) the number of personnel who were hired;

(ii) the number of personnel whose employment or contract was terminated or who voluntarily left the Department;

(iii) the number of personnel who were promoted, including the grade to which they were promoted;

(iv) the demographic breakdown of personnel; and

(v) the distribution of the Department's workforce based on domestic and overseas assignments, including a breakdown of the number of personnel in geographic and functional bureaus, and the number of personnel in overseas missions by region.

(B) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit the report described in subparagraph (A) for each of the fiscal years 2016 through 2022.

(C) **RECURRING REPORT.**—Not later than December 31, 2023, and annually thereafter for the following 5 years, the Secretary shall submit the report described in subparagraph (A) for the most recently concluded fiscal year.

(D) **USE OF REPORT DATA.**—The data in each of the reports required under this paragraph shall be used by Congress, in coordination with the Secretary, to inform recommendations on the appropriate size and composition of the Department.

(1) **SENSE OF CONGRESS ON THE IMPORTANCE OF FILLING THE POSITION OF UNDERSECRETARY FOR PUBLIC DIPLOMACY AND PUBLIC AF-**

**FAIRS.**—It is the sense of Congress that since a vacancy in the position of Under Secretary for Public Diplomacy and Public Affairs is detrimental to the national security interests of the United States, the President should expeditiously nominate a qualified individual to such position whenever such vacancy occurs to ensure that the bureaus reporting to such position are able to fulfill their mission of—

(1) expanding and strengthening relationships between the people of the United States and citizens of other countries; and

(2) engaging, informing, and understanding the perspectives of foreign audiences.

(m) **REPORT ON PUBLIC DIPLOMACY.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that includes—

(1) an evaluation of the May 2019 merger of the Bureau of Public Affairs and the Bureau of International Information Programs into the Bureau of Global Public Affairs with respect to—

(A) the efficacy of the current configuration of the bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs in achieving the mission of the Department;

(B) the metrics before and after such merger, including personnel data, disaggregated by position and location, content production, opinion polling, program evaluations, and media appearances;

(C) the results of a survey of public diplomacy practitioners to determine their opinion of the efficacy of such merger and any adjustments that still need to be made;

(D) a plan for evaluating and monitoring, not less frequently than once every 2 years, the programs, activities, messaging, professional development efforts, and structure of the Bureau of Global Public Affairs, and submitting a summary of each such evaluation to the appropriate committees of Congress; and

(2) a review of recent outside recommendations for modernizing diplomacy at the Department with respect to public diplomacy efforts, including—

(A) efforts in each of the bureaus reporting to the Under Secretary for Public Diplomacy and Public Affairs to address issues of diversity and inclusion in their work, structure, data collection, programming, and personnel, including any collaboration with the Chief Officer for Diversity and Inclusion;

(B) proposals to collaborate with think tanks and academic institutions working on public diplomacy issues to implement recent outside recommendations; and

(C) additional authorizations and appropriations necessary to implement such recommendations.

**SEC. 5207. SECURITY CLEARANCE APPROVAL PROCESS.**

(a) **RECOMMENDATIONS.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit recommendations to the appropriate congressional committees for streamlining the security clearance approval process within the Bureau of Diplomatic Security so that the security clearance approval process for Civil Service and Foreign Service applicants is completed within 6 months, on average, and within 1 year, in the vast majority of cases.

(b) **REPORT.**—Not later than 90 days after the recommendations are submitted pursuant to subsection (a), the Secretary shall submit a report to the appropriate congressional committees that—

(1) describes the status of the efforts of the Department to streamline the security clearance approval process; and

(2) identifies any remaining obstacles preventing security clearances from being com-

pleted within the time frames set forth in subsection (a), including lack of cooperation or other actions by other Federal departments and agencies.

**SEC. 5208. ADDENDUM FOR STUDY ON FOREIGN SERVICE ALLOWANCES.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees an addendum to the report required under section 5302 of the Department of State Authorization Act of 2021 (division E of Public Law 117–81), which shall be entitled the “Report on Bidding for Domestic and Overseas Posts and Filling Unfilled Positions”. The addendum shall be prepared using input from the same federally funded research and development center that prepared the analysis conducted for the purposes of such report.

(b) **ELEMENTS.**—The addendum required under subsection (a) shall include—

(1) the total number of domestic and overseas positions open during the most recent summer bidding cycle;

(2) the total number of bids each position received;

(3) the number of unfilled positions at the conclusion of the most recent summer bidding cycle, disaggregated by bureau; and

(4) detailed recommendations and a timeline for—

(A) increasing the number of qualified bidders for underbid positions; and

(B) minimizing the number of unfilled positions at the end of the bidding season.

**SEC. 5209. CURTAILMENTS, REMOVALS FROM POST, AND WAIVERS OF PRIVILEGES AND IMMUNITIES.**

(a) **CURTAILMENTS REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit a report to the appropriate congressional committees regarding curtailments of Department personnel from overseas posts.

(2) **CONTENTS.**—The Secretary shall include in the report required under paragraph (1)—

(A) relevant information about any post that, during the 6-month period preceding the report—

(i) had more than 5 curtailments; or

(ii) had curtailments representing more than 5 percent of Department personnel at such post; and

(B) for each post referred to in subparagraph (A), the number of curtailments, disaggregated by month of occurrence.

(b) **REMOVAL OF DIPLOMATS.**—Not later than 5 days after the date on which any United States personnel under Chief of Mission authority is declared persona non grata by a host government, the Secretary shall—

(1) notify the appropriate congressional committees of such declaration; and

(2) include with such notification—

(A) the official reason for such declaration (if provided by the host government);

(B) the date of the declaration; and

(C) whether the Department responded by declaring a host government's diplomat in the United States persona non grata.

(c) **WAIVER OF PRIVILEGES AND IMMUNITIES.**—Not later than 15 days after any waiver of privileges and immunities pursuant to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, that is applicable to an entire diplomatic post or to the majority of United States personnel under Chief of Mission authority, the Secretary shall notify the appropriate congressional committees of such waiver and the reason for such waiver.

(d) **TERMINATION.**—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

**SEC. 5210. REPORT ON WORLDWIDE AVAILABILITY.**

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the feasibility of requiring that each member of the Foreign Service, at the time of entry into the Foreign Service and thereafter, be worldwide available, as determined by the Secretary.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) the feasibility of a worldwide availability requirement for all members of the Foreign Service;

(2) considerations if such a requirement were to be implemented, including the potential effect on recruitment and retention; and

(3) recommendations for exclusions and limitations, including exemptions for medical reasons, disability, and other circumstances.

**SEC. 5211. PROFESSIONAL DEVELOPMENT.**

(a) REQUIREMENTS.—The Secretary shall strongly encourage that Foreign Service officers seeking entry into the Senior Foreign Service participate in professional development described in subsection (c).

(b) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit recommendations on requiring that Foreign Service officers complete professional development described in subsection (c) to be eligible for entry into the Senior Foreign Service.

(c) PROFESSIONAL DEVELOPMENT DESCRIBED.—Professional development described in this subsection is not less than 6 months of training or experience outside of the Department, including time spent—

(1) as a detailee to another government agency, including Congress or a State, Tribal, or local government;

(2) in Department-sponsored and -funded university training that results in an advanced degree, excluding time spent at a university that is fully funded or operated by the Federal Government.

(d) PROMOTION PRECEPTS.—The Secretary shall instruct promotion boards to consider positively long-term training and out-of-agency detail assignments.

**SEC. 5212. MANAGEMENT ASSESSMENTS AT DIPLOMATIC AND CONSULAR POSTS.**

(a) IN GENERAL.—Beginning not later than 1 year after the date of the enactment of this Act, the Secretary shall annually conduct, at each diplomatic and consular post, a voluntary survey, which shall be offered to all staff assigned to that post who are citizens of the United States (excluding the Chief of Mission) to assess the management and leadership of that post by the Chief of Mission, the Deputy Chief of Mission, and the Charge d'Affaires.

(b) ANONYMITY.—All responses to the survey shall be—

(1) fully anonymized; and

(2) made available to the Director General of the Foreign Service.

(c) SURVEY.—The survey shall seek to assess—

(1) the general morale at post;

(2) the presence of any hostile work environment;

(3) the presence of any harassment, discrimination, retaliation, or other mistreatment; and

(4) effective leadership and collegial work environment.

(d) DIRECTOR GENERAL RECOMMENDATIONS.—Upon compilation and review of the surveys, the Director General of the Foreign Service shall issue recommendations to posts, as appropriate, based on the findings of the surveys.

(e) REFERRAL.—If the surveys reveal any action that is grounds for referral to the Inspector General of the Department of State and the Foreign Service, the Director General of the Foreign Service may refer the matter to the Inspector General of the Department of State and the Foreign Service, who shall, as the Inspector General considers appropriate, conduct an inspection of the post in accordance with section 209(b) of the Foreign Service Act of 1980 (22 U.S.C. 3929(b)).

(f) ANNUAL REPORT.—The Director General of the Foreign Service shall submit an annual report to the appropriate congressional committees that includes—

(1) any trends or summaries from the surveys;

(2) the posts where corrective action was recommended or taken in response to any issues identified by the surveys; and

(3) the number of referrals to the Inspector General of the Department of State and the Foreign Service, as applicable.

(g) INITIAL BASIS.—The Secretary shall carry out the surveys required under this section on an initial basis for 5 years.

**SEC. 5213. INDEPENDENT REVIEW OF PROMOTION POLICIES.**

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive review of the policies, personnel, organization, and processes related to promotions within the Department, including—

(1) a review of—

(A) the selection and oversight of Foreign Service promotion panels; and

(B) the use of quantitative data and metrics in such panels;

(2) an assessment of the promotion practices of the Department, including how promotion processes are communicated to the workforce and appeals processes; and

(3) recommendations for improving promotion panels and promotion practices.

**SEC. 5214. THIRD PARTY VERIFICATION OF PERMANENT CHANGE OF STATION (PCS) ORDERS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a mechanism for third parties to verify the employment of, and the validity of permanent change of station (PCS) orders received by, members of the Foreign Service, in a manner that protects the safety, security, and privacy of sensitive employee information.

**SEC. 5215. POST-EMPLOYMENT RESTRICTIONS ON SENATE-CONFIRMED OFFICIALS AT THE DEPARTMENT OF STATE.**

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

(1) Congress and the executive branch have recognized the importance of preventing and mitigating the potential for conflicts of interest following government service, including with respect to senior United States officials working on behalf of foreign governments; and

(2) Congress and the executive branch should jointly evaluate the status and scope of post-employment restrictions.

(b) RESTRICTIONS.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following:

“(m) EXTENDED POST-EMPLOYMENT RESTRICTIONS FOR CERTAIN SENATE-CONFIRMED OFFICIALS.—

“(1) SECRETARY OF STATE AND DEPUTY SECRETARY OF STATE.—With respect to a person serving as the Secretary of State or Deputy Secretary of State, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to representing, aiding, or advising a foreign governmental entity be-

fore an officer or employee of the executive branch of the United States at any time after the termination of that person's service as Secretary or Deputy Secretary.

“(2) UNDER SECRETARIES, ASSISTANT SECRETARIES, AND AMBASSADORS.—With respect to a person serving as an Under Secretary, Assistant Secretary, or Ambassador at the Department of State or the United States Permanent Representative to the United Nations, the restrictions described in section 207(f)(1) of title 18, United States Code, shall apply to representing, aiding, or advising a foreign governmental entity before an officer or employee of the executive branch of the United States for 3 years after the termination of that person's service in a position described in this paragraph, or the duration of the term or terms of the President who appointed that person to their position, whichever is longer.

“(3) ENHANCED RESTRICTIONS FOR POST-EMPLOYMENT WORK ON BEHALF OF CERTAIN COUNTRIES OF CONCERN.—

“(A) IN GENERAL.—With respect to all former officials listed in this subsection, the restrictions described in paragraphs (1) and (2) shall apply to representing, aiding, or advising a country of concern described in subparagraph (B) before an officer or employee of the executive branch of the United States at any time after the termination of that person's service in a position described in paragraph (1) or (2).

“(B) COUNTRIES SPECIFIED.—In this paragraph, the term ‘country of concern’ means—

“(i) the People's Republic of China;

“(ii) the Russian Federation;

“(iii) the Islamic Republic of Iran;

“(iv) the Democratic People's Republic of Korea;

“(v) the Republic of Cuba; and

“(vi) the Syrian Arab Republic.

“(4) PENALTIES AND INJUNCTIONS.—Any violations of the restrictions in paragraphs (1) or (2) shall be subject to the penalties and injunctions provided for under section 216 of title 18, United States Code.

“(5) DEFINITIONS.—In this subsection:

“(A) FOREIGN GOVERNMENT ENTITY.—The term ‘foreign governmental entity’ includes—

“(i) any person employed by—

“(I) any department, agency, or other entity of a foreign government at the national, regional, or local level;

“(II) any governing party or coalition of a foreign government at the national, regional, or local level; or

“(III) any entity majority-owned or majority-controlled by a foreign government at the national, regional, or local level; and

“(ii) in the case of a country described in paragraph (3)(B), any company, economic project, cultural organization, exchange program, or nongovernmental organization that is more than 33 percent owned or controlled by the government of such country.

“(B) REPRESENTATION.—The term ‘representation’ does not include representation by an attorney, who is duly licensed and authorized to provide legal advice in a United States jurisdiction, of a person or entity in a legal capacity or for the purposes of rendering legal advice.

“(6) NOTICE OF RESTRICTIONS.—Any person subject to the restrictions of this subsection shall be provided notice of these restrictions by the Department of State upon appointment by the President, and subsequently upon termination of service with the Department of State.

“(7) EFFECTIVE DATE.—The restrictions under this subsection shall apply only to persons who are appointed by the President to the positions referenced in this subsection on



or after 120 days after the date of the enactment of the Department of State Authorization Act of 2022.

“(8) SUNSET.—The enhanced restrictions under paragraph (3) shall expire on the date that is 7 years after the date of the enactment of this Act.”.

**SEC. 5216. EXPANSION OF AUTHORITIES REGARDING SPECIAL RULES FOR CERTAIN MONTHLY WORKERS' COMPENSATION PAYMENTS AND OTHER PAYMENTS.**

Section 901 of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b) is amended by adding at the end the following:

“(j) EXPANSION OF AUTHORITIES.—The head of any Federal agency may exercise the authorities of this section, including to designate an incident, whether the incident occurred in the United States or abroad, for purposes of subparagraphs (A)(ii) and (B)(ii) of subsection (e)(4) when the incident affects United States Government employees of the agency or their dependents who are not under the security responsibility of the Secretary of State as set forth in section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) or when operational control of overseas security responsibility for such employees or dependents has been delegated to the head of the agency.”.

**TITLE LIII—EMBASSY SECURITY AND CONSTRUCTION**

**SEC. 5301. AMENDMENTS TO SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999.**

(a) SHORT TITLE.—This section may be cited as the “Secure Embassy Construction and Counterterrorism Act of 2022”.

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

(1) The Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of appendix G of Public Law 106-113) was a necessary response to bombings on August 7, 1998, at the United States embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, that were destroyed by simultaneously exploding bombs. The resulting explosions killed 220 persons and injured more than 4,000 others. Twelve Americans and 40 Kenyan and Tanzanian employees of the United States Foreign Service were killed in the attacks.

(2) Those bombings, followed by the expeditionary diplomatic efforts in Iraq and Afghanistan, demonstrated the need to prioritize the security of United States posts and personnel abroad above other considerations.

(3) Between 1999 and 2022, the risk calculus of the Department impacted the ability of United States diplomats around the world to advance the interests of the United States through access to local populations, leaders, and places.

(4) America's competitors and adversaries do not have the same restrictions that United States diplomats have, especially in critically important medium-threat and high-threat posts.

(5) The Department's 2021 Overseas Security Panel report states that—

(A) the requirement for setback and collocation of diplomatic posts under paragraphs (2) and (3) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)) has led to skyrocketing costs of new embassies and consulates; and

(B) the locations of such posts have become less desirable, creating an extremely suboptimal nexus that further hinders United States diplomats who are willing to accept more risk in order to advance United States interests.

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

(1) the setback and collocation requirements referred to in subsection (b)(5)(A), even with available waivers, no longer provide the security such requirements used to provide because of advancement in technologies, such as remote controlled drones, that can evade walls and other such static barriers;

(2) the Department should focus on creating performance security standards that—

(A) attempt to keep the setback requirements of diplomatic posts as limited as possible; and

(B) provide diplomats access to local populations as much as possible, while still providing a necessary level of security;

(3) collocation of diplomatic facilities is often not feasible or advisable, particularly for public diplomacy spaces whose mission is to reach and be accessible to wide sectors of the public, including in countries with repressive governments, since such spaces are required to permit the foreign public to enter and exit the space easily and openly;

(4) the Bureau of Diplomatic Security should—

(A) fully utilize the waiver process provided under paragraphs (2)(B) and (3)(B) of section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)); and

(B) appropriately exercise such waiver process as a tool to right-size the appropriate security footing at each diplomatic post rather than only approving waivers in extreme circumstances;

(5) the return of great power competition requires—

(A) United States diplomats to do all they can to outperform our adversaries; and

(B) the Department to better optimize use of taxpayer funding to advance United States national interests; and

(6) this section will better enable United States diplomats to compete in the 21st century, while saving United States taxpayers millions in reduced property and maintenance costs at embassies and consulates abroad.

(d) DEFINITION OF UNITED STATES DIPLOMATIC FACILITY.—Section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of appendix G of Public Law 106-113) is amended to read as follows:

**“SEC. 603. UNITED STATES DIPLOMATIC FACILITY DEFINED.**

“In this title, the terms ‘United States diplomatic facility’ and ‘diplomatic facility’ mean any chancery, consulate, or other office that—

“(1) is considered by the Secretary of State to be diplomatic or consular premises, consistent with the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and was notified to the host government as such; or

“(2) is otherwise subject to a publicly available bilateral agreement with the host government (contained in the records of the United States Department of State) that recognizes the official status of the United States Government personnel present at the facility.”.

(e) GUIDANCE AND REQUIREMENTS FOR DIPLOMATIC FACILITIES.—

(1) GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY FACILITIES.—Section 5606(a) of the Public Diplomacy Modernization Act of 2021 (Public Law 117-81; 22 U.S.C. 1475g note) is amended to read as follows:

“(a) IN GENERAL.—In order to preserve public diplomacy facilities that are accessible to the publics of foreign countries, not later

than 180 days after the date of the enactment of the Secure Embassy Construction and Counterterrorism Act of 2022, the Secretary of State shall adopt guidelines to collect and utilize information from each diplomatic post at which the construction of a new embassy compound or new consulate compound could result in the closure or co-location of an American Space that is owned and operated by the United States Government, generally known as an American Center, or any other public diplomacy facility under the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).”.

(2) SECURITY REQUIREMENTS FOR UNITED STATES DIPLOMATIC FACILITIES.—Section 606(a) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)) is amended—

(A) in paragraph (1)(A), by striking “the threat” and inserting “a range of threats, including that”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting “in a location that has certain minimum ratings under the Security Environment Threat List as determined by the Secretary in his or her discretion” after “abroad”; and

(II) by inserting “, personnel of the Peace Corps, and personnel of any other type or category of facility that the Secretary may identify” after “military commander”; and

(ii) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

“(i) IN GENERAL.—Subject to clause (ii), the Secretary of State may waive subparagraph (A) if the Secretary, in consultation with, as appropriate, the head of each agency employing personnel that would not be located at the site, if applicable, determines that it is in the national interest of the United States after taking account of any considerations the Secretary in his or her discretion considers relevant, which may include security conditions.”; and

(II) in clause (ii), by striking “(ii) CHANCERY OR CONSULATE BUILDING.—” and all that follows through “15 days prior” and inserting the following:

“(ii) CHANCERY OR CONSULATE BUILDING.—Prior”; and

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

“(A) REQUIREMENT.—

“(i) IN GENERAL.—Each newly acquired United States diplomatic facility in a location that has certain minimum ratings under the Security Environment Threat List as determined by the Secretary of State in his or her discretion shall—

“(I) be constructed or modified to meet the measured building blast performance standard applicable to a diplomatic facility sited not less than 100 feet from the perimeter of the property on which the facility is situated; or

“(II) fulfill the criteria described in clause (ii).

“(ii) ALTERNATIVE ENGINEERING EQUIVALENCY STANDARD REQUIREMENT.—Each facility referred to in clause (i) may, instead of meeting the requirement under such clause, fulfill such other criteria as the Secretary is authorized to employ to achieve an engineering standard of security and degree of protection that is equivalent to the numerical perimeter distance setback described in such clause seeks to achieve.”; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking “security considerations permit and”; and

(bb) by inserting “after taking account of any considerations the Secretary in his or her discretion considers relevant, which may

include security conditions” after “national interest of the United States”;

(II) in clause (ii), by striking “(ii) CHANCERY OR CONSULATE BUILDING.” and all that follows through “15 days prior” and inserting the following:

“(ii) CHANCERY OR CONSULATE BUILDING.—Prior”; and

(III) in clause (iii), by striking “an annual” and inserting “a quarterly”.

#### SEC. 5302. DIPLOMATIC SUPPORT AND SECURITY.

(a) **SHORT TITLE.**—This section may be cited as the “Diplomatic Support and Security Act of 2022”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) A robust overseas diplomatic presence is part of an effective foreign policy, particularly in volatile environments where a flexible and timely diplomatic response can be decisive in preventing and addressing conflict.

(2) Diplomats routinely put themselves and their families at great personal risk to serve their country overseas where they face threats related to international terrorism, violent conflict, and public health.

(3) The Department has a remarkable record of protecting personnel while enabling an enormous amount of global diplomatic activity, often in insecure and remote places and facing a variety of evolving risks and threats. With support from Congress, the Department of State has revised policy, improved physical security through retrofitting and replacing old facilities, deployed additional security personnel and armored vehicles, and greatly enhanced training requirements and training facilities, including the new Foreign Affairs Security Training Center in Blackstone, Virginia.

(4) Diplomatic missions rely on robust staffing and ambitious external engagement to advance United States interests as diverse as competing with China’s malign influence around the world, fighting terrorism and transnational organized crime, preventing and addressing violent conflict and humanitarian disasters, promoting United States businesses and trade, protecting the rights of marginalized groups, addressing climate change, and preventing pandemic disease.

(5) Efforts to protect personnel overseas have often resulted in inhibiting diplomatic activity and limiting engagement between embassy personnel and local governments and populations.

(6) Given that Congress currently provides annual appropriations in excess of \$1,900,000,000 for embassy security, construction, and maintenance, the Department should be able to ensure a robust overseas presence without inhibiting the ability of diplomats to—

(A) meet outside United States secured facilities with foreign leaders to explain, defend, and advance United States priorities;

(B) understand and report on foreign political, social, and economic conditions through meeting and interacting with community officials outside of United States facilities;

(C) provide United States citizen services; and

(D) collaborate and, at times, compete with other diplomatic missions, particularly those, such as that of the People’s Republic of China, that do not have restrictions on meeting locations.

(7) Given these stakes, Congress has a responsibility to empower, support, and hold the Department accountable for implementing an aggressive strategy to ensure a robust overseas presence that mitigates potential risks and adequately considers the myriad direct and indirect consequences of a lack of diplomatic presence.

(c) **ENCOURAGING EXPEDITIONARY DIPLOMACY.**—

(1) **PURPOSE.**—Section 102(b) of the Diplomatic Security Act of 1986 (22 U.S.C. 4801(b)) is amended—

(A) by amending paragraph (3) to read as follows:

“(3) to promote strengthened security measures, institutionalize a culture of learning, and, in the case of apparent gross negligence or breach of duty, recommend that the Secretary investigate accountability for United States Government personnel with security-related responsibilities;”;

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the following:

“(4) to support a culture of risk management, instead of risk avoidance, that enables the Department of State to pursue its vital goals with full knowledge that it is neither desirable nor possible for the Department to avoid all risks;”.

(2) **BRIEFINGS ON EMBASSY SECURITY.**—Section 105(a)(1) of the Diplomatic Security Act of 1986 (22 U.S.C. 4804(a)) is amended—

(A) by striking “any plans to open or reopen a high risk, high threat post” and inserting “progress towards opening or reopening a high risk, high threat post, and the risk to national security of the continued closure or any suspension of operations and remaining barriers to doing so”;

(B) in subparagraph (A), by inserting “the risk to United States national security of the post’s continued closure or suspension of operations,” after “national security of the United States,”; and

(C) in subparagraph (C), by inserting “the type and level of security threats such post could encounter, and” before “security ‘tripwires’”.

(d) **SECURITY REVIEW COMMITTEES.**—

(1) **IN GENERAL.**—Section 301 of the Diplomatic Security Act of 1986 (22 U.S.C. 4831) is amended—

(A) in the section heading, by striking “**ACCOUNTABILITY REVIEW BOARDS**” and inserting “**SECURITY REVIEW COMMITTEES**”;

(B) in subsection (a)—

(i) by amending paragraph (1) to read as follows:

“(1) **CONVENING THE SECURITY REVIEW COMMITTEE.**—In any case of a serious security incident involving loss of life, serious injury, or significant destruction of property at, or related to, a United States Government diplomatic mission abroad (referred to in this title as a ‘Serious Security Incident’), and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, the Secretary of State shall convene a Security Review Committee, which shall issue a report providing a full account of what occurred, consistent with section 304.”;

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(D) by inserting after paragraph (1) the following:

“(2) **COMMITTEE COMPOSITION.**—The Secretary shall designate a Chairperson and may designate additional personnel of commensurate seniority to serve on the Security Review Committee, which shall include—

“(A) the Director of the Office of Management Strategy and Solutions;

“(B) the Assistant Secretary responsible for the region where the incident occurred;

“(C) the Assistant Secretary of State for Diplomatic Security;

“(D) the Assistant Secretary of State for Intelligence and Research;

“(E) an Assistant Secretary-level representative from any involved United States Government department or agency; and

“(F) other personnel determined to be necessary or appropriate.”;

(i) in paragraph (3), as redesignated by clause (ii)—

(I) in the paragraph heading, by striking “**DEPARTMENT OF DEFENSE FACILITIES AND PERSONNEL**” and inserting “**EXCEPTIONS TO CONVENING A SECURITY REVIEW COMMITTEE**”;

(II) by striking “The Secretary of State is not required to convene a Board in the case” and inserting the following:

“(A) **IN GENERAL.**—The Secretary of State is not required to convene a Security Review Committee—

“(i) if the Secretary determines that the incident involves only causes unrelated to security, such as when the security at issue is outside of the scope of the Secretary of State’s security responsibilities under section 103;

“(ii) if operational control of overseas security functions has been delegated to another agency in accordance with section 106;

“(iii) if the incident is a cybersecurity incident and is covered by other review mechanisms; or

“(iv) in the case”;

(III) by striking “In any such case” and inserting the following:

“(B) **DEPARTMENT OF DEFENSE INVESTIGATIONS.**—In the case of an incident described in subparagraph (A)(iv)”;

(E) by adding at the end the following:

“(5) **RULEMAKING.**—The Secretary of State shall promulgate regulations defining the membership and operating procedures for the Security Review Committee and provide such guidance to the Chair and ranking members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “**BOARDS**” and inserting “**SECURITY REVIEW COMMITTEES**”;

(B) by amending paragraph (1) to read as follows:

“(1) **IN GENERAL.**—The Secretary of State shall convene an SRC not later than 60 days after the occurrence of an incident described in subsection (a)(1), or 60 days after the Department first becomes aware of such an incident, whichever is earlier, except that the 60-day period for convening an SRC may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary.”;

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

“(c) **CONGRESSIONAL NOTIFICATION.**—Whenever the Secretary of State convenes a Security Review Committee, the Secretary shall promptly inform the chair and ranking member of the Committee on Foreign Relations of the Senate and the chair and ranking member of the Committee on Foreign Affairs of the House of Representatives.”.

(e) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 302 of the Diplomatic Security Act of 1986 (22 U.S.C. 4832) is amended—

(1) in the section heading, by striking “**ACCOUNTABILITY REVIEW BOARD**” and inserting “**SECURITY REVIEW COMMITTEE**”;

(2) by striking “a Board” each place such term appears and inserting “a Security Review Committee”.

(f) **SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.**—Section 303 of the Diplomatic Security Act of 1986 (22 U.S.C. 4833) is amended to read as follows:

“**SEC. 303. SERIOUS SECURITY INCIDENT INVESTIGATION PROCESS.**

“(a) **INVESTIGATION PROCESS.**—

“(1) **INITIATION UPON REPORTED INCIDENT.**—A United States mission shall submit an initial report of a Serious Security Incident not later than 3 days after such incident occurs,

whenever feasible, at which time an investigation of the incident shall be initiated.

“(2) INVESTIGATION.—Not later than 10 days after the submission of a report pursuant to paragraph (1), the Secretary shall direct the Diplomatic Security Service to assemble an investigative team to investigate the incident and independently establish what occurred. Each investigation under this subsection shall cover—

“(A) an assessment of what occurred, who perpetrated or is suspected of having perpetrated the Serious Security Incident, and whether applicable security procedures were followed;

“(B) in the event the Serious Security Incident involved a United States diplomatic compound, motorcade, residence, or other facility, an assessment of whether adequate security countermeasures were in effect based on a known threat at the time of the incident;

“(C) if the incident involved an individual or group of officers, employees, or family members under Chief of Mission security responsibility conducting approved operations or movements outside the United States mission, an assessment of whether proper security briefings and procedures were in place and whether weighing of risk of the operation or movement took place; and

“(D) an assessment of whether the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident.

“(3) INVESTIGATIVE TEAM.—The investigative team assembled pursuant to paragraph (2) shall consist of individuals from the Diplomatic Security Service who shall provide an independent examination of the facts surrounding the incident and what occurred. The Secretary, or the Secretary’s designee, shall review the makeup of the investigative team for a conflict, appearance of conflict, or lack of independence that could undermine the results of the investigation and may remove or replace any members of the team to avoid such an outcome.

“(b) REPORT OF INVESTIGATION.—Not later than 90 days after the occurrence of a Serious Security Incident, the investigative team investigating the incident shall prepare and submit a Report of Investigation to the Security Review Committee that includes—

“(1) a detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related findings;

“(2) a complete and accurate account of the casualties, injuries, and damage resulting from the incident; and

“(3) a review of security procedures and directives in place at the time of the incident.

“(c) CONFIDENTIALITY.—The investigative team investigating a Serious Security Incident shall adopt such procedures with respect to confidentiality as determined necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of National Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel included in the report required under subsection (b). The Security Review Committee shall determine the level of classification of the final report prepared pursuant to section 304(b), and shall incorporate the same confidentiality measures in such report to the maximum extent practicable.”

(g) FINDINGS AND RECOMMENDATIONS OF THE SECURITY REVIEW COMMITTEE.—Section 304 of

the Diplomatic Security Act of 1986 (22 U.S.C. 4834) is amended to read as follows:

**“SEC. 304. SECURITY REVIEW COMMITTEE FINDINGS AND REPORT.**

“(a) FINDINGS.—The Security Review Committee shall—

“(1) review the Report of Investigation prepared pursuant to section 303(b), and all other evidence, reporting, and relevant information relating to a Serious Security Incident at a United States mission abroad, including an examination of the facts and circumstances surrounding any serious injuries, loss of life, or significant destruction of property resulting from the incident; and

“(2) determine, in writing—

“(A) whether the incident was security related and constituted a Serious Security Incident;

“(B) if the incident involved a diplomatic compound, motorcade, residence, or other mission facility—

“(i) whether the security systems, security countermeasures, and security procedures operated as intended; and

“(ii) whether such systems worked to materially mitigate the attack or were found to be inadequate to mitigate the threat and attack;

“(C) if the incident involved an individual or group of officers conducting an approved operation outside the mission, whether a valid process was followed in evaluating the requested operation and weighing the risk of the operation, which determination shall not seek to assign accountability for the incident unless the Security Review Committee determines that an official breached his or her duty;

“(D) the impact of intelligence and information availability, and whether the mission was aware of the general operating threat environment or any more specific threat intelligence or information and took that into account in ongoing and specific operations; and

“(E) any other facts and circumstances that may be relevant to the appropriate security management of United States missions abroad.

“(b) REPORT.—

“(1) SUBMISSION TO SECRETARY OF STATE.—Not later than 60 days after receiving the Report of Investigation prepared pursuant to section 303(b), the Security Review Committee shall submit a report to the Secretary of State that includes—

“(A) the findings described in subsection (a); and

“(B) any related recommendations.

“(2) SUBMISSION TO CONGRESS.—Not later than 90 days after receiving the report pursuant to paragraph (1), the Secretary of State shall submit a copy of the report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(c) PERSONNEL RECOMMENDATIONS.—If in the course of conducting an investigation under section 303, the investigative team finds reasonable cause to believe any individual described in section 303(a)(2)(D) has breached the duty of that individual or finds lesser failures on the part of an individual in the performance of his or her duties related to the incident, it shall be reported to the SRC. If the SRC finds reasonable cause to support the determination, it shall be reported to the Secretary for appropriate action.”

(h) RELATION TO OTHER PROCEEDINGS.—Section 305 of the Diplomatic Security Act of 1986 (22 U.S.C. 4835) is amended—

(1) by inserting “(a) NO EFFECT ON EXISTING REMEDIES OR DEFENSES.” before “Nothing in this title”; and

(2) by adding at the end the following:

“(b) FUTURE INQUIRIES.—Nothing in this title may be construed to preclude the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident if the incident was of such magnitude or significance that an internal process is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under this title shall be provided to any related board of inquiry convened by the Secretary.”

**SEC. 5303. ESTABLISHMENT OF UNITED STATES EMBASSIES IN VANUATU, KIRIBATI, AND TONGA.**

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

(1) The Pacific Islands are vital to United States national security and national interests in the Indo-Pacific region and globally.

(2) The Pacific Islands region spans 15 percent of the world’s surface area and controls access to open waters in the Central Pacific, sea lanes to the Western Hemisphere, supply lines to United States forward-deployed forces in East Asia, and economically important fisheries.

(3) The Pacific Islands region is home to the State of Hawaii, 11 United States territories, United States Naval Base Guam, and United States Andersen Air Force Base.

(4) Pacific Island countries cooperate with the United States and United States partners on maritime security and efforts to stop illegal, unreported, and destructive fishing.

(5) The Pacific Islands are rich in biodiversity and are on the frontlines of environmental challenges and climate issues.

(6) The People’s Republic of China (PRC) seeks to increase its influence in the Pacific Islands region, including through infrastructure development under the PRC’s One Belt, One Road Initiative and its new security agreement with the Solomon Islands.

(7) The United States Embassy in Papua New Guinea manages the diplomatic affairs of the United States to the Republic of Vanuatu, and the United States Embassy in Fiji manages the diplomatic affairs of the United States to the Republic of Kiribati and the Kingdom of Tonga.

(8) The United States requires a physical diplomatic presence in the Republic of Vanuatu, the Republic of Kiribati, and the Kingdom of Tonga, to ensure the physical and operational security of our efforts in those countries to deepen relations, protect United States national security, and pursue United States national interests.

(9) Increasing the number of United States embassies dedicated solely to a Pacific Island country demonstrates the United States’ ongoing commitment to the region and to the Pacific Island countries.

(b) ESTABLISHMENT OF EMBASSIES.—

(1) IN GENERAL.—As soon as possible, and not later than 2 years after the date of the enactment of this Act, the Secretary of State shall establish physical United States embassies in the Republic of Kiribati and the Kingdom of Tonga, and a physical presence in the Republic of Vanuatu.

(2) OTHER STRATEGIES.—

(A) PHYSICAL INFRASTRUCTURE.—In establishing embassies pursuant to paragraph (1) and creating the physical infrastructure to ensure the physical and operational safety of embassy personnel, the Secretary may pursue rent or purchase existing buildings or collocate personnel in embassies of like-minded partners, such as Australia and New Zealand.

(B) PERSONNEL.—In establishing a physical presence in the Republic of Vanuatu pursuant to paragraph (1), the Secretary may assign 1 or more United States Government personnel to the Republic of Vanuatu as part of the United States mission in Papua New Guinea.

(3) **WAIVER AUTHORITY.**—The President may waive the requirements under paragraph (1) for a period of one year if the President determines and reports to Congress in advance that such waiver is necessary to protect the national security interests of the United States.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated to the Department of State for Embassy Security, Construction, and Maintenance, \$40,200,000 is authorized to be appropriated for fiscal year 2023 for the establishment and maintenance of the three embassies pursuant to subsection (b), and \$3,000,000 is authorized to be appropriated for fiscal year 2024 to maintain the embassies.

(d) **REPORT.**—

(1) **DEFINED TERM.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) **PROGRESS REPORT.**—Not later than 180 days following the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report that includes—

(A) a description of the status of activities carried out to achieve the objectives described in this section;

(B) an estimate of when embassies and a physical presence will be fully established pursuant to subsection (b)(1); and

(C) an update on events in the Pacific Islands region relevant to the establishment of United States embassies, including activities by the People’s Republic of China.

(3) **REPORT ON FINAL DISPOSITION.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress that—

(A) confirms the establishment of the 2 embassies and the physical presence required under subsection (b)(1); or

(B) if the embassies and physical presence required in subsection (b)(1) have not been established, a justification for such failure to comply with such requirement.

#### **TITLE LIV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PROMOTION**

##### **SEC. 5401. REPORT ON BARRIERS TO APPLYING FOR EMPLOYMENT WITH THE DEPARTMENT OF STATE.**

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that—

(1) identifies any barriers for applicants applying for employment with the Department;

(2) provides demographic data of online applicants during the most recent 3 years disaggregated by race, ethnicity, gender, age, veteran status, disability, geographic region, and any other categories determined by the Secretary;

(3) assesses any barriers that exist for applying online for employment with the Department, disaggregated by race, ethnicity, gender, age, veteran status, disability, geographic region, and any other categories determined by the Secretary; and

(4) includes recommendations for addressing any disparities identified in the online application process.

##### **SEC. 5402. COLLECTION, ANALYSIS, AND DISSEMINATION OF WORKFORCE DATA.**

(a) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this

Act, the Secretary shall submit a report to the appropriate congressional committees that includes disaggregated demographic data and other information regarding the diversity of the workforce of the Department.

(b) **DATA.**—The report required under subsection (a) shall include, to the maximum extent that the collection and dissemination of such data can be done in a way that protects the confidentiality of individuals and is otherwise permissible by law—

(1) demographic data on each element of the workforce of the Department during the 5-year period ending on the date of the enactment of this Act, disaggregated by rank and grade or grade-equivalent, with respect to—

(A) individuals hired to join the workforce;

(B) individuals promoted, including promotions to and within the Senior Executive Service or the Senior Foreign Service;

(C) individuals serving as special assistants in any of the offices of the Secretary of State, the Deputy Secretary of State, the Counselor of the Department of State, the Secretary’s Policy Planning Staff, the Under Secretary of State for Arms Control and International Security, the Under Secretary of State for Civilian Security, Democracy, and Human Rights, the Under Secretary of State for Economic Growth, Energy, and the Environment, the Under Secretary of State for Management, the Under Secretary of State for Political Affairs, and the Under Secretary of State for Public Diplomacy and Public Affairs;

(D) individuals serving in each bureau’s front office;

(E) individuals serving as detailees to the National Security Council;

(F) individuals serving on applicable selection boards;

(G) members of any external advisory committee or board who are subject to appointment by individuals at senior positions in the Department;

(H) individuals participating in professional development programs of the Department and the extent to which such participants have been placed into senior positions within the Department after such participation;

(I) individuals participating in mentorship or retention programs; and

(J) individuals who separated from the agency, including individuals in the Senior Executive Service or the Senior Foreign Service;

(2) an assessment of agency compliance with the essential elements identified in Equal Employment Opportunity Commission Management Directive 715, effective October 1, 2003; and

(3) data on the overall number of individuals who are part of the workforce, the percentages of such workforce corresponding to each element specified in paragraph (1), and the percentages corresponding to each rank, grade, or grade equivalent.

(c) **EFFECTIVENESS OF DEPARTMENT EFFORTS.**—The report required under subsection (a) shall describe and assess the effectiveness of the efforts of the Department—

(1) to propagate fairness, impartiality, and inclusion in the work environment, both domestically and abroad;

(2) to enforce anti-harassment and anti-discrimination policies, both domestically and at posts overseas;

(3) to refrain from engaging in unlawful discrimination in any phase of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training;

(4) to prevent retaliation against employees for participating in a protected equal em-

ployment opportunity activity or for reporting sexual harassment or sexual assault;

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

(6) to recruit a representative workforce by—

(A) recruiting women, persons with disabilities, and minorities;

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

(C) placing job advertisements in newspapers, magazines, and job sites oriented toward women and minorities;

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

(E) providing opportunities through the Foreign Service Internship Program under chapter 12 of the Foreign Service Act of 1980 (22 U.S.C. 4141 et seq.), and other hiring initiatives;

(F) recruiting mid-level and senior-level professionals through programs designed to increase representation in international affairs of people belonging to traditionally under-represented groups;

(G) offering the Foreign Service written and oral assessment examinations in several locations throughout the United States or via online platforms to reduce the burden of applicants having to travel at their own expense to take either or both such examinations;

(H) expanding the use of paid internships; and

(I) supporting recruiting and hiring opportunities through—

(i) the Charles B. Rangel International Affairs Fellowship Program;

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

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

(d) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the publication of the report required under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees, and make such report available on the Department’s website, that includes, without compromising the confidentiality of individuals and to the extent otherwise consistent with law—

(A) disaggregated demographic data, to the maximum extent that collection of such data is permissible by law, relating to the workforce and information on the status of diversity and inclusion efforts of the Department;

(B) an analysis of applicant flow data, to the maximum extent that collection of such data is permissible by law; and

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

(2) **COMBINATION WITH OTHER ANNUAL REPORT.**—The report required under paragraph (1) may be combined with another annual report required by law, to the extent practicable.

##### **SEC. 5403. CENTERS OF EXCELLENCE IN FOREIGN AFFAIRS AND ASSISTANCE.**

(a) **PURPOSE.**—The purposes of this section are—

(1) to advance the values and interests of the United States overseas through programs that foster innovation, competitiveness, and a diversity of backgrounds, views, and experience in the formulation and implementation of United States foreign policy and assistance; and

(2) to create opportunities for specialized research, education, training, professional

development, and leadership opportunities for individuals belonging to an underrepresented group within the Department and USAID.

(b) STUDY.—

(1) IN GENERAL.—The Secretary and the Administrator of USAID shall conduct a study on the feasibility of establishing Centers of Excellence in Foreign Affairs and Assistance (referred to in this section as the “Centers of Excellence”) within institutions that serve individuals belonging to an underrepresented group to focus on 1 or more of the areas described in paragraph (2).

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary and the Administrator, respectively, shall consider—

(A) opportunities to enter into public-private partnerships that will—

(i) increase diversity in foreign affairs and foreign assistance Federal careers;

(ii) prepare a diverse cadre of students (including nontraditional, mid-career, part-time, and heritage students) and nonprofit or business professionals with the skills and education needed to meaningfully contribute to the formulation and execution of United States foreign policy and assistance;

(iii) support the conduct of research, education, and extension programs that reflect diverse perspectives and a wide range of views of world regions and international affairs—

(I) to assist in the development of regional and functional foreign policy skills;

(II) to strengthen international development and humanitarian assistance programs; and

(III) to strengthen democratic institutions and processes in policymaking, including supporting public policies that engender equitable and inclusive societies and focus on challenges and inequalities in education, health, wealth, justice, and other sectors faced by diverse communities;

(iv) enable domestic and international educational, internship, fellowship, faculty exchange, training, employment or other innovative programs to acquire or strengthen knowledge of foreign languages, cultures, societies, and international skills and perspectives;

(v) support collaboration among institutions of higher education, including community colleges, nonprofit organizations, and corporations, to strengthen the engagement between experts and specialists in the foreign affairs and foreign assistance fields; and

(vi) leverage additional public-private partnerships with nonprofit organizations, foundations, corporations, institutions of higher education, and the Federal Government; and

(B) budget and staffing requirements, including appropriate sources of funding, for the establishment and conduct of operations of such Centers of Excellence.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains the findings of the study conducted pursuant to subsection (b).

**SEC. 5404. INSTITUTE FOR TRANSATLANTIC ENGAGEMENT.**

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary is authorized to establish the Institute for Transatlantic Engagement (referred to in this section as the “Institute”).

(b) PURPOSE.—The purpose of the Institute shall be to strengthen national security by highlighting, to a geographically diverse set of populations from the United States and member countries of the European Union, the importance of the transatlantic relation-

ship and the threats posed by adversarial countries, such as the Russian Federation and the People's Republic of China, to democracy, free-market economic principles, and human rights, with the aim that lessons learned from the Institute will be shared across the United States and Europe.

(c) DIRECTOR.—The Institute shall be headed by a Director, who shall have expertise in transatlantic relations and diverse populations in the United States and Europe.

(d) SCOPE AND ACTIVITIES.—The Institute shall—

(1) strengthen knowledge of the formation and implementation of transatlantic policies critical to national security, including the threats posed by the Russian Federation and the People's Republic of China;

(2) increase awareness of the roles of government and nongovernmental actors, such as multilateral organizations, businesses, civil society actors, academia, think tanks, and philanthropic institutions, in transatlantic policy development and execution;

(3) increase understanding of the manner in which diverse backgrounds and perspectives affect the development of transatlantic policies;

(4) enhance the skills, abilities, and effectiveness of government officials at national and international levels;

(5) increase awareness of the importance of, and interest in, international public service careers;

(6) annually invite not fewer than 30 individuals to participate in programs of the Institute;

(7) not less than 3 times annually, convene representatives of United States and European Union governments for a program offered by the Institute that is not less than 2 days in duration; and

(8) develop metrics to track the success and efficacy of the program.

(e) ELIGIBILITY TO PARTICIPATE.—Participants in the programs of the Institute shall include elected government officials—

(1) serving at national, regional, or local levels in the United States and member countries of the European Union; and

(2) who represent geographically diverse backgrounds or constituencies in the United States and Europe.

(f) SELECTION OF PARTICIPANTS.—

(1) UNITED STATES PARTICIPANTS.—Participants from the United States shall be appointed in an equally divided manner by the chairpersons and ranking members of the appropriate congressional committees.

(2) EUROPEAN UNION PARTICIPANTS.—Participants from European Union member countries shall be appointed by the Secretary, in consultation with the chairpersons and ranking members of the appropriate congressional committees.

(g) RESTRICTIONS.—

(1) UNPAID PARTICIPATION.—Participants in the Institute may not be paid a salary for such participation.

(2) REIMBURSEMENT.—The Institute may pay or reimburse participants for reasonable travel, lodging, and food in connection with participation in the program.

(3) TRAVEL.—No funds authorized to be appropriated under subsection (h) may be used for travel for Members of Congress to participate in Institute activities.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$750,000 for fiscal year 2023.

**SEC. 5405. RULE OF CONSTRUCTION.**

Nothing in this division may be construed as altering existing law regarding merit system principles.

**TITLE LV—INFORMATION SECURITY AND CYBER DIPLOMACY**

**SEC. 5501. UNITED STATES INTERNATIONAL CYBERSPACE POLICY.**

(a) IN GENERAL.—It is the policy of the United States—

(1) to work internationally to promote an open, interoperable, reliable, and secure internet governed by the multi-stakeholder model, which—

(A) promotes democracy, the rule of law, and human rights, including freedom of expression;

(B) supports the ability to innovate, communicate, and promote economic prosperity; and

(C) is designed to protect privacy and guard against deception, fraud, and theft;

(2) to encourage and aid United States allies and partners in improving their own technological capabilities and resiliency to pursue, defend, and protect shared interests and values, free from coercion and external pressure; and

(3) in furtherance of the efforts described in paragraphs (1) and (2)—

(A) to provide incentives to the private sector to accelerate the development of the technologies referred to in such paragraphs;

(B) to modernize and harmonize with allies and partners export controls and investment screening regimes and associated policies and regulations; and

(C) to enhance United States leadership in technical standards-setting bodies and avenues for developing norms regarding the use of digital tools.

(b) IMPLEMENTATION.—In implementing the policy described in subsection (a), the President, in consultation with outside actors, as appropriate, including private sector companies, nongovernmental organizations, security researchers, and other relevant stakeholders, in the conduct of bilateral and multilateral relations, shall strive—

(1) to clarify the applicability of international laws and norms to the use of information and communications technology (referred to in this subsection as “ICT”);

(2) to reduce and limit the risk of escalation and retaliation in cyberspace, damage to critical infrastructure, and other malicious cyber activity that impairs the use and operation of critical infrastructure that provides services to the public;

(3) to cooperate with like-minded countries that share common values and cyberspace policies with the United States, including respect for human rights, democracy, and the rule of law, to advance such values and policies internationally;

(4) to encourage the responsible development of new, innovative technologies and ICT products that strengthen a secure internet architecture that is accessible to all;

(5) to secure and implement commitments on responsible country behavior in cyberspace, including commitments by countries—

(A) to not conduct, or knowingly support, cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of providing competitive advantages to companies or commercial sectors;

(B) to take all appropriate and reasonable efforts to keep their territories clear of intentionally wrongful acts using ICT in violation of international commitments;

(C) not to conduct or knowingly support ICT activity that intentionally damages or otherwise impairs the use and operation of critical infrastructure providing services to the public, in violation of international law;

(D) to take appropriate measures to protect the country's critical infrastructure from ICT threats;

(E) not to conduct or knowingly support malicious international activity that harms the information systems of authorized emergency response teams (also known as “computer emergency response teams” or “cybersecurity incident response teams”) of another country or authorize emergency response teams to engage in malicious international activity, in violation of international law;

(F) to respond to appropriate requests for assistance to mitigate malicious ICT activity emanating from their territory and aimed at the critical infrastructure of another country;

(G) to not restrict cross-border data flows or require local storage or processing of data; and

(H) to protect the exercise of human rights and fundamental freedoms on the internet, while recognizing that the human rights that people have offline also need to be protected online; and

(6) to advance, encourage, and support the development and adoption of internationally recognized technical standards and best practices.

#### **SEC. 5502. BUREAU OF CYBERSPACE AND DIGITAL POLICY.**

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

(1) by redesignating subsections (i) and (j) as subsection (j) and (k), respectively;

(2) by redesignating subsection (h) (as added by section 361(a)(1) of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260)) as subsection (l); and

(3) by inserting after subsection (h) the following:

“(i) BUREAU OF CYBERSPACE AND DIGITAL POLICY.—

“(1) IN GENERAL.—There is established, within the Department of State, the Bureau of Cyberspace and Digital Policy (referred to in this subsection as the ‘Bureau’). The head of the Bureau shall have the rank and status of ambassador and shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) DUTIES.—

“(A) IN GENERAL.—The head of the Bureau shall perform such duties and exercise such powers as the Secretary of State shall prescribe, including implementing the policy described in section 5501(a) of the Department of State Authorization Act of 2022.

“(B) DUTIES DESCRIBED.—The principal duties and responsibilities of the head of the Bureau shall be—

“(i) to serve as the principal cyberspace policy official within the senior management of the Department of State and as the advisor to the Secretary of State for cyberspace and digital issues;

“(ii) to lead, coordinate, and execute, in coordination with other relevant bureaus and offices, the Department of State’s diplomatic cyberspace, cybersecurity (including efforts related to data privacy, data flows, internet governance, information and communications technology standards, and other issues that the Secretary has assigned to the Bureau);

“(iii) to advance United States national security and foreign policy interests in cyberspace and to coordinate cyberspace policy and other relevant functions with the Department of State and with other components of the Federal Government;

“(iv) to promote an open, interoperable, reliable, and secure information and communications technology infrastructure globally;

“(v) to represent the Secretary of State in interagency efforts to develop and advance Federal Government cyber priorities and activities, including efforts to develop credible national capabilities, strategies, and policies

to deter and counter cyber adversaries, and carry out the purposes of title V of the Department of State Authorization Act of 2022;

“(vi) to engage civil society, the private sector, academia, and other public and private entities on relevant international cyberspace and information and communications technology issues;

“(vii) to lead United States Government efforts to uphold and further develop global deterrence frameworks for malicious cyber activity;

“(viii) to advise the Secretary of State and coordinate with foreign governments regarding responses to national security-level cyber incidents, including coordination on diplomatic response efforts to support allies and partners threatened by malicious cyber activity, in conjunction with members of the North Atlantic Treaty Organization and like-minded countries;

“(ix) to promote the building of foreign capacity relating to cyberspace policy priorities;

“(x) to promote an open, interoperable, reliable, and secure information and communications technology infrastructure globally and an open, interoperable, secure, and reliable internet governed by the multi-stakeholder model;

“(xi) to promote an international regulatory environment for technology investments and the internet that benefits United States economic and national security interests;

“(xii) to promote cross-border flow of data and combat international initiatives seeking to impose unreasonable requirements on United States businesses;

“(xiii) to promote international policies to protect the integrity of United States and international telecommunications infrastructure from foreign-based threats, including cyber-enabled threats;

“(xiv) to lead engagement, in coordination with relevant executive branch agencies, with foreign governments on relevant international cyberspace, cybersecurity, cybercrime, and digital economy issues described in title V of the Department of State Authorization Act of 2022;

“(xv) to promote international policies to secure radio frequency spectrum for United States businesses and national security needs;

“(xvi) to promote and protect the exercise of human rights, including freedom of speech and religion, through the internet;

“(xvii) to build capacity of United States diplomatic officials to engage on cyberspace issues;

“(xviii) to encourage the development and adoption by foreign countries of internationally recognized standards, policies, and best practices;

“(xix) to support efforts by the Global Engagement Center to counter cyber-enabled information operations against the United States or its allies and partners; and

“(xx) to conduct such other matters as the Secretary of State may assign.

“(3) QUALIFICATIONS.—The head of the Bureau should be an individual of demonstrated competency in the fields of—

“(A) cybersecurity and other relevant cyberspace and information and communications technology policy issues; and

“(B) international diplomacy.

“(4) ORGANIZATIONAL PLACEMENT.—

“(A) INITIAL PLACEMENT.—Except as provided in subparagraph (B), the head of the Bureau shall report to the Deputy Secretary of State.

“(B) SUBSEQUENT PLACEMENT.—The head of the Bureau may report to an Under Secretary of State or to an official holding a higher position than Under Secretary if, not

later than 15 days before any change in such reporting structure, the Secretary of State—

“(i) consults with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

“(ii) submits a report to such committees that—

“(I) indicates that the Secretary, with respect to the reporting structure of the Bureau, has consulted with and solicited feedback from—

“(aa) other relevant Federal entities with a role in international aspects of cyber policy; and

“(bb) the elements of the Department of State with responsibility for aspects of cyber policy, including the elements reporting to—

“(AA) the Under Secretary of State for Political Affairs;

“(BB) the Under Secretary of State for Civilian Security, Democracy, and Human Rights;

“(CC) the Under Secretary of State for Economic Growth, Energy, and the Environment;

“(DD) the Under Secretary of State for Arms Control and International Security Affairs;

“(EE) the Under Secretary of State for Management; and

“(FF) the Under Secretary of State for Public Diplomacy and Public Affairs;

“(II) describes the new reporting structure for the head of the Bureau and the justification for such new structure; and

“(III) includes a plan describing how the new reporting structure will better enable the head of the Bureau to carry out the duties described in paragraph (2), including the security, economic, and human rights aspects of cyber diplomacy.

“(5) SPECIAL HIRING AUTHORITIES.—The Secretary of State may—

“(A) appoint employees without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service; and

“(B) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates.

“(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to preclude the head of the Bureau from being designated as an Assistant Secretary, if such an Assistant Secretary position does not increase the number of Assistant Secretary positions at the Department above the number authorized under subsection (c)(1).”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Bureau established under section 1(i) of the State Department Basic Authorities Act of 1956, as added by subsection (a), should have a diverse workforce composed of qualified individuals, including individuals belonging to an underrepresented group.

(c) UNITED NATIONS.—The Permanent Representative of the United States to the United Nations should use the voice, vote, and influence of the United States to oppose any measure that is inconsistent with the policy described in section 5501(a).

#### **SEC. 5503. INTERNATIONAL CYBERSPACE AND DIGITAL POLICY STRATEGY.**

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the President, acting through the Secretary, and in coordination with the heads of other relevant Federal departments and agencies, shall develop an international cyberspace and digital policy strategy.

(b) ELEMENTS.—The strategy required under subsection (a) shall include—



(1) a review of actions and activities undertaken to support the policy described in section 5501(a);

(2) a plan of action to guide the diplomacy of the Department with regard to foreign countries, including—

(A) conducting bilateral and multilateral activities—

(i) to develop and support the implementation of norms of responsible country behavior in cyberspace consistent with the objectives specified in section 5501(b)(5);

(ii) to reduce the frequency and severity of cyberattacks on United States individuals, businesses, governmental agencies, and other organizations;

(iii) to reduce cybersecurity risks to United States and allied critical infrastructure;

(iv) to improve allies' and partners' collaboration with the United States on cybersecurity issues, including information sharing, regulatory coordination and improvement, and joint investigatory and law enforcement operations related to cybercrime; and

(v) to share best practices and advance proposals to strengthen civilian and private sector resiliency to threats and access to opportunities in cyberspace; and

(B) reviewing the status of existing efforts in relevant multilateral fora, as appropriate, to obtain commitments on international norms regarding cyberspace;

(3) a review of alternative concepts for international norms regarding cyberspace offered by foreign countries;

(4) a detailed description of new and evolving threats regarding cyberspace from foreign adversaries, state-sponsored actors, and non-state actors to—

(A) United States national security;

(B) the Federal and private sector cybersecurity infrastructure of the United States;

(C) intellectual property in the United States; and

(D) the privacy and security of citizens of the United States;

(5) a review of the policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private actors regarding—

(A) threats in cyberspace;

(B) the degree to which such tools have been used; and

(C) whether such tools have been effective deterrents;

(6) a review of resources required to conduct activities to build responsible norms of international cyber behavior;

(7) a review to determine whether the budgetary resources, technical expertise, legal authorities, and personnel available to the Department and other relevant Federal agencies are adequate to achieve the actions and activities undertaken to support the policy described in section 5501(a);

(8) a review to determine whether the Department is properly organized and coordinated with other Federal agencies to achieve the objectives described in section 5501(b); and

(9) a plan of action, developed in consultation with relevant Federal departments and agencies as the President may direct, to guide the diplomacy of the Department with respect to the inclusion of cyber issues in mutual defense agreements.

(c) FORM OF STRATEGY.—

(1) PUBLIC AVAILABILITY.—The strategy required under subsection (a) shall be available to the public in unclassified form, including through publication in the Federal Register.

(2) CLASSIFIED ANNEX.—The strategy required under subsection (a) may include a classified annex.

(d) BRIEFING.—Not later than 30 days after the completion of the strategy required

under subsection (a), the Secretary shall brief the appropriate congressional committees regarding the strategy, including any material contained in a classified annex.

(e) UPDATES.—The strategy required under subsection (a) shall be updated—

(1) not later than 90 days after any material change to United States policy described in such strategy; and

(2) not later than 1 year after the inauguration of each new President.

#### SEC. 5504. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON CYBER DIPLOMACY.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report and provide a briefing to the appropriate congressional committees that includes—

(1) an assessment of the extent to which United States diplomatic processes and other efforts with foreign countries, including through multilateral fora, bilateral engagements, and negotiated cyberspace agreements, advance the full range of United States interests regarding cyberspace, including the policy described in section 5501(a);

(2) an assessment of the Department's organizational structure and approach to managing its diplomatic efforts to advance the full range of United States interests regarding cyberspace, including a review of—

(A) the establishment of a Bureau within the Department to lead the Department's international cyber mission;

(B) the current or proposed diplomatic mission, structure, staffing, funding, and activities of such Bureau;

(C) how the establishment of such Bureau has impacted or is likely to impact the structure and organization of the Department; and

(D) what challenges, if any, the Department has faced or will face in establishing such Bureau; and

(3) any other matters that the Comptroller General determines to be relevant.

#### SEC. 5505. REPORT ON DIPLOMATIC PROGRAMS TO DETECT AND RESPOND TO CYBER THREATS AGAINST ALLIES AND PARTNERS.

Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of other relevant Federal agencies, shall submit a report to the appropriate congressional committees that assesses the capabilities of the Department to provide civilian-led support for acute cyber incident response in ally and partner countries that includes—

(1) a description and assessment of the Department's coordination with cyber programs and operations of the Department of Defense and the Department of Homeland Security;

(2) recommendations on how to improve coordination and executive of Department involvement in programs or operations to support allies and partners in responding to acute cyber incidents; and

(3) the budgetary resources, technical expertise, legal authorities, and personnel needed for the Department to formulate and implement the programs described in this section.

#### SEC. 5506. CYBERSECURITY RECRUITMENT AND RETENTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that improving computer programming language proficiency will improve—

(1) the cybersecurity effectiveness of the Department; and

(2) the ability of foreign service officers to engage with foreign audiences on cybersecurity matters.

(b) TECHNOLOGY TALENT ACQUISITION.—

(1) ESTABLISHMENT.—The Secretary shall establish positions within the Bureau of Global Talent Management that are solely dedicated to the recruitment and retention of Department personnel with backgrounds in cybersecurity, engineering, data science, application development, artificial intelligence, critical and emerging technology, and technology and digital policy.

(2) GOALS.—The goals of the positions described in paragraph (1) shall be—

(A) to fulfill the critical need of the Department to recruit and retain employees for cybersecurity, digital, and technology positions;

(B) to actively recruit relevant candidates from academic institutions, the private sector, and related industries;

(C) to work with the Office of Personnel Management and the United States Digital Service to develop and implement best strategies for recruiting and retaining technology talent; and

(D) to inform and train supervisors at the Department on the use of the authorities listed in subsection (c)(1).

(3) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a plan to the appropriate congressional committees that describes how the objectives and goals set forth in paragraphs (1) and (2) will be implemented.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$750,000 for each of the fiscal years 2023 through 2027 to carry out this subsection.

(c) ANNUAL REPORT ON HIRING AUTHORITIES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) a list of the hiring authorities available to the Department to recruit and retain personnel with backgrounds in cybersecurity, engineering, data science, application development, artificial intelligence, critical and emerging technology, and technology and digital policy;

(2) a list of which hiring authorities described in paragraph (1) have been used during the previous 5 years;

(3) the number of employees in qualified positions hired, aggregated by position and grade level or pay band;

(4) the number of employees who have been placed in qualified positions, aggregated by bureau and offices within the Department;

(5) the rate of attrition of individuals who begin the hiring process and do not complete the process and a description of the reasons for such attrition;

(6) the number of individuals who are interviewed by subject matter experts and the number of individuals who are not interviewed by subject matter experts; and

(7) recommendations for—

(A) reducing the attrition rate referred to in paragraph (5) by 5 percent each year;

(B) additional hiring authorities needed to acquire needed technology talent;

(C) hiring personnel to hold public trust positions until such personnel can obtain the necessary security clearance; and

(D) informing and training supervisors within the Department on the use of the authorities listed in paragraph (1).

(d) INCENTIVE PAY FOR CYBERSECURITY PROFESSIONALS.—To increase the number of qualified candidates available to fulfill the cybersecurity needs of the Department, the Secretary shall—

(1) include computer programming languages within the Recruitment Language Program; and

(2) provide appropriate language incentive pay.

(e) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall provide a list to the appropriate congressional committees that identifies—

(1) the computer programming languages included within the Recruitment Language Program and the language incentive pay rate; and

(2) the number of individuals benefitting from the inclusion of such computer programming languages in the Recruitment Language Program and language incentive pay.

**SEC. 5507. SHORT COURSE ON EMERGING TECHNOLOGIES FOR SENIOR OFFICIALS.**

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and begin providing, for senior officials of the Department, a course addressing how the most recent and relevant technologies affect the activities of the Department.

(b) **THROUGHPUT OBJECTIVES.**—The Secretary should ensure that—

(1) during the first year that the course developed pursuant to subsection (a) is offered, not fewer than 20 percent of senior officials are certified as having passed such course; and

(2) in each subsequent year, until the date on which 80 percent of senior officials are certified as having passed such course, an additional 10 percent of senior officials are certified as having passed such course.

**SEC. 5508. ESTABLISHMENT AND EXPANSION OF REGIONAL TECHNOLOGY OFFICER PROGRAM.**

(a) **REGIONAL TECHNOLOGY OFFICER PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a program, which shall be known as the “Regional Technology Officer Program” (referred to in this section as the “Program”).

(2) **GOALS.**—The goals of the Program shall include the following:

(A) Promoting United States leadership in technology abroad.

(B) Working with partners to increase the deployment of critical and emerging technology in support of democratic values.

(C) Shaping diplomatic agreements in regional and international fora with respect to critical and emerging technologies.

(D) Building diplomatic capacity for handling critical and emerging technology issues.

(E) Facilitating the role of critical and emerging technology in advancing the foreign policy objectives of the United States through engagement with research labs, incubators, and venture capitalists.

(F) Maintaining the advantages of the United States with respect to critical and emerging technologies.

(b) **IMPLEMENTATION PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit an implementation plan to the appropriate congressional committees that outlines strategies for—

(1) advancing the goals described in subsection (a)(2);

(2) hiring Regional Technology Officers and increasing the competitiveness of the Program within the Foreign Service bidding process;

(3) expanding the Program to include a minimum of 15 Regional Technology Officers; and

(4) assigning not fewer than 2 Regional Technology Officers to posts within—

(A) each regional bureau of the Department; and

(B) the Bureau of International Organization Affairs.

(c) **ANNUAL BRIEFING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary shall brief the appropriate congressional committees regarding the status of the implementation plan required under subsection (b).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$25,000,000 for each of the fiscal years 2023 through 2027 to carry out this section.

**SEC. 5509. VULNERABILITY DISCLOSURE POLICY AND BUG BOUNTY PROGRAM REPORT.**

(a) **DEFINITIONS.**—In this section:

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

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

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

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall design, establish, and make publicly known a Vulnerability Disclosure Policy (referred to in this section as the “VDP”) to improve Department cybersecurity by—

(A) creating Department policy and infrastructure to receive reports of and remediate discovered vulnerabilities in line with existing policies of the Office of Management and Budget and the Department of Homeland Security Binding Operational Directive 20-01 or any subsequent directive; and

(B) providing a report on such policy and infrastructure to Congress.

(2) **ANNUAL REPORTS.**—Not later than 180 days after the establishment of the VDP pursuant to paragraph (1), and annually thereafter for the following 5 years, the Secretary shall submit a report on the VDP to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that includes information relating to—

(A) the number and severity of all security vulnerabilities reported;

(B) the number of previously unidentified security vulnerabilities remediated as a result;

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

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

(E) the resources, surge staffing, roles, and responsibilities within the Department used to implement the VDP and complete security vulnerability remediation;

(F) how the VDP identified vulnerabilities are incorporated into existing Department vulnerability prioritization and management processes;

(G) any challenges in implementing the VDP and plans for expansion or contraction in the scope of the VDP across Department information systems; and

(H) any other topic that the Secretary determines to be relevant.

(c) **BUG BOUNTY PROGRAM REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress that describes any ongoing efforts by

the Department or a third-party vendor under contract with the Department to establish or carry out a bug bounty program that identifies security vulnerabilities of internet-facing information technology of the Department.

(2) **REPORT.**—Not later than 180 days after the date on which any bug bounty program is established, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security of the House of Representatives regarding such program, including information relating to—

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

(i) registered;

(ii) were approved;

(iii) submitted security vulnerabilities; and

(iv) received compensation;

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

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

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

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

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

(G) the lessons learned from such program;

(H) the public accessibility of contact information for the Department regarding the bug bounty program;

(I) the incorporation of bug bounty program identified vulnerabilities into existing Department vulnerability prioritization and management processes; and

(J) any challenges in implementing the bug bounty program and plans for expansion or contraction in the scope of the bug bounty program across Department information systems.

**TITLE LVI—PUBLIC DIPLOMACY**

**SEC. 5601. UNITED STATES PARTICIPATION IN INTERNATIONAL FAIRS AND EXPOSITIONS.**

(a) **IN GENERAL.**—Notwithstanding section 204 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b), and subject to subsection (b), amounts available under title I of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117-103), or under prior such Acts, may be made available to pay for expenses related to United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.

(b) **LIMITATION ON SOLICITATION OF FUNDS.**—Senior employees of the Department, in their official capacity, may not solicit funds to pay expenses for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$20,000,000 to the Department for United States participation in international fairs and expositions abroad, including for construction and operation of pavilions or other major exhibits.

**SEC. 5602. PRESS FREEDOM CURRICULUM.**

The Secretary shall ensure that there is a press freedom curriculum for the National Foreign Affairs Training Center that enables Foreign Service officers to better understand issues of press freedom and the tools that are available to help protect journalists and promote freedom of the press norms, which may include—

(1) the historic and current issues facing press freedom, including countries of specific concern;

(2) the Department's role in promoting press freedom as an American value, a human rights issue, and a national security imperative;

(3) ways to incorporate press freedom promotion into other aspects of diplomacy; and

(4) existing tools to assist journalists in distress and methods for engaging foreign governments and institutions on behalf of individuals engaged in journalistic activity who are at risk of harm.

**SEC. 5603. GLOBAL ENGAGEMENT CENTER.**

(a) **IN GENERAL.**—Section 1287(j) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended by striking “the date that is 8 years after the date of the enactment of this Act” and inserting “December 31, 2027”.

(b) **HIRING AUTHORITY FOR GLOBAL ENGAGEMENT CENTER.**—Notwithstanding any other provision of law, the Secretary, during the 5-year period beginning on the date of the enactment of this Act and solely to carry out the functions of the Global Engagement Center described in section 1287(b) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note), may—

(1) appoint employees without regard to appointment in the competitive service; and

(2) fix the basic compensation of such employees regarding classification and General Schedule pay rates.

**SEC. 5604. UNDER SECRETARY FOR PUBLIC DIPLOMACY.**

Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) coordinate the allocation and management of the financial and human resources for public diplomacy, including for—

“(i) the Bureau of Educational and Cultural Affairs;

“(ii) the Bureau of Global Public Affairs;

“(iii) the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs;

“(iv) the Global Engagement Center; and

“(v) the public diplomacy functions within the regional and functional bureaus.”.

**TITLE LVII—OTHER MATTERS****SEC. 5701. SUPPORTING THE EMPLOYMENT OF UNITED STATES CITIZENS BY INTERNATIONAL ORGANIZATIONS.**

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

(1) the Department should continue to eliminate the unreasonable barriers United States nationals face to obtain employment in the United Nations Secretariat, funds, programs, and agencies; and

(2) the Department should bolster efforts to increase the number of qualified United States nationals who are candidates for leadership and oversight positions in the United Nations system, agencies, and commissions, and in other international organizations.

(b) **IN GENERAL.**—The Secretary is authorized to promote the employment and advancement of United States citizens by international organizations and bodies, including by—

(1) providing stipends, consultation, and analytical services to support United States citizen applicants; and

(2) making grants for the purposes described in paragraph (1).

(c) **USING DIPLOMATIC PROGRAMS FUNDING TO PROMOTE THE EMPLOYMENT OF UNITED STATES CITIZENS BY INTERNATIONAL ORGANIZATIONS.**—Amounts appropriated under the heading “DIPLOMATIC PROGRAMS” in any Act making appropriations for the Department of State, Foreign Operations, and Related Programs may be made available for grants, programs, and activities described in subsection (b).

(d) **STRATEGY TO ESTABLISH JUNIOR PROFESSIONAL PROGRAM.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and other relevant cabinet members, shall publish a strategy for encouraging United States citizens to pursue careers with international organizations, particularly organizations that—

(A) set international scientific, technical, or commercial standards; or

(B) are involved in international finance and development.

(2) **REPORT TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and other relevant cabinet members, shall submit a report to the appropriate congressional committees that identifies—

(A) the number of United States citizens who are involved in relevant junior professional programs in an international organization;

(B) the distribution of individuals described in subparagraph (A) among various international organizations; and

(C) the types of predeployment training that are available to United States citizens through a junior professional program at an international organization.

**SEC. 5702. INCREASING HOUSING AVAILABILITY FOR CERTAIN EMPLOYEES ASSIGNED TO THE UNITED STATES MISSION TO THE UNITED NATIONS.**

Section 9(2) of the United Nations Participation Act of 1945 (22 U.S.C. 287e-1(2)), is amended by striking “30” and inserting “41”.

**SEC. 5703. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.**

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following:

“**SEC. 12. LIMITATION ON UNITED STATES CONTRIBUTIONS TO PEACEKEEPING OPERATIONS NOT AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL.**

“None of the funds authorized to be appropriated or otherwise made available to pay assessed and other expenses of international peacekeeping activities under this Act may be made available for an international peacekeeping operation that has not been expressly authorized by the United Nations Security Council.”.

**SEC. 5704. BOARDS OF RADIO FREE EUROPE/RADIO LIBERTY, RADIO FREE ASIA, THE MIDDLE EAST BROADCASTING NETWORKS, AND THE OPEN TECHNOLOGY FUND.**

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 306 (22 U.S.C. 6205) the following:

“**SEC. 307. GRANTEE CORPORATE BOARDS OF DIRECTORS.**

“(a) **IN GENERAL.**—The corporate board of directors of each grantee under this title—

“(1) shall be bipartisan;

“(2) shall, except as otherwise provided in this Act, have the sole responsibility to operate their respective grantees within the jurisdiction of their respective States of incorporation;

“(3) shall be composed of not fewer than 5 members, who shall be qualified individuals who are not employed in the public sector; and

“(4) shall appoint successors in the event of vacancies on their respective boards, in accordance with applicable bylaws.

“(b) **NOT FEDERAL EMPLOYEES.**—No employee of any grantee under this title may be a Federal employee.”.

**SEC. 5705. BROADCASTING ENTITIES NO LONGER REQUIRED TO CONSOLIDATE INTO A SINGLE PRIVATE, NONPROFIT CORPORATION.**

Section 310 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6209) is repealed.

**SEC. 5706. INTERNATIONAL BROADCASTING ACTIVITIES.**

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended—

(1) by striking paragraph (20);

(2) by redesignating paragraphs (21), (22), and (23) as paragraphs (20), (21), and (22), respectively; and

(3) in paragraph (20), as redesignated, by striking “or between grantees.”.

**SEC. 5707. GLOBAL INTERNET FREEDOM.**

(a) **STATEMENT OF POLICY.**—It is the policy of the United States to promote internet freedom through programs of the Department and USAID that preserve and expand the internet as an open, global space for freedom of expression and association, which shall be prioritized for countries—

(1) whose governments restrict freedom of expression on the internet; and

(2) that are important to the national interest of the United States.

(b) **PURPOSE AND COORDINATION WITH OTHER PROGRAMS.**—Global internet freedom programming under this section—

(1) shall be coordinated with other United States foreign assistance programs that promote democracy and support the efforts of civil society—

(A) to counter the development of repressive internet-related laws and regulations, including countering threats to internet freedom at international organizations;

(B) to combat violence against bloggers and other civil society activists who utilize the internet; and

(C) to enhance digital security training and capacity building for democracy activists;

(2) shall seek to assist efforts—

(A) to research key threats to internet freedom;

(B) to continue the development of technologies that provide or enhance access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used by authoritarian governments; and

(C) to maintain the technological advantage of the Federal Government over the censorship techniques described in subparagraph (B); and

(3) shall be incorporated into country assistance and democracy promotion strategies, as appropriate.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for fiscal year 2023—

(1) \$75,000,000 to the Department and USAID, which shall be used to continue efforts to promote internet freedom globally, and shall be matched, to the maximum extent practicable, by sources other than the

Federal Government, including the private sector; and

(2) \$49,000,000 to the United States Agency for Global Media (referred to in this section as the “USAGM”) and its grantees, which shall be used for internet freedom and circumvention technologies that are designed—

(A) for open-source tools and techniques to securely develop and distribute digital content produced by the USAGM and its grantees;

(B) to facilitate audience access to such digital content on websites that are censored;

(C) to coordinate the distribution of such digital content to targeted regional audiences; and

(D) to promote and distribute such tools and techniques, including digital security techniques.

(d) UNITED STATES AGENCY FOR GLOBAL MEDIA ACTIVITIES.—

(1) ANNUAL CERTIFICATION.—For any new tools or techniques authorized under subsection (c)(2), the Chief Executive Officer of the USAGM, in consultation with the President of the Open Technology Fund (referred to in this subsection as the “OTF”) and relevant Federal departments and agencies, shall submit an annual certification to the appropriate congressional committees that verifies they—

(A) have evaluated the risks and benefits of such new tools or techniques; and

(B) have established safeguards to minimize the use of such new tools or techniques for illicit purposes.

(2) INFORMATION SHARING.—The Secretary may not direct programs or policy of the USAGM or the OTF, but may share any research and development with relevant Federal departments and agencies for the exclusive purposes of—

(A) sharing information, technologies, and best practices; and

(B) assessing the effectiveness of such technologies.

(3) UNITED STATES AGENCY FOR GLOBAL MEDIA.—The Chief Executive Officer of the USAGM, in consultation with the President of the OTF, shall—

(A) coordinate international broadcasting programs and incorporate such programs into country broadcasting strategies, as appropriate;

(B) solicit project proposals through an open, transparent, and competitive application process, including by seeking input from technical and subject matter experts; and

(C) support internet circumvention tools and techniques for audiences in countries that are strategic priorities for the OTF, in accordance with USAGM’s annual language service prioritization review.

(e) USAGM REPORT.—Not later than 120 days after the date of the enactment of this Act, the Chief Executive Office of the USAGM shall submit a report to the appropriate congressional committees that describes—

(1) as of the date of the report—

(A) the full scope of internet freedom programs within the USAGM, including—

(i) the efforts of the Office of Internet Freedom; and

(ii) the efforts of the Open Technology Fund;

(B) the capacity of internet censorship circumvention tools supported by the Office of Internet Freedom and grantees of the Open Technology Fund that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to the provision of the efforts described in clauses (i) and (ii) of subparagraph (A), including access to surge funding; and

(2) successful examples from the Office of Internet Freedom and Open Technology Fund involving—

(A) responding rapidly to internet shutdowns in closed societies; and

(B) ensuring uninterrupted circumvention services for USAGM entities to promote internet freedom within repressive regimes.

(f) JOINT REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Administrator of USAID shall jointly submit a report, which may include a classified annex, to the appropriate congressional committees that describes—

(1) as of the date of the report—

(A) the full scope of internet freedom programs within the Department and USAID, including—

(i) Department circumvention efforts; and

(ii) USAID efforts to support internet infrastructure;

(B) the capacity of internet censorship circumvention tools supported by the Federal Government that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to provision of the efforts enumerated in clauses (i) and (ii) of subsection (e)(1)(A), including access to surge funding; and

(2) any new resources needed to provide the Federal Government with greater capacity to provide and boost internet access—

(A) to respond rapidly to internet shutdowns in closed societies; and

(B) to provide internet connectivity to foreign locations where the provision of additional internet access service would promote freedom from repressive regimes.

(g) SECURITY AUDITS.—Before providing any support for open source technologies under this section, such technologies must undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner that is detrimental to the interest of the United States or to the interests of individuals and organizations benefitting from programs supported by such funding.

(h) SURGE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated, in addition to amounts otherwise made available for such purposes, \$2,500,000 to support internet freedom programs in closed societies, including programs that—

(A) are carried out in crisis situations by vetted entities that are already engaged in internet freedom programs;

(B) involve circumvention tools; or

(C) increase the overseas bandwidth for companies that received Federal funding during the previous fiscal year.

(2) CERTIFICATION.—Amounts authorized to be appropriated pursuant to paragraph (1) may not be expended until the Secretary has certified to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives that the use of such funds is in the national interest of the United States.

(i) DEFINED TERM.—In this section, the term “internet censorship circumvention tool” means a software application or other tool that an individual can use to evade foreign government restrictions on internet access.

#### SEC. 5708. ARMS EXPORT CONTROL ACT ALIGNMENT WITH THE EXPORT CONTROL REFORM ACT.

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

(1) by striking “subsections (c), (d), (e), and (g) of section 11 of the Export Administration Act of 1979, and by subsections (a) and

(c) of section 12 of such Act” and inserting “subsections (c) and (d) of section 1760 of the Export Control Reform Act of 2018 (50 U.S.C. 4819), and by subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(7), (c), and (h) of section 1761 of such Act (50 U.S.C. 4820)”;

(2) by striking “11(c)(2)(B) of such Act” and inserting “1760(c)(2) of such Act (50 U.S.C. 4819(c)(2))”;

(3) by striking “11(c) of the Export Administration Act of 1979” and inserting “section 1760(c) of the Export Control Reform Act of 2018 (50 U.S.C. 4819(c))”; and

(4) by striking “\$500,000” and inserting “the greater of \$1,200,000 or the amount that is twice the value of the transaction that is the basis of the violation with respect to which the penalty is imposed.”.

#### SEC. 5709. INCREASING THE MAXIMUM ANNUAL LEASE PAYMENT AVAILABLE WITHOUT APPROVAL BY THE SECRETARY.

Section 10(a) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 301(a)), is amended by striking “\$50,000” and inserting “\$100,000”.

#### SEC. 5710. REPORT ON UNITED STATES ACCESS TO CRITICAL MINERAL RESOURCES ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that details, with regard to the Department—

(1) diplomatic efforts to ensure United States access to critical minerals acquired from outside of the United States that are used to manufacture clean energy technologies; and

(2) collaboration with other parts of the Federal Government to build a robust supply chain for critical minerals necessary to manufacture clean energy technologies.

#### SEC. 5711. OVERSEAS UNITED STATES STRATEGIC INFRASTRUCTURE DEVELOPMENT PROJECTS.

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

(1) the One Belt, One Road Initiative (referred to in this section as “OBOR”) exploits gaps in infrastructure in developing countries to advance the People’s Republic of China’s own foreign policy objectives;

(2) although OBOR may meet many countries’ short-term strategic infrastructure needs, OBOR—

(A) frequently places countries in debt to the PRC;

(B) contributes to widespread corruption;

(C) often fails to maintain the infrastructure that is built; and

(D) rarely takes into account human rights, labor standards, or the environment; and

(3) the need to challenge OBOR represents a major national security concern for the United States, as the PRC’s efforts to control markets and supply chains for strategic infrastructure projects, including critical and strategic minerals resource extraction, represent a grave national security threat.

(b) DEFINITIONS.—In this section:

(1) OBOR.—The term “OBOR” means the One Belt, One Road Initiative, a global infrastructure development strategy initiated by the Government of the People’s Republic of China in 2013.

(2) PRC.—The term “PRC” means the People’s Republic of China.

(c) ASSESSMENT OF IMPACT TO UNITED STATES NATIONAL SECURITY OF PRC INFRASTRUCTURE PROJECTS IN THE DEVELOPING WORLD.—

(1) IN GENERAL.—The Secretary, in coordination with the Administrator, shall enter into a contract with an independent research organization to prepare the report described in paragraph (2).

(2) REPORT ELEMENTS.—The report described in this paragraph shall—

(A) describe the nature and cost of OBOR investments, operation, and construction of strategic infrastructure projects, including logistics, refining, and processing industries and resource facilities, and critical and strategic mineral resource extraction projects, including an assessment of—

(i) the strategic benefits of such investments that are derived by the PRC and the host nation; and

(ii) the negative impacts of such investments to the host nation and to United States interests;

(B) describe the nature and total funding of United States' strategic infrastructure investments and construction, such as projects financed through initiatives such as Prosper Africa and the Millennium Challenge Corporation;

(C) assess the national security threats posed by the foreign infrastructure investment gap between China and the United States, including strategic infrastructure, such as ports, market access to, and the security of, critical and strategic minerals, digital and telecommunications infrastructure, threats to the supply chains, and general favorability towards the PRC and the United States among the populations of host countries;

(D) assess the opportunities and challenges for companies based in the United States and companies based in United States partner and allied countries to invest in foreign strategic infrastructure projects in countries where the PRC has focused these types of investments;

(E) identify challenges and opportunities for the United States Government and United States partners and allies to more directly finance and otherwise support foreign strategic infrastructure projects, including an assessment of the authorities and capabilities of United States agencies, departments, public-private partnerships, and international or multilateral organizations to support such projects without undermining United States domestic industries, such as domestic mineral deposits;

(F) include a feasibility study and options for United States Government agencies to undertake or increase support for United States businesses to support foreign, large-scale, strategic infrastructure projects, such as roads, power grids, and ports; and

(G) identify at least 5 strategic infrastructure projects, with one each in the Western Hemisphere, Africa, and Asia, that are needed, but have not yet been initiated.

(3) **SUBMISSION TO CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a copy of the report prepared pursuant to this subsection to the appropriate congressional committees.

#### **SEC. 5712. ENSURING THE INTEGRITY OF COMMUNICATIONS COOPERATION.**

(a) **DEFINED TERM.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Select Committee on Intelligence of the Senate;

(3) the Committee on Armed Services of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Permanent Select Committee on Intelligence of the House of Representatives; and

(6) the Committee on Armed Services of the House of Representatives.

(b) **DETERMINATION.**—Notwithstanding any other provision of law, not later than 15 days after any Chief of Mission determines that communications equipment provided by the United States Government to a foreign gov-

ernment has been used for a purpose other than the purpose for which the equipment was authorized, the Secretary shall submit to the appropriate congressional committees—

(1) an unclassified notification that indicates that such an incident occurred and the country in which it occurred; and

(2) a classified notification that describes the incident concerned, including a description of—

(A) the Federal department or agency that provided the equipment;

(B) the foreign entity or individual that used the equipment for unlawful purposes; and

(C) how the equipment was used in an unlawful manner.

#### **SEC. 5713. CONGRESSIONAL OVERSIGHT, QUARTERLY REVIEW, AND AUTHORITY RELATING TO CONCURRENCE PROVIDED BY CHIEFS OF MISSION FOR THE PROVISION OF SUPPORT RELATING TO CERTAIN UNITED STATES GOVERNMENT OPERATIONS.**

(a) **NOTIFICATION REQUIRED.**—Not later than 30 days after the date on which a Chief of Mission provides concurrence for the provision of United States Government support to entities or individuals engaged in facilitating or supporting United States Government military- or security-related operations within the area of responsibility of the Chief of Mission, the Secretary shall notify the appropriate congressional committees of the provision of such concurrence.

(b) **SEMIANNUAL REVIEW, DETERMINATION, AND BRIEFING REQUIRED.**—Not less frequently than every 180 days, the Secretary, in order to ensure that the support described in subsection (a) continues to align with United States foreign policy objectives and the objectives of the Department, shall—

(1) conduct a review of any concurrence described in subsection (a) in effect as of the date of the review;

(2) based on the review, determine whether to revoke any such concurrence pending further study and review; and

(3) brief the appropriate congressional committees on the results of the review.

(c) **REVOCATION OF CONCURRENCE.**—If the Secretary determines to revoke any concurrence described in subsection (a) pursuant to a review conducted under subsection (b), the Secretary may revoke such concurrence.

(d) **ANNUAL REPORT REQUIRED.**—Not later than January 31 of each year, the Secretary shall submit to the appropriate congressional committees a report that includes the following:

(1) A description of any support described in subsection (a) that was provided with the concurrence of a Chief of Mission during the calendar year preceding the calendar year in which the report is submitted.

(2) An analysis of the effects of the support described in paragraph (1) on diplomatic lines of effort, including with respect to—

(A) Nonproliferation, Anti-terrorism, Demining, and Related Programs (NADR) and associated Antiterrorism Assistance (ATA) programs;

(B) International Narcotics Control and Law Enforcement (INCLE) programs; and

(C) Foreign Military Sales (FMS), Foreign Military Financing (FMF), and associated training programs.

#### **SEC. 5714. PROVISION OF PARKING SERVICES AND RETENTION OF PARKING FEES.**

The Secretary of State may—

(1) provide parking services, including electric vehicle charging and other parking services, in facilities operated by or for the Department; and

(2) charge fees for such services that may be deposited into the appropriate account of the Department, to remain available until expended for the purposes of such account.

#### **SEC. 5715. DIPLOMATIC RECEPTION AREAS.**

(a) **DEFINED TERM.**—In this section, the term “reception areas” has the meaning given such term in section 41(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2713(c)).

(b) **IN GENERAL.**—The Secretary may sell goods and services and use the proceeds of such sales for administration and related support of the reception areas consistent with section 41(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2713(a)).

(c) **AMOUNTS COLLECTED.**—Amounts collected pursuant to the authority provided under subsection (b) may be deposited into an account in the Treasury, to remain available until expended.

#### **SEC. 5716. CONSULAR AND BORDER SECURITY PROGRAMS VISA SERVICES COST RECOVERY PROPOSAL.**

Section 103 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1713) is amended—

(1) in subsection (b)—

(A) by inserting “or surcharge” after “machine-readable visa fee”; and

(B) by adding at the end the following: “The amount of the machine-readable visa fee or surcharge under this subsection may also account for the cost of other consular services that are not otherwise subject to a fee or surcharge retained by the Department of State.”; and

(2) in subsection (d), by inserting “or surcharges” after “amounts collected as fees”.

#### **SEC. 5717. RETURN OF SUPPORTING DOCUMENTS FOR PASSPORT APPLICATIONS THROUGH UNITED STATES POSTAL SERVICE CERTIFIED MAIL.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a procedure that provides, to any individual applying for a new United States passport or to renew the United States passport of the individual by mail, the option to have supporting documents for the application returned to the individual by the United States Postal Service through certified mail.

(b) **COST.**—

(1) **RESPONSIBILITY.**—The cost of returning supporting documents to an individual as described in subsection (a) shall be the responsibility of the individual.

(2) **FEE.**—The fee charged to the individual by the Secretary for returning supporting documents as described in subsection (a) shall be the sum of—

(A) the retail price charged by the United States Postal Service for the service; and

(B) the estimated cost of processing the return of the supporting documents.

(3) **REPORT.**—The Secretary shall submit a report to the appropriate congressional committees that—

(A) details the costs included in the processing fee described in paragraph (2); and

(B) includes an estimate of the average cost per request.

#### **SEC. 5718. REPORT ON DISTRIBUTION OF PERSONNEL AND RESOURCES RELATED TO ORDERED DEPARTURES AND POST CLOSURES.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that describes—

(1) how Department personnel and resources dedicated to Mission Afghanistan were reallocated following the closure of diplomatic posts in Afghanistan in August 2021; and

(2) the extent to which Department personnel and resources for Mission Iraq were reallocated following ordered departures for diplomatic posts in March 2020, and how such resources were reallocated.

**SEC. 5719. ELIMINATION OF OBSOLETE REPORTS.**

(a) CERTIFICATION OF EFFECTIVENESS OF THE AUSTRALIA GROUP.—Section 2(7) of Senate Resolution 75 (105th Congress) is amended by striking subparagraph (C).

(b) ACTIVITIES OF THE TALIBAN.—Section 7044(a)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (division K of Public Law 116-260) is amended by striking “the following purposes—” and all that follows through “(B)”.

(c) PLANS TO IMPLEMENT THE GANDHI-KING SCHOLARLY EXCHANGE INITIATIVE.—The Gandhi-King Scholarly Exchange Initiative Act (subtitle D of title III of division FF of Public Law 116-260) is amended by striking section 336.

(d) PROGRESS REPORT ON JERUSALEM EMBASSY.—The Jerusalem Embassy Act of 1995 (Public Law 104-45) is amended by striking section 6.

(e) BURMA'S TIMBER TRADE.—The Tom Lantos Block Burmese Jade (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110-286; 50 U.S.C. 1701 note) is amended by striking section 12.

(f) MONITORING OF ASSISTANCE FOR AFGHANISTAN.—Section 103 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513) is amended by striking subsection (d).

(g) PRESIDENTIAL ANTI-PEDOPHILIA CERTIFICATION.—Section 102 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking subsection (g).

(h) MICROENTERPRISE FOR SELF-RELIANCE REPORT.—Title III of the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000 (Public Law 106-309; 22 U.S.C. 2462 note) is amended by striking section 304.

(i) PROMOTING THE RULE OF LAW IN THE RUSSIAN FEDERATION TO SUPPORT UNITED STATES TRADE AND INVESTMENT.—The Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112-208), is amended—

(1) in the table of contents, by amending the item relating to section 202 to read as follows:

“Sec. 202. Reporting bribery and corruption in the Russian Federation to support United States trade and investment.”.

(2) by amending section 202 to read as follows:

**“SEC. 202. REPORTING BRIBERY AND CORRUPTION IN THE RUSSIAN FEDERATION TO SUPPORT UNITED STATES TRADE AND INVESTMENT.**

“(a) IN GENERAL.—The Secretary of Commerce shall establish and maintain a dedicated phone hotline and secure website, accessible from within and outside the Russian Federation, for the purpose of allowing United States entities—

“(1) to report instances of bribery, attempted bribery, or other forms of corruption in the Russian Federation that impact or potentially impact their operations; and

“(2) to request the assistance of the United States with respect to issues relating to corruption in the Russian Federation.

“(b) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than 1 year after the effective date under section 102(b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, and annually thereafter, the Secretary of Commerce shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that includes—

“(A) the number of instances in which bribery, attempted bribery, or other forms of corruption have been reported using the hotline or website established pursuant to subsection (a);

“(B) a description of the regions in the Russian Federation in which such instances are alleged to have occurred;

“(C) a summary of actions taken by the United States to provide assistance to United States entities pursuant to subsection (a)(2); and

“(D) a description of the efforts taken by the Secretary of Commerce to inform United States entities conducting business in the Russian Federation, or considering conducting business in the Russian Federation, of the availability of assistance through the hotline and website established pursuant to subsection (a).

“(2) CONFIDENTIALITY.—The Secretary of Commerce may not include, in the report required under paragraph (1), the identity of a United States entity that reports instances of bribery, attempted bribery, or other forms of corruption in the Russian Federation or requests assistance pursuant to subsection (a).”.

**SEC. 5720. LOCALITY PAY FOR FEDERAL EMPLOYEES WORKING OVERSEAS UNDER DOMESTIC EMPLOYEE TELEWORKING OVERSEAS AGREEMENTS.**

(a) DEFINITIONS.—In this section:

(1) CIVIL SERVICE.—The term “civil service” has the meaning given the term in section 2101 of title 5, United States Code.

(2) COVERED EMPLOYEE.—The term “covered employee” means an employee who—

(A) occupies a position in the civil service; and

(B) is working overseas under a Domestic Employee Teleworking Overseas agreement.

(3) LOCALITY PAY.—The term “locality pay” means a locality-based comparability payment paid in accordance with subsection (b).

(4) NONFOREIGN AREA.—The term “nonforeign area” has the meaning given the term in section 591.205 of title 5, Code of Federal Regulations, or any successor regulation.

(5) OVERSEAS.—The term “overseas” means any geographic location that is not in—

(A) the continental United States; or

(B) a nonforeign area.

(b) PAYMENT OF LOCALITY PAY.—Each covered employee shall be paid locality pay in an amount that is equal to the lesser of—

(1) the amount of a locality-based comparability payment that the covered employee would have been paid under section 5304 or 5304a of title 5, United States Code, had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; or

(2) the amount of a locality-based comparability payment that the covered employee would be paid under section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111-32), as limited under section 5803(a)(4)(B) of this Act, if the covered employee were an eligible member of the Foreign Service (as defined in subsection (b) of such section 1113).

(c) APPLICATION.—Locality pay paid to a covered employee under this section—

(1) shall begin to be paid not later than 60 days after the date of the enactment of this Act; and

(2) shall be treated in the same manner, and subject to the same terms and conditions, as a locality-based comparability payment paid under section 5304 or 5304a of title 5, United States Code.

(d) ANNUITY COMPUTATION.—Notwithstanding any other provision of law, for purposes of any annuity computation under chapter 83 or 84 of title 5, United States Code, the basic pay of a covered employee shall—

(1) be considered to be the rate of basic pay that would have been paid to the covered em-

ployee had the official duty station of the covered employee not been changed to reflect an overseas location under the applicable Domestic Employee Teleworking Overseas agreement; and

(2) include locality pay paid to the covered employee under this section.

**SEC. 5721. DEPARTMENT OF STATE DIPLOMACY IN RESPONSE TO THE UNITED NATIONS INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON ISRAEL.**

(a) STATEMENT OF POLICY.—It is the policy of the United States for the Secretary to pursue, during the United Nations General Assembly and in all future participation in United Nations' fora, with respect to the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel (referred to in this subsection as the “Commission”)—

(1) the establishment of criteria for the dissolution of the Commission, mirroring standard criteria established in other recent Commissions of Inquiry on Syria, Libya, South Sudan, and Venezuela;

(2) the dissolution of the Commission in the context of the United States’—

(A) participation in the United Nations General Assembly Third Committee; and

(B) engagement on the United Nations Human Rights Council;

(3) the determination of an expiration date for the Commission that is as soon as possible;

(4) continued advocacy in the United Nations General Assembly Fifth Committee to limit resources available to the Commission commensurate with other recent Commissions of Inquiry; and

(5) continued advocacy for membership in the United Nations Human Rights Council of countries that do not pursue antisemitic or anti-Israel agendas.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees describing the actions taken by the Department in pursuit of the goals set forth in subsection (a).

**SEC. 5722. PROHIBITION ON ENTRY OF OFFICIALS OF FOREIGN GOVERNMENTS INVOLVED IN SIGNIFICANT CORRUPTION OR GROSS VIOLATIONS OF HUMAN RIGHTS.**

(a) INELIGIBILITY.—

(1) IN GENERAL.—Any official of a foreign government, and the immediate family members of such an official, about whom the Secretary has credible information has been involved, directly or indirectly, in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States.

(2) DESIGNATION.—The Secretary shall publicly or privately designate or identify each official of a foreign government, and the immediate family members of such official, about whom the Secretary has such credible information related to any act described in paragraph (1), without regard to whether the official has applied for a visa.

(b) EXCEPTION.—Subsection (a)(1) shall not apply to an individual if the entry of the individual into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or any other applicable international obligations of the United States.

(c) WAIVER.—The Secretary may waive the application of subsection (a) if the Secretary



determines that such a waiver would serve a compelling national interest or that the circumstances that caused the individual concerned to be ineligible for entry or admission to the United States pursuant to subsection (a)(1) or to be designated pursuant to subsection (a)(2) have changed sufficiently.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report that, for the reporting period—

(A) includes the information related to corruption or violation of human rights concerning each individual found to be ineligible for entry into the United States under subsection (a)(1);

(B) identifies—

(i) each individual whom the Secretary designated or identified pursuant to subsection (a)(2); and

(ii) each individual who would have been so ineligible but for the application of subsection (b); and

(C) includes a list of waivers provided under subsection (c) and a justification for each waiver.

(2) **FORM.**—Each report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(3) **PUBLIC AVAILABILITY.**—The Secretary shall make available to the public on a publicly accessible internet website of the Department of State the unclassified portion of each report required by paragraph (1).

(e) **REFERRAL FOR FINANCIAL SANCTIONS.**—Following the application of subsection (a), the Secretary should, as appropriate, refer to the Secretary of the Treasury, through the Office of Foreign Assets Control, a list of persons who have been designated pursuant to subsection (a)(2) and related supporting information for review for the imposition of sanctions, in accordance with United States law, to block the transfer of property and interests in property, and all financial transactions, in the United States involving any person described in subsection (a).

(f) **CLARIFICATION.**—For purposes of subsections (a) and (d), the records of the Department and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

**SEC. 5723. MODIFICATIONS TO SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.**

(a) **SENSE OF CONGRESS.**—

(1) **IN GENERAL.**—The Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) is amended by inserting after section 1262 the following:

**“SEC. 1262A. SENSE OF CONGRESS.**

“It is the sense of Congress that the President should establish and regularize information sharing and sanctions-related decision making with like-minded governments possessing human rights and anti-corruption sanctions programs similar in nature to those authorized under this subtitle.”.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 2(b) and in title XII of division A of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) are each amended by inserting after the items relating to section 1262 the following:

“Sec. 1262A. Sense of Congress.”.

(b) **IMPOSITION OF SANCTIONS.**—

(1) **IN GENERAL.**—Section 1263(a) of the Global Magnitsky Human Rights Account-

ability Act (22 U.S.C. 10102) is amended by striking paragraphs (2) through (4) and inserting the following:

“(2) is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in—

“(A) corruption, including—

“(i) the misappropriation of state assets;

“(ii) the expropriation of private assets for personal gain;

“(iii) corruption related to government contracts or the extraction of natural resources; or

“(iv) bribery; or

“(B) the transfer or facilitation of the transfer of the proceeds of corruption;

“(3) is or has been a leader or official of—

“(A) an entity, including a government entity, that has engaged in, or whose members have engaged in, any of the activities described in paragraph (1) or (2) related to the tenure of the leader or official; or

“(B) an entity whose property and interests in property are blocked pursuant to this section as a result of activities related to the tenure of the leader or official;

“(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—

“(A) an activity described in paragraph (1) or (2) that is conducted by a foreign person;

“(B) a person whose property and interests in property are blocked pursuant to this section; or

“(C) an entity, including a government entity, that has engaged in, or whose members have engaged in, an activity described in paragraph (1) or (2) conducted by a foreign person; or

“(5) is owned or controlled by, or has acted or been purported to act for or on behalf of, directly or indirectly, a person whose property and interests in property are blocked pursuant to this section.”.

(2) **CONSIDERATION OF CERTAIN INFORMATION.**—Subsection (c)(2) of such section is amended by inserting “corruption and” after “monitor”.

(3) **REQUESTS BY CONGRESS.**—Subsection (d)(2) of such section is amended to read as follows:

“(2) **REQUIREMENTS.**—A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of one of the appropriate congressional committees.”.

(c) **REPORTS TO CONGRESS.**—Section 1264(a) of the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10103(a)) is amended—

(1) in paragraph (5), by striking “; and” and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(7) a description of additional steps taken by the President through diplomacy, international engagement, and assistance to foreign or security sectors to address persistent underlying causes of conduct giving rise to the imposition of sanctions under this section, as amended on or after the date of the enactment of this paragraph, in each country in which foreign persons with respect to which such sanctions have been imposed are located; and

“(8) a description of additional steps taken by the President to ensure the pursuit of judicial accountability in appropriate jurisdictions with respect to foreign persons subject to sanctions under this section.”.

**SEC. 5724. REPORT OF SHOOTING OF PALESTINIAN-AMERICAN JOURNALIST IN JENIN.**

Not later than 14 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a complete copy, in classified or unclassified format, as appropriate, of the report overseen by the United States Security Coordinator for Israel and the Palestinian Authority regarding the circumstances surrounding the shooting of Shireen Abu Akleh in Jenin on May 11, 2022.

**SEC. 5725. REPORT ON COUNTERING THE ACTIVITIES OF MALIGN ACTORS.**

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall submit a report to the appropriate congressional committees regarding United States diplomatic efforts in Africa in achieving United States policy goals and countering the activities of malign actors.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include—

(A) case studies from Mali, Sudan, the Central African Republic, the Democratic Republic of the Congo, and South Sudan, with the goal of assessing the effectiveness of diplomatic tools during the 5-year period ending on the date of the enactment of this Act; and

(B) an assessment of—

(i) the extent and effectiveness of certain diplomatic tools to advance United States priorities in the respective case study countries, including—

(I) in-country diplomatic presence;

(II) humanitarian and development assistance;

(III) support for increased 2-way trade and investment;

(IV) United States security assistance;

(V) public diplomacy; and

(VI) accountability measures, including sanctions;

(ii) whether the use of the diplomatic tools described in clause (i) achieved the diplomatic ends for which they were intended; and

(iii) the means by which the Russian Federation and the People's Republic of China exploited any openings for diplomatic engagement in the case study countries.

(b) **FORM.**—The report required under subsection (b) shall be submitted in classified form.

(c) **CLASSIFIED BRIEFING REQUIRED.**—Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly brief Congress regarding the report required under subsection (b).

**SEC. 5726. LIMITATION ON WITHDRAWAL FROM NORTH ATLANTIC TREATY.**

(a) **OPPOSITION OF CONGRESS TO SUSPENSION, TERMINATION, DENUNCIATION, OR WITHDRAWAL FROM NORTH ATLANTIC TREATY.**—The President shall not suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, done at Washington, DC, April 4, 1949, except by and with the advice and consent of the Senate, provided that two-thirds of the Senators present concur, or pursuant to an Act of Congress.

(b) **LIMITATION ON THE USE OF FUNDS.**—No funds authorized or appropriated by any Act may be used to support, directly or indirectly, any efforts on the part of any United States Government official to take steps to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, done at Washington, DC, April 4, 1949, until such time as both the Senate and the House of Representatives pass, by an affirmative vote of two-thirds of Members, a

joint resolution approving the withdrawal of the United States from the treaty or pursuant to an Act of Congress.

(c) NOTIFICATION OF TREATY ACTION.—

(1) CONSULTATION.—Prior to the notification described in paragraph (2), the President shall consult with the appropriate congressional committees in relation to any effort to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty.

(2) NOTIFICATION.—The President shall notify the appropriate congressional committees in writing of any effort to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, as soon as possible, but in no event later than 180 days before taking such action.

(d) AUTHORIZATION OF LEGAL COUNSEL TO REPRESENT CONGRESS.—Both the Senate Legal Counsel and the General Counsel to the House of Representatives are authorized to independently or collectively represent Congress in initiating or intervening in any judicial proceedings in any Federal court of competent jurisdiction on behalf of Congress in order to oppose any effort to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty in a manner inconsistent with this section.

(e) REPORTING REQUIREMENT.—Any legal counsel operating pursuant to subsection (d) shall report as soon as practicable to the appropriate congressional committees with respect to any judicial proceedings which the Senate Legal Counsel or the General Counsel to the House of Representatives, as the case may be, initiates or in which it intervenes pursuant to subsection (d).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize, imply, or otherwise indicate that the President may suspend, terminate, denounce, or withdraw from any treaty to which the Senate has provided its advice and consent without the advice and consent of the Senate to such act or pursuant to an Act of Congress.

(g) SEVERABILITY.—If any provision of this section or the application of such provision is held by a Federal court to be unconstitutional, the remainder of this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(h) DEFINITIONS.—In this section, the terms “withdrawal”, “denunciation”, “suspension”, and “termination” have the meaning given such terms in the Vienna Convention on the Law of Treaties, concluded at Vienna May 23, 1969.

**SEC. 5727. ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.**

(a) SECTION 112B OF TITLE 1, UNITED STATES CODE.—

(1) IN GENERAL.—Section 112b of title 1, United States Code, is amended to read as follows:

**“§ 112b. United States international agreements and non-binding instruments; transparency provisions**

“(a)(1) Not less frequently than once each month, the Secretary shall provide in writing to the appropriate congressional committees the following:

“(A)(i) A list of all international agreements approved for negotiation by the Secretary or another Department of State officer at the Assistant Secretary level or higher and a list of all qualifying non-binding instruments described in subsection (1)(6)(A)(ii)(II) approved for negotiation by the appropriate department or agency during the prior month, or, in the event an international agreement or qualifying non-binding instrument is not included in the lists required by this clause, a certification cor-

responding to the international agreement or qualifying non-binding instrument as authorized under paragraph (5)(A).

“(ii) A description of the intended subject matter and parties to or participants for each international agreement and qualifying non-binding instrument listed pursuant to clause (i).

“(B)(i) A list of all international agreements and qualifying non-binding instruments signed, concluded, or otherwise finalized during the prior month.

“(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

“(iii) A detailed description of the legal authority that, in the view of the Secretary, provides authorization for each international agreement and that, in the view of the appropriate department or agency, provides authorization for each qualifying non-binding instrument provided under clause (ii) to become operative. If multiple authorities are relied upon in relation to an international agreement, the Secretary shall cite all such authorities, and if multiple authorities are relied upon in relation to a qualifying non-binding instrument, the appropriate department or agency shall cite all such authorities. All citations to the Constitution of the United States, a treaty, or a statute shall include the specific article or section and subsection reference whenever available and, if not available, shall be as specific as possible. If the authority relied upon is or includes article II of the Constitution of the United States, the Secretary or appropriate department or agency shall explain the basis for that reliance.

“(C)(i) A list of all international agreements that entered into force and qualifying non-binding instruments that became operative for the United States or an agency of the United States during the prior month.

“(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i) if such text differs from the text of the agreement or instrument previously provided pursuant to subparagraph (B)(ii).

“(iii) A statement describing any new or amended statutory or regulatory authority anticipated to be required to fully implement each proposed international agreement and qualifying non-binding instrument included in the list described in clause (i).

“(2) Not less frequently than once every three months, the Secretary shall provide in writing to the appropriate congressional committees the following:

“(A) A list of all qualifying non-binding instruments described in subsection (1)(6)(A)(ii)(I) approved for negotiation by the appropriate department or agency during the prior three months, or, in the event a qualifying non-binding instrument is not included in the list required by this subparagraph, a certification corresponding to the qualifying non-binding instrument as authorized under paragraph (5)(A).

“(B) A description of the intended subject matter and participants for each qualifying non-binding instrument listed pursuant to subparagraph (A).

“(3) The information and text required by paragraphs (1) and (2) shall be submitted in unclassified form, but may include a classified annex.

“(4) In the case of a general authorization issued for the negotiation or conclusion of a series of international agreements of the same general type, the requirements of paragraph (1)(A) may be satisfied by the provision in writing of—

“(A) a single notification containing all the information required by paragraph (1)(A); and

“(B) a list, to the extent described in such general authorization, of the countries or entities with which such agreements are contemplated.

“(5)(A) The Secretary may, on a case-by-case basis, waive the requirements of paragraph (1)(A) or (2)(A) with respect to a specific international agreement or qualifying non-binding instrument, as applicable, for renewable periods of up to 180 days if the Secretary certifies in writing to the appropriate congressional committees that—

“(i) exercising the waiver authority is vital to the negotiation of a particular international agreement or qualifying non-binding instrument; and

“(ii) the international agreement or qualifying non-binding instrument would significantly and materially advance the foreign policy or national security interests of the United States.

“(B) The Secretary shall brief the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the appropriate congressional committees on the scope and status of the negotiation that is the subject of the waiver under subparagraph (A)—

“(i) not later than 90 days after the date on which the Secretary exercises the waiver; and

“(ii) once every 180 days during the period in which a renewed waiver is in effect.

“(C) The certification required by subparagraph (A) may be provided in classified form.

“(D) The Secretary shall not delegate the waiver authority or certification requirements under subparagraph (A). The Secretary shall not delegate the briefing requirements under subparagraph (B) to any person other than the Deputy Secretary.

“(b)(1) Not later than 120 days after the date on which an international agreement enters into force, the Secretary shall make the text of the agreement, and the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to the agreement, available to the public on the website of the Department of State.

“(2) Not less frequently than once every 120 days, the Secretary shall make the text of each qualifying non-binding instrument that became operative during the preceding 120 days, and the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to each such instrument, available to the public on the website of the Department of State.

“(3) The requirements under paragraphs (1) and (2) shall not apply to the following categories of international agreements or qualifying non-binding instruments, or to information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to such agreements or qualifying non-binding instruments:

“(A) International agreements and qualifying non-binding instruments that contain information that has been given a national security classification pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information) or any predecessor or successor order, or that contain any information that is otherwise exempt from public disclosure pursuant to United States law.

“(B) International agreements and qualifying non-binding instruments that address specified military operations, military exercises, acquisition and cross servicing, logistics support, military personnel exchange or education programs, or the provision of health care to military personnel on a reciprocal basis.

“(C) International agreements and qualifying non-binding instruments that establish the terms of grant or other similar assistance, including in-kind assistance, financed

with foreign assistance funds pursuant to the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Food for Peace Act (7 U.S.C. 1691 et seq.).

“(D) International agreements and qualifying non-binding instruments, such as project annexes and other similar instruments, for which the principal function is to establish technical details for the implementation of a specific project undertaken pursuant to another agreement or qualifying non-binding instrument that has been published in accordance with paragraph (1) or (2).

“(E) International agreements and qualifying non-binding instruments that have been separately published by a depositary or other similar administrative body, except that the Secretary shall make the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1), relating to such agreements or qualifying non-binding instruments, available to the public on the website of the Department of State within the timeframes required by paragraph (1) or (2).

“(c) For any international agreement or qualifying non-binding instrument for which an implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, is not otherwise required to be submitted to the appropriate congressional committees under subparagraphs (B)(ii) or (C)(ii) of subsection (a)(1), not later than 30 days after the date on which the Secretary receives a written communication from the Chair or Ranking Member of either of the appropriate congressional committees requesting the text of any such implementing agreements or arrangements, whether binding or non-binding, the Secretary shall submit such implementing agreements or arrangements to the appropriate congressional committees.

“(d) Any department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall—

“(1) notify the Secretary of the approval for negotiation of a qualifying non-binding instrument within 15 days of such approval;

“(2) provide to the Secretary the text of each international agreement not later than 15 days after the date on which such agreement is signed or otherwise concluded;

“(3) provide to the Secretary the text of each qualifying non-binding instrument not later than 15 days after the date on which such instrument is concluded or otherwise becomes finalized;

“(4) provide to the Secretary a detailed description of the legal authority that provides authorization for each qualifying non-binding instrument to become operative not later than 15 days after such instrument is signed or otherwise becomes finalized; and

“(5) on an ongoing basis, provide any implementing material to the Secretary for transmittal to the appropriate congressional committees as needed to satisfy the requirements described in subsection (c).

“(e)(1) Each department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall designate a Chief International Agreements Officer, who shall—

“(A) be selected from among employees of such department or agency;

“(B) serve concurrently as the Chief International Agreements Officer; and

“(C) subject to the authority of the head of such department or agency, have department- or agency-wide responsibility for efficient and appropriate compliance with this section.

“(2) There shall be a Chief International Agreements Officer who serves at the Department of State with the title of International Agreements Compliance Officer.

“(f) The substance of oral international agreements and qualifying non-binding instruments shall be reduced to writing for the purpose of meeting the requirements of subsections (a) and (b).

“(g) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary. Such consultation may encompass a class of agreements rather than a particular agreement.

“(h)(1) If the Secretary is aware or has reason to believe that the requirements of subsection (a)(1), (a)(2), (b), or (c) have not been fulfilled with respect to an international agreement or qualifying non-binding instrument, the Secretary shall—

“(A) immediately bring the matter to the attention of the office or agency responsible for the agreement or qualifying non-binding instrument; and

“(B) request the office or agency to provide within 7 days the information necessary to fulfill the requirements of the relevant subsection.

“(2) Upon receiving the information requested pursuant to paragraph (1), the Secretary shall—

“(A) fulfill the requirements of subsection (a), (b), or (c), as the case may be, with respect to the agreement or qualifying non-binding instrument concerned—

“(i) by including such information in the next submission required by subsection (a)(1);

“(ii) by providing such information in writing to the appropriate congressional committees before provision of the submission described in clause (i); or

“(iii) in relation to subsection (b), by making the text of the agreement or qualifying non-binding instrument and the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to the agreement or instrument available to the public on the website of the Department of State within 15 days; and

“(B) provide to the appropriate congressional committees, either in the next submission required by subsection (a)(1) or before such submission, a written statement explaining the reason for the delay in fulfilling the requirements of subsection (a), (b), or (c), as the case may be.

“(3) Notwithstanding any other provision of law, if the requirements of subsection (a) have not been fulfilled with respect to an international agreement within 45 days of the date on which the Secretary made a request to an office or agency as described in paragraph (1)(B), no amounts appropriated to the Department of State under any law shall be available for obligation or expenditure to implement or to support the implementation of (including through the use of personnel or resources subject to the authority of a chief of mission) that particular international agreement, other than to facilitate compliance with this section, until the Secretary satisfies the substantive requirements in subsection (a) with respect to that particular international agreement.

“(i)(1) Not later than 3 years after the date of the enactment of this section, and not less frequently than once every 3 years thereafter during the 9-year period beginning on the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the compliance of the Secretary with the requirements of this section.

“(2) In any instance in which a failure by the Secretary to comply with such require-

ments is determined by the Comptroller General to have been due to the failure or refusal of another agency to provide information or material to the Department of State, or the failure to do so in a timely manner, the Comptroller General shall engage such other agency to determine—

“(A) the cause and scope of such failure or refusal;

“(B) the specific office or offices responsible for such failure or refusal; and

“(C) recommendations for measures to ensure compliance with statutory requirements.

“(3) The Comptroller General shall submit to the appropriate congressional committees in writing the results of each audit required by paragraph (1).

“(4) The Comptroller General and the Secretary shall make the results of each audit required by paragraph (1) publicly available on the websites of the Government Accountability Office and the Department of State, respectively.

“(j) The President shall, through the Secretary, promulgate such rules and regulations as may be necessary to carry out this section.

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

“(l) In this section:

“(1) The term ‘appropriate congressional committees’ means—

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

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

“(2) The term ‘appropriate department or agency’ means the department or agency of the United States Government that negotiates and enters into a qualifying non-binding instrument on behalf of itself or the United States.

“(3) The term ‘Deputy Secretary’ means the Deputy Secretary of State.

“(4) The term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(5) The term ‘international agreement’ includes—

“(A) any treaty that requires the advice and consent of the Senate, pursuant to article II of the Constitution of the United States; and

“(B) any other international agreement to which the United States is a party and that is not subject to the advice and consent of the Senate.

“(6) The term ‘qualifying non-binding instrument’—

“(A) except as provided in subparagraph (B), means a non-binding instrument that—

“(i) is or will be under negotiation, is signed or otherwise becomes operative, or is implemented with one or more foreign governments, international organizations, or foreign entities, including non-state actors; and

“(ii)(I) could reasonably be expected to have a significant impact on the foreign policy of the United States; or

“(II) is the subject of a written communication from the Chair or Ranking Member of either of the appropriate congressional committees to the Secretary; and

“(B) does not include any non-binding instrument that is signed or otherwise becomes operative or is implemented pursuant to the authorities relied upon by the Department of Defense, the Armed Forces of the United States, or any element of the intelligence community.

“(7) The term ‘Secretary’ means the Secretary of State.

“(8)(A) The term ‘text’ with respect to an international agreement or qualifying non-binding instrument includes—

“(i) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument; and

“(ii) any implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument.

“(B) As used in subparagraph (A), the term ‘contemporaneously and in conjunction with’—

“(i) shall be construed liberally; and

“(ii) may not be interpreted to require any action to have occurred simultaneously or on the same day.

“(m) Nothing in this section may be construed to authorize the withholding from disclosure to the public of any record if such disclosure is required by law.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 1, United States Code, is amended by striking the item relating to section 112b and inserting the following:

“112b. United States international agreements and non-binding instruments; transparency provisions.”.

(3) TECHNICAL AND CONFORMING AMENDMENT RELATING TO AUTHORITIES OF THE SECRETARY OF STATE.—Section 317(h)(2) of the Homeland Security Act of 2002 (6 U.S.C. 195c(h)(2)) is amended by striking “Section 112b(c)” and inserting “Section 112b(g)”.

(4) MECHANISM FOR REPORTING.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall establish a mechanism for personnel of the Department who become aware or who have reason to believe that the requirements under section 112b of title 1, United States Code, as amended by paragraph (1), have not been fulfilled with respect to an international agreement or qualifying non-binding instrument (as such terms are defined in such section) to report such instances to the Secretary.

(5) RULES AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the President, through the Secretary, shall promulgate such rules and regulations as may be necessary to carry out section 112b of title 1, United States Code, as amended by paragraph (1).

(6) CONSULTATION AND BRIEFING REQUIREMENT.—

(A) CONSULTATION.—The Secretary shall consult with the appropriate congressional committees on matters related to the implementation of this section and the amendments made by this section before and after the effective date described in subsection (c).

(B) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, and once every 90 days thereafter for 1 year, the Secretary shall brief the appropriate congressional committees regarding the status of efforts to implement this section and the amendments made by this section.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department \$1,000,000 for each of the fiscal years 2023 through 2027 for purposes of implementing the requirements of section 112b of title 1, United States Code, as amended by paragraph (1).

(b) SECTION 112A OF TITLE 1, UNITED STATES CODE.—Section 112a of title 1, United States Code, is amended—

(1) by striking subsections (b), (c), and (d); and

(2) by inserting after subsection (a) the following:

“(b) Copies of international agreements and qualifying non-binding instruments in the possession of the Department of State, but not published, other than the agreements described in section 112b(b)(3)(A), shall be made available by the Department of State upon request.”.

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this section shall take effect on the date that is 270 days after the date of the enactment of this Act.

#### TITLE LVIII—EXTENSION OF AUTHORITIES

##### SEC. 5801. CONSULTING SERVICES.

Any consulting services through procurement contracts shall be limited to contracts in which such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive orders issued pursuant to existing law.

##### SEC. 5802. DIPLOMATIC FACILITIES.

For the purposes of calculating the costs of providing new United States diplomatic facilities in any fiscal year, in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares for such fiscal year in a manner that is proportional to the contribution of the Department of State for this purpose.

##### SEC. 5803. EXTENSION OF EXISTING AUTHORITIES.

(a) EXTENSION OF AUTHORITIES.—

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by striking “September 30, 2010” and inserting “September 30, 2024”.

(2) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111-32) shall remain in effect through “September 30, 2024”.

(3) USAID CIVIL SERVICE ANNUITY WAIVER.—Section 625(j)(1)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)(B)) shall be applied by striking “October 1, 2010” and inserting “September 30, 2024”.

(4) OVERSEAS PAY COMPARABILITY AND LIMITATION.—

(A) IN GENERAL.—The authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111-32) shall remain in effect through September 30, 2024.

(B) LIMITATION.—The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009 (Public Law 111-32)) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

(5) INSPECTOR GENERAL ANNUITY WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111-212)—

(A) shall remain in effect through September 30, 2024; and

(B) may be used to facilitate the assignment of persons for oversight of programs in Somalia, South Sudan, Syria, Venezuela, and Yemen.

(6) ACCOUNTABILITY REVIEW BOARDS.—The authority provided under section 301(a)(3) of

the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect for facilities in Afghanistan and shall apply to facilities in Ukraine through September 30, 2024, except that the notification and reporting requirements contained in such section shall include the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives.

(7) DEPARTMENT OF STATE INSPECTOR GENERAL WAIVER AUTHORITY.—The Inspector General of the Department may waive the provisions of subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064), on a case-by-case basis, for an annuitant reemployed by the Inspector General on a temporary basis, subject to the same constraints and in the same manner by which the Secretary of State may exercise such waiver authority pursuant to subsection (g) of such section.

(b) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112-74) shall continue in effect until September 30, 2024.

##### SEC. 5804. WAR RESERVES STOCKPILE AND MILITARY TRAINING REPORT.

(a) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1011) is amended by striking “of this section” and all that follows through the period at the end and inserting “of this section after September 30, 2024.”.

(b) ANNUAL FOREIGN MILITARY TRAINING REPORT.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961, the term “military training provided to foreign military personnel by the Department of Defense and the Department of State” shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated under section 517(b) of such Act (22 U.S.C. 2321k(b)) as a major non-North Atlantic Treaty Organization ally. Such third-country training shall be clearly identified in the report submitted pursuant to such section 656.

#### TITLE LIX—GLOBAL CORRUPTION AND RESPECT

##### SEC. 5901. SHORT TITLE.

This title may be cited as the “Combating Global Corruption Act of 2022”.

##### SEC. 5902. DEFINITIONS.

In this title:

(1) CORRUPT ACTOR.—The term “corrupt actor” means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(2) CORRUPTION.—The term “corruption” means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

(3) SIGNIFICANT CORRUPTION.—The term “significant corruption” means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

(B) Involves economically or socially large-scale government activities.

**SEC. 5903. PUBLICATION OF TIERED RANKING LIST.**

(a) **IN GENERAL.**—The Secretary shall annually publish, on a publicly accessible website, a tiered ranking of all foreign countries.

(b) **TIER 1 COUNTRIES.**—A country shall be ranked as a tier 1 country in the ranking published under subsection (a) if the government of such country is complying with the minimum standards set forth in section 5904.

(c) **TIER 2 COUNTRIES.**—A country shall be ranked as a tier 2 country in the ranking published under subsection (a) if the government of such country is making efforts to comply with the minimum standards set forth in section 5904, but is not achieving the requisite level of compliance to be ranked as a tier 1 country.

(d) **TIER 3 COUNTRIES.**—A country shall be ranked as a tier 3 country in the ranking published under subsection (a) if the government of such country is making de minimis or no efforts to comply with the minimum standards set forth in section 5904.

**SEC. 5904. MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT CORRUPTION.**

(a) **IN GENERAL.**—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted and implemented laws and established government structures, policies, and practices that prohibit corruption, including significant corruption;

(2) enforces the laws described in paragraph (1) by punishing any person who is found, through a fair judicial process, to have violated such laws;

(3) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and

(4) is making serious and sustained efforts to address corruption, including through prevention.

(b) **FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.**—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider, to the extent relevant or appropriate, factors such as—

(1) whether the government of the country has criminalized corruption, investigates and prosecutes acts of corruption, and convicts and sentences persons responsible for such acts over which it has jurisdiction, including, as appropriate, incarcerating individuals convicted of such acts;

(2) whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate corruption, including nationals of the country who are deployed in foreign military assignments, trade delegations abroad, or other similar missions, who engage in or facilitate significant corruption;

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

(4) what steps the government of the country has taken to prohibit government officials from participating in, facilitating, or condoning corruption, including the investigation, prosecution, and conviction of such officials;

(5) the extent to which the country provides access, or, as appropriate, makes adequate resources available, to civil society organizations and other institutions to combat corruption, including reporting, investigating, and monitoring;

(6) whether an independent judiciary or judicial body in the country is responsible for, and effectively capable of, deciding corruption cases impartially, on the basis of facts and in accordance with the law, without any improper restrictions, influences, inducements, pressures, threats, or interferences (direct or indirect);

(7) whether the government of the country is assisting in international investigations of transnational corruption networks and in other cooperative efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors;

(8) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others;

(9) whether the government of the country protects victims of corruption or whistleblowers from reprisal due to such persons having assisted in exposing corruption, and refrains from other discriminatory treatment of such persons;

(10) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption;

(11) whether the government of the country is taking steps to implement financial transparency measures in line with the Financial Action Task Force recommendations, including due diligence and beneficial ownership transparency requirements;

(12) whether the government of the country is facilitating corruption in other countries in connection with state-directed investment, loans or grants for major infrastructure, or other initiatives; and

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

(c) **ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION IN RELATION TO RELEVANT INTERNATIONAL COMMITMENTS.**—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary shall consider the government of a country's compliance with the following, as relevant:

(1) The Inter-American Convention against Corruption of the Organization of American States, done at Caracas March 29, 1996.

(2) The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation of Economic Co-operation and Development, done at Paris December 21, 1997 (commonly referred to as the "Anti-Bribery Convention").

(3) The United Nations Convention against Transnational Organized Crime, done at New York November 15, 2000.

(4) The United Nations Convention against Corruption, done at New York October 31, 2003.

(5) Such other treaties, agreements, and international standards as the Secretary of State considers appropriate.

**SEC. 5905. IMPOSITION OF SANCTIONS UNDER GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.**

(a) **IN GENERAL.**—The Secretary, in coordination with the Secretary of the Treasury, should evaluate whether there are foreign persons engaged in significant corruption for the purposes of potential imposition of sanctions under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note)—

(1) in all countries identified as tier 3 countries under section 5903; or

(2) in relation to the planning or construction or any operation of the Nord Stream 2 pipeline.

(b) **REPORT REQUIRED.**—Not later than 180 days after publishing the list required under section 5903(a) and annually thereafter, the Secretary shall submit to the committees specified in subsection (f) a report that includes—

(1) a list of foreign persons with respect to which the President imposed sanctions pursuant to the evaluation under subsection (a);

(2) the dates on which such sanctions were imposed;

(3) the reasons for imposing such sanctions; and

(4) a list of all foreign persons found to have been engaged in significant corruption in relation to the planning, construction, or operation of the Nord Stream 2 pipeline.

(c) **FORM OF REPORT.**—Each report required under subsection (b) shall be submitted in unclassified form but may include a classified annex.

(d) **BRIEFING IN LIEU OF REPORT.**—The Secretary, in coordination with the Secretary of the Treasury, may (except with respect to the list required under subsection (b)(4)) provide a briefing to the committees specified in subsection (f) instead of submitting a written report required under subsection (b), if doing so would better serve existing United States anti-corruption efforts or the national interests of the United States.

(e) **TERMINATION OF REQUIREMENTS RELATING TO NORD STREAM 2.**—The requirements under subsections (a)(2) and (b)(4) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(f) **COMMITTEES SPECIFIED.**—The committees specified in this subsection are—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(4) the Committee on the Judiciary of the Senate;

(5) the Committee on Foreign Affairs of the House of Representatives;

(6) the Committee on Appropriations of the House of Representatives;

(7) the Committee on Financial Services of the House of Representatives; and

(8) the Committee on the Judiciary of the House of Representatives.

**SEC. 5906. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.**

(a) **IN GENERAL.**—The Secretary shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified as tier 2 or tier 3 under section 5903, or which the Secretary otherwise determines is in need of such a point of contact. The point of contact shall be the chief of mission or the chief of mission's designee.

(b) **RESPONSIBILITIES.**—Each anti-corruption point of contact designated under subsection (a) shall be responsible for enhancing coordination and promoting the implementation of a whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

(1) promote good governance in foreign countries; and

(2) enhance the ability of such countries—

(A) to combat public corruption; and

(B) to develop and implement corruption risk assessment tools and mitigation strategies.

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

**SA 5621.** Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr.