

116TH CONGRESS  
1ST SESSION

# H. R. 3352

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## AN ACT

To provide for certain authorities of the Department of  
State, and for other purposes.

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

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

Sec. 101. Sense of Congress on importance of Department of State’s work.

Sec. 102. Bureau of Democracy, Human Rights, and Labor.

Sec. 103. Assistant Secretary for International Narcotics and Law Enforcement  
Affairs.

Sec. 104. Bureau of Consular Affairs; Bureau of Population, Refugees, and Mi-  
gration.

Sec. 105. Office of International Disability Rights.

Sec. 106. Office of Global Women’s Issues.

Sec. 107. Special appointments.

Sec. 108. Anti-piracy information sharing.

Sec. 109. Importance of foreign affairs training to national security.

Sec. 110. Classification and assignment of Foreign Service officers.

Sec. 111. Energy diplomacy and security within the Department of State.

Sec. 112. Passport fees.

Sec. 113. United States diplomacy center.

Sec. 114. Extension of period for reimbursement of fishermen for costs in-  
curred from the illegal seizure and detention of U.S.-flag fish-  
ing vessels by foreign governments.

Sec. 115. Art in embassies.

Sec. 116. Amendment or repeal of reporting requirements.

Sec. 117. Reporting on implementation of GAO recommendations.

Sec. 118. Office of Global Criminal Justice.

**TITLE II—EMBASSY CONSTRUCTION**

Sec. 201. Embassy security, construction, and maintenance.

Sec. 202. Standard design in capital construction.

Sec. 203. Capital construction transparency.

Sec. 204. Contractor performance information.

Sec. 205. Growth projections for new embassies and consulates.

Sec. 206. Long-range planning process.

Sec. 207. Value engineering and risk assessment.

Sec. 208. Business volume.

Sec. 209. Embassy security requests and deficiencies.

Sec. 210. Overseas security briefings.

Sec. 211. Contracting methods in capital construction.

Sec. 212. Competition in embassy construction.

Sec. 213. Statement of policy.

Sec. 214. Definitions.

## TITLE III—PERSONNEL ISSUES

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

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

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

## TITLE V—INFORMATION SECURITY

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

## TITLE VI—PUBLIC DIPLOMACY

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

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

#### TITLE VII—COMBATING PUBLIC CORRUPTION

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

#### TITLE VIII—MATTERS RELATING TO INTERNATIONAL SECURITY

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

##### Subtitle A—Reform Relating to Security Assistance

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

##### Subtitle B—Foreign Military Assistance

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

##### Subtitle C—Studies on Authorities and Programs

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

## TITLE IX—MISCELLANEOUS

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

## TITLE X—BUDGETARY EFFECTS

- Sec. 1001. Determination of budgetary effects.

**1 SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
4 TEES.—Unless otherwise specified, the term “appro-  
5 priate congressional committees” means—

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

8 (B) the Committee on Appropriations of  
9 the Senate;

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

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

14 (2) DEPARTMENT.—Unless otherwise specified,  
15 the term “Department” means the Department of  
16 State.

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

1 **TITLE I—ORGANIZATION AND**  
2 **OPERATIONS OF THE DE-**  
3 **PARTMENT OF STATE**

4 **SEC. 101. SENSE OF CONGRESS ON IMPORTANCE OF DE-**  
5 **PARTMENT OF STATE’S WORK.**

6 It is the sense of Congress that—

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

9 (2) United States leadership is indispensable in  
10 light of the many complex and interconnected  
11 threats facing the United States and the world;

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

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

20 (5) the United States Government must use all  
21 of the instruments of national security and foreign  
22 policy at its disposal to protect United States citi-  
23 zens, promote United States interests and values,  
24 and support global stability and prosperity;

1           (6) United States security and prosperity de-  
2           pend on having partners and allies that share our in-  
3           terests and values, and these partnerships are nur-  
4           tured and our shared interests and values are pro-  
5           moted through United States diplomatic engage-  
6           ment, security cooperation, economic statecraft, and  
7           assistance that helps further economic development,  
8           good governance, including the rule of law and  
9           democratic institutions, and the development of  
10          shared responses to natural and humanitarian disas-  
11          ters;

12          (7) as the United States Government agencies  
13          primarily charged with conducting diplomacy and  
14          development, the Department and the United States  
15          Agency for International Development (USAID) re-  
16          quire sustained and robust funding to carry out this  
17          important work, which is essential to our ability to  
18          project United States leadership and values and to  
19          advance the United States interests around the  
20          world;

21          (8) the work of the Department and USAID  
22          makes the United States and the world safer and  
23          more prosperous by alleviating global poverty and  
24          hunger, fighting HIV/AIDS and other infectious dis-  
25          eases, strengthening alliances, expanding educational

1 opportunities for women and girls, promoting good  
2 governance and democracy, supporting anti-corrup-  
3 tion efforts, driving economic development and  
4 trade, preventing armed conflicts and humanitarian  
5 crises, and creating American jobs and export oppor-  
6 tunities;

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

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

16 (11) the contributions of personnel working at  
17 the Department and USAID are extraordinarily val-  
18 uable and allow the United States to maintain its  
19 leadership around the world.

20 **SEC. 102. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND**  
21 **LABOR.**

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

1           (1) in subparagraph (A), by adding at the end  
2           the following new sentence: “All special envoys, am-  
3           bassadors, and coordinators located within the Bu-  
4           reau of Democracy, Human Rights, and Labor shall  
5           report directly to the Assistant Secretary.”;

6           (2) in subparagraph (B)(ii)—

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

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

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

15               “(C) AUTHORITIES.—In addition to the duties,  
16                functions, and responsibilities specified in this para-  
17                graph, the Assistant Secretary of State for Democ-  
18                racy, Human Rights, and Labor is authorized to—

19                   “(i) promote democracy and actively sup-  
20                   port human rights throughout the world;

21                   “(ii) promote the rule of law and good gov-  
22                   ernance throughout the world;

23                   “(iii) strengthen, empower, and protect  
24                   civil society representatives, programs, and or-  
25                   ganizations, and facilitate their ability to en-

1 gage in dialogue with governments and other  
2 civil society entities;

3 “(iv) work with regional bureaus to ensure  
4 adequate personnel at diplomatic posts are as-  
5 signed responsibilities relating to advancing de-  
6 mocracy, human rights, labor rights, women’s  
7 equal participation in society, and the rule of  
8 law, with particular attention paid to adequate  
9 oversight and engagement on such issues by  
10 senior officials at such posts;

11 “(v) review and, as appropriate, make rec-  
12 ommendations to the Secretary of State regard-  
13 ing the proposed transfer of—

14 “(I) defense articles and defense serv-  
15 ices authorized under the Foreign Assist-  
16 ance Act of 1961 (22 U.S.C. 2151 et seq.)  
17 or the Arms Export Control Act (22  
18 U.S.C. 2751 et seq.); and

19 “(II) military items listed on the ‘600  
20 series’ of the Commerce Control List con-  
21 tained in Supplement No. 1 to part 774 of  
22 subtitle B of title 15, Code of Federal Reg-  
23 ulations;

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

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

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

11          “(E) LOCAL OVERSIGHT.—United States mis-  
12          sions, to the extent practicable, should assist in exer-  
13          cising oversight authority and coordinate with the  
14          Bureau of Democracy, Human Rights, and Labor to  
15          ensure that funds are appropriately used and comply  
16          with anti-corruption practices.”.

17 **SEC. 103. ASSISTANT SECRETARY FOR INTERNATIONAL**  
18                   **NARCOTICS AND LAW ENFORCEMENT AF-**  
19                   **FAIRS.**

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

23                  (1) by redesignating paragraph (3) as para-  
24          graph (4); and

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

3           “(3) ASSISTANT SECRETARY FOR INTER-  
4           NATIONAL NARCOTICS AND LAW ENFORCEMENT AF-  
5           FAIRS.—

6                   “(A) IN GENERAL.—There is authorized to  
7           be in the Department of State an Assistant  
8           Secretary for International Narcotics and Law  
9           Enforcement Affairs, who shall be responsible  
10          to the Secretary of State for all matters, pro-  
11          grams, and related activities pertaining to inter-  
12          national narcotics, anti-crime, and law enforce-  
13          ment affairs in the conduct of foreign policy by  
14          the Department, including, as appropriate, lead-  
15          ing the coordination of programs carried out by  
16          United States Government agencies abroad, and  
17          such other related duties as the Secretary may  
18          from time to time designate.

19                   “(B) AREAS OF RESPONSIBILITY.—The  
20          Assistant Secretary for International Narcotics  
21          and Law Enforcement Affairs shall maintain  
22          continuous observation and coordination of all  
23          matters pertaining to international narcotics,  
24          anti-crime, and law enforcement affairs in the  
25          conduct of foreign policy, including programs

1 carried out by other United States Government  
2 agencies when such programs pertain to the fol-  
3 lowing matters:

4 “(i) Combating international narcotics  
5 production and trafficking.

6 “(ii) Strengthening foreign justice sys-  
7 tems, including judicial and prosecutorial  
8 capacity, appeals systems, law enforcement  
9 agencies, prison systems, and the sharing  
10 of recovered assets.

11 “(iii) Training and equipping foreign  
12 police, border control, other government of-  
13 ficials, and other civilian law enforcement  
14 authorities for anti-crime purposes, includ-  
15 ing ensuring that no foreign security unit  
16 or member of such unit shall receive such  
17 assistance from the United States Govern-  
18 ment absent appropriate vetting.

19 “(iv) Ensuring the inclusion of human  
20 rights and women’s participation issues in  
21 law enforcement programs, in consultation  
22 with the Assistant Secretary for Democ-  
23 racy, Human Rights, and Labor, and other  
24 senior officials in regional and thematic  
25 bureaus and offices.

1           “(v) Combating, in conjunction with  
2           other relevant bureaus of the Department,  
3           all forms of transnational organized crime,  
4           including illicit trafficking in human  
5           beings, arms, wildlife, and cultural prop-  
6           erty, migrant smuggling, corruption,  
7           money laundering, the illicit smuggling of  
8           bulk cash, the licit use of financial systems  
9           for malign purposes, and other new and  
10          emerging forms of crime.

11          “(vi) Identifying and responding to  
12          global corruption, including strengthening  
13          the capacity of foreign government institu-  
14          tions responsible for addressing financial  
15          crimes and engaging with multilateral or-  
16          ganizations responsible for monitoring and  
17          supporting foreign governments’ anti-cor-  
18          ruption efforts.

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

24                 “(i) carry out timely and substantive  
25                 consultation with chiefs of mission and, as

1 appropriate, the heads of other United  
2 States Government agencies to ensure ef-  
3 fective coordination of all international  
4 narcotics and law enforcement programs  
5 carried out overseas by the Department  
6 and such other agencies;

7 “(ii) coordinate with the Office of Na-  
8 tional Drug Control Policy to ensure les-  
9 sons learned from other United States  
10 Government agencies are available to the  
11 Bureau of International Narcotics and  
12 Law Enforcement Affairs of the Depart-  
13 ment;

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

19 “(iv) in coordination with the Sec-  
20 retary of State, annually certify in writing  
21 to the Committee on Foreign Affairs of the  
22 House of Representatives and the Com-  
23 mittee on Foreign Relations of the Senate  
24 that United States law enforcement per-  
25 sonnel posted abroad whose activities are

1 funded to any extent by the Bureau of  
2 International Narcotics and Law Enforce-  
3 ment Affairs are complying with section  
4 207 of the Foreign Service Act of 1980  
5 (22 U.S.C. 3927); and

6 “(v) carry out such other relevant du-  
7 ties as the Secretary may assign.”.

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

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

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

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

24 (1) by redesignating subsection (g) as sub-  
25 section (i); and

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

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

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

12 **SEC. 105. OFFICE OF INTERNATIONAL DISABILITY RIGHTS.**

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

16           (b) DUTIES.—The Office should—

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

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

23           (3) promote disability inclusive practices and  
24 the training of Department staff on soliciting quality

1 programs that are fully inclusive of people with dis-  
2 abilities;

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

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

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

19 (7) advise the Bureau of Human Resources De-  
20 velopment of the Department regarding the hiring  
21 and recruitment and overseas practices of civil serv-  
22 ice employees and Foreign Service officers with dis-  
23 abilities and their family members with chronic med-  
24 ical conditions or disabilities.

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

1           (1) a senior advisor to the appropriate Assist-  
2           ant Secretary; or

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

6           (d) CONSULTATION.—The Secretary should direct  
7           Ambassadors at Large, Representatives, Special Envoys,  
8           and coordinators working on human rights to consult with  
9           the Office to promote the human rights and full participa-  
10          tion in international development activities of all persons  
11          with disabilities.

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

13          (a) IN GENERAL.—There should be established an  
14          Office of Global Women's Issues (referred to in this sec-  
15          tion as the "Office"), which may be placed within the or-  
16          ganizational structure of the Department at the discretion  
17          of the Secretary.

18          (b) PURPOSE.—The Office should coordinate efforts  
19          of the United States Government, as directed by the Sec-  
20          retary, regarding gender equality and advancing the status  
21          of women and girls in United States foreign policy.

22          (c) DUTIES.—The Office should—

23               (1) serve as the principal advisor to the Sec-  
24          retary regarding gender equality, women's and girls'

1 empowerment, and violence against women and girls  
2 as a priority of United States foreign policy;

3 (2) represent the United States in diplomatic  
4 and multilateral fora on matters relevant to the sta-  
5 tus of women and girls;

6 (3) advise the Secretary and provide input on  
7 all activities, policies, programs, and funding relat-  
8 ing to gender equality and the advancement of  
9 women and girls internationally for all bureaus and  
10 offices of the Department and in the international  
11 programs of all other Federal agencies;

12 (4) work to ensure that efforts to advance gen-  
13 der equality and women's and girls' empowerment  
14 are fully integrated into the programs, structures,  
15 processes, and capacities of all bureaus and offices  
16 of the Department and in the international pro-  
17 grams of other Federal agencies; and

18 (5) conduct regular consultation with civil soci-  
19 ety organizations working to advance gender equality  
20 and empower women and girls internationally.

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

23 (e) REPORT.—Not later than 180 days after the date  
24 of the enactment of this Act, the Secretary shall provide

1 to the appropriate congressional committees a report or  
2 briefing regarding this section.

3 **SEC. 107. SPECIAL APPOINTMENTS.**

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

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

14 (2) Recommendations regarding whether to  
15 maintain in the Department each such position, in-  
16 cluding those listed in the report submitted by the  
17 Secretary to the Committee on Foreign Relations of  
18 the Senate on April 14, 2017, pursuant to section  
19 418 of the Department of State Authorities Act,  
20 Fiscal Year 2017 (Public Law 114–323), that are  
21 not expressly authorized by a provision of law en-  
22 acted by Congress.

23 (3) Justifications supporting each of the Sec-  
24 retary’s recommendations under paragraph (2).

1           (b) ADVICE AND CONSENT.—Not later than 90 days  
2 after the submission of the report required under sub-  
3 section (a), the President shall submit the name of each  
4 Special Envoy, Special Representative, Special Coordi-  
5 nator, Special Negotiator, Envoy, Representative, Coordi-  
6 nator, Special Advisor, or other person occupying a similar  
7 position at the Department exercising significant author-  
8 ity pursuant to the laws of the United States that is not  
9 expressly authorized by a provision of law enacted by Con-  
10 gress who is included in such report to the Committee on  
11 Foreign Relations of the Senate to seek the advice and  
12 consent of the Senate.

13           (c) RULE OF CONSTRUCTION REGARDING ESTAB-  
14 LISHMENT OF POSITIONS.—Nothing in this section may  
15 be construed as prohibiting the establishment or mainte-  
16 nance of any Special Envoy, Special Representative, Spe-  
17 cial Coordinator, Special Negotiator, Envoy, Representa-  
18 tive, Coordinator, Special Advisor, or other similar posi-  
19 tion at the Department exercising significant authority  
20 pursuant to the laws of the United States if the name of  
21 the appointee for each such position is submitted to the  
22 Committee on Foreign Relations of the Senate, to seek  
23 the advice and consent of the Senate, not later than 90  
24 days after each such appointment.

1 (d) LIMITED EXCEPTION FOR TEMPORARY APPOINT-  
2 MENTS.—The Secretary may maintain or establish a posi-  
3 tion with the title of Special Envoy, Special Representa-  
4 tive, Special Coordinator, Special Negotiator, Special Ad-  
5 visor, or a similar position not exercising significant au-  
6 thority pursuant to the laws of the United States for not  
7 longer than 180 days if the Secretary, not later than 15  
8 days before the appointment of a person to such a posi-  
9 tion, submits to the appropriate congressional committees  
10 a notification that includes the following:

11 (1) A certification that the position is not ex-  
12 pected to demand the exercise of significant author-  
13 ity pursuant to the laws of the United States.

14 (2) A description of the duties and purpose of  
15 the position.

16 (3) The rationale for giving the specific title to  
17 the position.

18 (e) RENEWAL OF TEMPORARY APPOINTMENT.—  
19 Nothing in this section may be construed as prohibiting  
20 the Secretary from renewing for a period not to exceed  
21 180 days any position maintained or established under  
22 subsection (d) if the Secretary complies with the notifica-  
23 tion requirements contained in such subsection.

24 (f) FUNDING RESTRICTIONS.—

1           (1) POSITIONS NOT SUBMITTED FOR ADVICE  
2           AND CONSENT.—No funds may be authorized to be  
3           appropriated for—

4                   (A) any Special Envoy, Special Represent-  
5                   ative, Special Coordinator, Special Negotiator,  
6                   Envoy, Representative, Coordinator, Special  
7                   Advisor, or other similar position at the Depart-  
8                   ment exercising significant authority pursuant  
9                   to the laws of the United States if the name of  
10                  the person appointed to such position has not  
11                  been submitted to the Committee on Foreign  
12                  Relations of the Senate for the advice and con-  
13                  sent of the Senate in accordance with sub-  
14                  section (b); or

15                  (B) any staff or resources related to such  
16                  a position until the person appointed to such  
17                  position has been submitted to the Committee  
18                  on Foreign Relations of the Senate for the ad-  
19                  vice and consent of the Senate.

20           (2) TEMPORARY POSITIONS.—No funds may be  
21           authorized to be appropriated for any position de-  
22           scribed in subsection (d) or for any staff or re-  
23           sources related to such position unless the Secretary  
24           has complied with the notification requirements  
25           under such subsection.

1           (3) FISCAL YEAR 2020.—The restrictions de-  
2       scribed in this subsection shall not apply in fiscal  
3       year 2020 to positions or associated staff and re-  
4       sources for which funding is expressly appropriated  
5       for such fiscal year in an Act of Congress.

6       (g) CONFIRMATION FOR AUTHORIZED POSITIONS.—

7           (1) IN GENERAL.—No Special Envoy, Special  
8       Representative, Special Coordinator, Special Nego-  
9       tiator, Envoy, Representative, Coordinator, Special  
10      Advisor, or other similar position at the Department  
11      exercising significant authority pursuant to the laws  
12      of the United States that is authorized by an Act of  
13      Congress (except the position authorized by section  
14      621 of the Tibetan Policy Act of 2002 (subtitle B  
15      of title VI of Public Law 107–228; 22 U.S.C. 6901  
16      note)) may be appointed without the advice and con-  
17      sent of the Senate.

18          (2) FISCAL YEAR 2020.—The restriction de-  
19      scribed in paragraph (1) shall not apply in fiscal  
20      year 2020 to positions or associated staff and re-  
21      sources for which funding is expressly appropriated  
22      for such fiscal year in an Act of Congress.

23      (h) ELIMINATION OF SPECIAL REPRESENTATIVE  
24      AND POLICY COORDINATOR FOR BURMA.—

25          (1) FINDINGS.—Congress finds the following:

1 (A) Congress established the Special Rep-  
2 resentative and Policy Coordinator for Burma  
3 in July 2008 at a time when the United States  
4 did not maintain full diplomatic relations with  
5 Burma and had not appointed an Ambassador  
6 to Burma in 18 years.

7 (B) In 2012, the United States re-estab-  
8 lished full diplomatic relations with Burma and  
9 appointed a United States Ambassador to  
10 Burma who, along with the Secretary of State,  
11 Assistant Secretary of State for East Asia and  
12 the Pacific, and other United States Govern-  
13 ment officials, represents the United States' in-  
14 terests in Burma.

15 (2) REPEAL.—Section 7 of the Tom Lantos  
16 Block Burmese Jade (Junta's Anti-Democratic Ef-  
17 ferts) Act of 2008 (Public Law 110–286; 50 U.S.C.  
18 1701 note; relating to the establishment of a Special  
19 Representative and Policy Coordinator for Burma) is  
20 hereby repealed.

21 **SEC. 108. ANTI-PIRACY INFORMATION SHARING.**

22 The Secretary is authorized to provide for the partici-  
23 pation by the United States in the Information Sharing  
24 Centre located in Singapore, as established by the Re-

1 gional Cooperation Agreement on Combating Piracy and  
2 Armed Robbery against Ships in Asia (ReCAAP).

3 **SEC. 109. IMPORTANCE OF FOREIGN AFFAIRS TRAINING TO**  
4 **NATIONAL SECURITY.**

5 It is the sense of Congress that—

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

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

16 (3) the Department’s Foreign Service Institute  
17 should seek to substantially increase its educational  
18 and training offerings to Department personnel, in-  
19 cluding developing new and innovative educational  
20 and training courses, methods, programs, and oppor-  
21 tunities; and

22 (4) consistent with existing Department gift ac-  
23 ceptance authority and other applicable laws, the  
24 Department and Foreign Service Institute should  
25 seek and accept funds and other resources from

1 foundations, not-for-profit corporations, and other  
2 appropriate sources to help the Department and the  
3 Institute accomplish the goals specified in paragraph  
4 (3).

5 **SEC. 110. CLASSIFICATION AND ASSIGNMENT OF FOREIGN**  
6 **SERVICE OFFICERS.**

7 The Foreign Service Act of 1980 is amended—

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

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

20 **SEC. 111. ENERGY DIPLOMACY AND SECURITY WITHIN THE**  
21 **DEPARTMENT OF STATE.**

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

1           (1) by redesignating paragraph (4) (as redesignig-  
2 nated pursuant to such section 103) as paragraph  
3 (5); and

4           (2) by inserting after paragraph (3) the fol-  
5 lowing new paragraph:

6           “(4) ENERGY RESOURCES.—

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

13                   “(B) PERSONNEL.—The Secretary of  
14 State shall ensure that there are sufficient per-  
15 sonnel dedicated to energy matters within the  
16 Department of State whose responsibilities shall  
17 include—

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

24                           “(ii) ensuring that analyses of the na-  
25 tional security implications of global en-

1           ergy and environmental developments are  
2           reflected in the decision making process  
3           within the Department;

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

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

10          “ (v) working internationally to—

11           “ (I) support the development of  
12           energy resources and the distribution  
13           of such resources for the benefit of  
14           the United States and United States  
15           allies and trading partners for their  
16           energy security and economic develop-  
17           ment needs;

18           “ (II) promote availability of di-  
19           versified energy supplies and a well-  
20           functioning global market for energy  
21           resources, technologies, and expertise  
22           for the benefit of the United States  
23           and United States allies and trading  
24           partners;

1           “(III) resolve international dis-  
2           putes regarding the exploration, devel-  
3           opment, production, or distribution of  
4           energy resources;

5           “(IV) support the economic and  
6           commercial interests of United States  
7           persons operating in the energy mar-  
8           kets of foreign countries;

9           “(V) support and coordinate  
10          international efforts to alleviate en-  
11          ergy poverty;

12          “(VI) leading the United States  
13          commitment to the Extractive Indus-  
14          tries Transparency Initiative;

15          “(VII) coordinating within the  
16          Department and with relevant Federal  
17          departments and agencies on devel-  
18          oping and implementing international  
19          energy-related sanctions; and

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

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

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

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

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

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

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

12 **SEC. 112. PASSPORT FEES.**

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

19 **SEC. 113. UNITED STATES DIPLOMACY CENTER.**

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

23 **“SEC. 64. UNITED STATES DIPLOMACY CENTER.**

24           “(a) ACTIVITIES.—

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

9           “(2) RECOVERY OF COSTS.—The Secretary of  
10 State is authorized to recover any revenues gen-  
11 erated under the authority of paragraph (1) for vis-  
12 itor and outreach services and related events re-  
13 ferred to in such paragraph, including fees for use  
14 of facilities at a center for United States diplomacy.  
15 Any such revenues may be retained as a recovery of  
16 the costs of operating the Center.

17           “(b) DISPOSITION OF UNITED STATES DIPLOMACY  
18 CENTER DOCUMENTS, ARTIFACTS, AND OTHER ARTI-  
19 CLES.—

20           “(1) PROPERTY.—All historic documents, arti-  
21 facts, or other articles permanently acquired by the  
22 Department of State and determined by the Sec-  
23 retary of State to be suitable for display by the cen-  
24 ter for United States diplomacy shall be considered  
25 to be the property of the United States Government

1 and shall be subject to disposition solely in accord-  
2 ance with this subsection.

3 “(2) SALE, TRADE, OR TRANSFER.—Whenever  
4 the Secretary of State makes the determination de-  
5 scribed in paragraph (3) with respect to a document,  
6 artifact, or other article under paragraph (1), the  
7 Secretary may sell at fair market value, trade, or  
8 transfer such document, artifact, or other article  
9 without regard to the requirements of subtitle I of  
10 title 40, United States Code. The proceeds of any  
11 such sale may be used solely for the advancement of  
12 the mission of the center for United States diplo-  
13 macy and may not be used for any purpose other  
14 than the acquisition and direct care of the collections  
15 of the center.

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

21 “(A) such document, artifact, or other arti-  
22 cle no longer serves to further the purposes of  
23 the center for United States diplomacy as set  
24 forth in the collections management policy of  
25 the center;

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

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

8           “(4) LOANS.—In addition to the authorization  
9           under paragraph (2) relating to the sale, trade, or  
10          transfer of documents, artifacts, or other articles  
11          under paragraph (1), the Secretary of State may  
12          loan such documents, artifacts, or other articles,  
13          when not needed for use or display by the center for  
14          United States diplomacy to the Smithsonian Institu-  
15          tion or a similar institution for repair, study, or ex-  
16          hibition.”.

17 **SEC. 114. EXTENSION OF PERIOD FOR REIMBURSEMENT OF**  
18                                   **FISHERMEN FOR COSTS INCURRED FROM**  
19                                   **THE ILLEGAL SEIZURE AND DETENTION OF**  
20                                   **U.S.-FLAG FISHING VESSELS BY FOREIGN**  
21                                   **GOVERNMENTS.**

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

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

4       (b) RETROACTIVE APPLICABILITY.—

5           (1) EFFECTIVE DATE.—The amendment made  
6 by subsection (a) shall take effect on the date of the  
7 enactment of this Act and apply as if the date speci-  
8 fied in subsection (e) of section 7 of the Fishermen’s  
9 Protective Act of 1967, as in effect on the day be-  
10 fore the date of the enactment of this Act, were the  
11 day after such date of enactment.

12           (2) AGREEMENTS AND PAYMENTS.—The Sec-  
13 retary shall—

14           (A) enter into agreements pursuant to sec-  
15 tion 7 of the Fishermen’s Protective Act of  
16 1967 for any claims to which such section  
17 would otherwise apply but for the date specified  
18 in subsection (e) of such section, as in effect on  
19 the day before the date of the enactment of this  
20 Act; and

21           (B) make payments in accordance with  
22 agreements entered into pursuant to such sec-  
23 tion if any such payments have not been made  
24 as a result of the expiration of the date speci-

1           fied in such section, as in effect on the day be-  
2           fore the date of the enactment of this Act.

3 **SEC. 115. ART IN EMBASSIES.**

4           (a) IN GENERAL.—No funds are authorized to be ap-  
5           propriated for the purchase of any piece of art for the  
6           purposes of installation or display in any embassy, con-  
7           sulate, or other foreign mission of the United States if  
8           the purchase price of such piece of art is in excess of  
9           \$50,000, unless such purchase is subject to prior consulta-  
10          tion with, and the regular notification procedures of, the  
11          appropriate congressional committees.

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

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

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

23 **SEC. 116. AMENDMENT OR REPEAL OF REPORTING RE-**  
24 **QUIREMENTS.**

25          (a) BURMA.—

1           (1) IN GENERAL.—Section 570 of Public Law  
2           104–208 is amended—

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

5           “(c) MULTILATERAL STRATEGY.—The President  
6           shall develop, in coordination with members of ASEAN  
7           and other likeminded countries, a comprehensive, multilat-  
8           eral strategy to bring about further democratic consolida-  
9           tion in Burma and improve human rights practices and  
10          the quality of life in Burma, including the development  
11          of a dialogue leading to genuine national reconciliation.”;  
12          and

13                   (B) in subsection (d)—

14                           (i) in the matter preceding paragraph  
15                           (1), by striking “six months” and inserting  
16                           “year”;

17                           (ii) by redesignating paragraph (3) as  
18                           paragraph (7); and

19                           (iii) by inserting after paragraph (2)  
20                           the following new paragraphs:

21                           “(3) improvements in human rights practices;

22                           “(4) progress toward broad-based and inclusive  
23                           economic growth;

24                           “(5) progress toward genuine national reconcili-  
25                           ation;

1           “(6) progress on improving the quality of life of  
2           the Burmese people, including progress relating to  
3           market reforms, living standards, labor standards,  
4           use of forced labor in the tourism industry, and en-  
5           vironmental quality; and”.

6           (2) EFFECTIVE DATE.—The amendments made  
7           by paragraph (1) shall take effect on the date of the  
8           enactment of this Act and apply with respect to the  
9           first report required under subsection (d) of section  
10          570 of Public Law 104–208 that is required after  
11          the date of the enactment of this Act.

12          (b) REPEALS.—The following provisions of law are  
13          hereby repealed:

14                 (1) Subsection (b) of section 804 of Public Law  
15                 101–246.

16                 (2) Section 6 of Public Law 104–45.

17                 (3) Section 406 of Public Law 101–246 (22  
18                 U.S.C. 2414a).

19                 (4) Subsection (c) of section 702 of Public Law  
20                 96–465 (22 U.S.C. 4022).

21         **SEC. 117. REPORTING ON IMPLEMENTATION OF GAO REC-**  
22                         **COMMENDATIONS.**

23                 (a) INITIAL REPORT.—Not later than 120 days after  
24                 the date of the enactment of this Act, the Secretary shall  
25                 submit to the appropriate congressional committees a re-

1 port that lists all of the Government Accountability Of-  
2 fice's recommendations relating to the Department that  
3 have not been fully implemented.

4 (b) COMPTROLLER GENERAL REPORT.—Not later  
5 than 30 days after the Secretary submits the report under  
6 subsection (a), the Comptroller General of the United  
7 States shall submit to the appropriate congressional com-  
8 mittees a report that identifies any discrepancies between  
9 the list of recommendations included in such report and  
10 the Government Accountability Office's list of outstanding  
11 recommendations for the Department.

12 (c) IMPLEMENTATION REPORT.—

13 (1) IN GENERAL.—Not later than 120 days  
14 after the date of the submission of the Comptroller  
15 General's report under subsection (b), the Secretary  
16 shall submit to the appropriate congressional com-  
17 mittees a report that describes the implementation  
18 status of each recommendation from the Govern-  
19 ment Accountability Office included in the report  
20 submitted under subsection (a).

21 (2) JUSTIFICATION.—The report under para-  
22 graph (1) shall include—

23 (A) a detailed justification for each deci-  
24 sion not to fully implement a recommendation  
25 or to implement a recommendation in a dif-

1           ferent manner than specified by the Govern-  
2           ment Accountability Office;

3           (B) a timeline for the full implementation  
4           of any recommendation the Secretary has de-  
5           cided to adopt, but has not yet fully imple-  
6           mented; and

7           (C) an explanation for any discrepancies  
8           included in the Comptroller General report sub-  
9           mitted under subsection (b).

10          (d) FORM.—The information required in each report  
11          under this section shall be submitted in unclassified form,  
12          to the maximum extent practicable, but may be included  
13          in a classified annex to the extent necessary.

14          **SEC. 118. OFFICE OF GLOBAL CRIMINAL JUSTICE.**

15          (a) IN GENERAL.—There should be established with-  
16          in the Department an Office of Global Criminal Justice  
17          (referred to in this section as the “Office”), which may  
18          be placed within the organizational structure of the De-  
19          partment at the discretion of the Secretary.

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

22                  (1) Advise the Secretary and other relevant sen-  
23                  ior officials on issues related to war crimes, crimes  
24                  against humanity, and genocide.

1           (2) Assist in formulating United States policy  
2           on the prevention of, responses to, and account-  
3           ability for mass atrocities.

4           (3) Coordinate United States Government posi-  
5           tions relating to the international and hybrid courts  
6           currently prosecuting persons responsible for geno-  
7           cide, war crimes, and crimes against humanity any-  
8           where in the world.

9           (4) Work with other governments, international  
10          organizations, and nongovernmental organizations,  
11          as appropriate, to establish and assist international  
12          and domestic commissions of inquiry, fact-finding  
13          missions, and tribunals to investigate, document,  
14          and prosecute atrocities in every region of the globe.

15          (5) Coordinate the deployment of diplomatic,  
16          legal, economic, military, and other tools to help ex-  
17          pose the truth, judge those responsible, protect and  
18          assist victims, enable reconciliation, deter atrocities,  
19          and build the rule of law.

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

23          (7) Act as a point of contact for international,  
24          hybrid, and mixed tribunals exercising jurisdiction

1 over war crimes, crimes against humanity, and geno-  
2 cide committed around the world.

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

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

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

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

### 12 **SEC. 201. EMBASSY SECURITY, CONSTRUCTION, AND MAIN-** 13 **TENANCE.**

14 For “Embassy Security, Construction, and Mainte-  
15 nance”, there is authorized to be appropriated  
16 \$1,987,211,000 for fiscal year 2020.

### 17 **SEC. 202. STANDARD DESIGN IN CAPITAL CONSTRUCTION.**

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

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

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

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

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

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

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

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

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

6 **SEC. 203. CAPITAL CONSTRUCTION TRANSPARENCY.**

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

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

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

17 “(a) IN GENERAL.—Not later than 180 days after  
18 the date of the enactment of this subsection and every 180  
19 days thereafter until the date that is 4 years after such  
20 date of enactment, the Secretary shall submit to the ap-  
21 propriate congressional committees a comprehensive re-  
22 port regarding all ongoing overseas capital construction  
23 projects and major embassy security upgrade projects.

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

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

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

9           “(2) The current cost estimate.

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

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

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

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

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

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

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

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

19          **SEC. 204. CONTRACTOR PERFORMANCE INFORMATION.**

20          (a) DEADLINE FOR COMPLETION.—The Secretary  
21          shall complete all contractor performance evaluations re-  
22          quired by subpart 42.15 of the Federal Acquisition Regu-  
23          lation for those contractors engaged in construction of new  
24          embassy or new consulate compounds by October 1, 2021.

25          (b) PRIORITIZATION SYSTEM.—

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

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

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

11                   (B) Evaluations for relatively large con-  
12                  tracts should have priority.

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

16           (c) BRIEFING.—Not later than 90 days after the date  
17           of the enactment of this Act, the Secretary of State shall  
18           brief the appropriate congressional committees on the De-  
19           partment’s plan for completing all evaluations by October  
20           1, 2021, in accordance with subsection (a) and the  
21           prioritization system developed pursuant to subsection (b).

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

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

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

7 **SEC. 205. GROWTH PROJECTIONS FOR NEW EMBASSIES**  
8 **AND CONSULATES.**

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

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

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

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

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

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

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

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

17 **SEC. 206. LONG-RANGE PLANNING PROCESS.**

18          (a) PLANS REQUIRED.—

19           (1) IN GENERAL.—Not later than 180 days  
20 after the date of the enactment of this Act and an-  
21 nually thereafter for 5 years, the Secretary shall de-  
22 velop—

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

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

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

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

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

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

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

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

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

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

23 (3) UPDATED INFORMATION.—The annual up-  
24 dates of each of the plans developed pursuant to  
25 paragraph (1) shall highlight any changes from the

1 previous year's plan to the ordering of construction  
2 and maintenance projects.

3 (b) REPORTING REQUIREMENTS.—

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

9 (2) REFERENCE IN BUDGET JUSTIFICATION  
10 MATERIALS.—In the budget justification materials  
11 submitted to the appropriate congressional commit-  
12 tees in support of the Department's budget for any  
13 fiscal year (as submitted with the budget of the  
14 President under section 1105(a) of title 31, United  
15 States Code), the plans required under subsection  
16 (a) shall be referenced to justify funding requested  
17 for building and maintenance projects overseas.

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

21 (c) SMALL DIPLOMATIC POST DEFINED.—In this  
22 section, the term “small diplomatic post” means any  
23 United States embassy or consulate that has employed five  
24 or fewer United States Government employees on average

1 over the 36 months prior to the date of the enactment  
2 of this Act.

3 **SEC. 207. VALUE ENGINEERING AND RISK ASSESSMENT.**

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

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

11 (2) OBO has a Policy Directive and Standard  
12 Operation Procedure, dated May 24, 2017, on con-  
13 ducting risk management studies on all international  
14 construction projects.

15 (b) NOTIFICATION REQUIREMENTS.—

16 (1) SUBMISSION TO AUTHORIZING COMMIT-  
17 TEES.—The proposed allocation of capital construc-  
18 tion and maintenance funds that is required by the  
19 Committees on Appropriations of the Senate and the  
20 House of Representatives not later than 45 days  
21 after the date of the enactment of an Act making  
22 appropriations for the Department of State, foreign  
23 operations, and related programs shall also be sub-  
24 mitted to the Committee on Foreign Relations of the

1 Senate and the Committee on Foreign Affairs of the  
2 House of Representatives.

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

9 (c) REPORTING AND BRIEFING REQUIREMENTS.—  
10 The Secretary shall provide to the appropriate congres-  
11 sional committees upon request—

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

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

20 **SEC. 208. BUSINESS VOLUME.**

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

1 **SEC. 209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.**  
2

3 The Secretary shall provide to the appropriate con-  
4 gressional committees upon request information on secu-  
5 rity deficiencies at United States diplomatic posts, includ-  
6 ing relating to the following:

7 (1) Requests made over the previous year by  
8 United States diplomatic posts for security up-  
9 grades.

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

14 **SEC. 210. OVERSEAS SECURITY BRIEFINGS.**

15 Not later than 1 year after the date of the enactment  
16 of this Act, the Secretary shall revise the Foreign Affairs  
17 Manual to stipulate that information on the current threat  
18 environment shall be provided to all United States Govern-  
19 ment employees under chief of mission authority traveling  
20 to a foreign country on official business. To the extent  
21 practicable, such material shall be provided to such em-  
22 ployees prior to their arrival at a United States diplomatic  
23 post or as soon as possible thereafter.

1 **SEC. 211. CONTRACTING METHODS IN CAPITAL CONSTRUCTION.**  
2 **TION.**

3 (a) **DELIVERY.**—Unless the Secretary notifies the ap-  
4 propriate congressional committees that the use of the de-  
5 sign-build project delivery method would not be appro-  
6 priate, the Secretary shall make use of such method at  
7 United States diplomatic posts that have not yet received  
8 design or capital construction contracts as of the date of  
9 the enactment of this Act.

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

19 (c) **PERFORMANCE EVALUATION.**—Not later than  
20 180 days after the date of the enactment of this Act, the  
21 Secretary shall report to the appropriate congressional  
22 committees regarding performance evaluation measures in  
23 accordance with GAO’s “Standards for Internal Control  
24 in the Federal Government” that will be applicable to de-  
25 sign and construction, lifecycle cost, and building mainte-

1 nance programs of the Bureau of Overseas Building Oper-  
2 ations of the Department.

3 **SEC. 212. COMPETITION IN EMBASSY CONSTRUCTION.**

4 Not later than 45 days after the date of the enact-  
5 ment of this Act, the Secretary shall submit to the appro-  
6 priate congressional committee a report detailing steps the  
7 Department is taking to expand the embassy construction  
8 contractor base in order to increase competition and maxi-  
9 mize value.

10 **SEC. 213. STATEMENT OF POLICY.**

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

19 **SEC. 214. DEFINITIONS.**

20 In this title:

21 (1) DESIGN-BUILD.—The term “design-build”  
22 means a method of project delivery in which one en-  
23 tity works under a single contract with the Depart-  
24 ment to provide design and construction services.

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

## 8           **TITLE III—PERSONNEL ISSUES**

### 9           **SEC. 301. DEFENSE BASE ACT INSURANCE WAIVERS.**

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

17           (b) CERTIFICATION REQUIREMENT.—Not later than  
18           45 days after the date of the enactment of this Act, the  
19           Secretary shall certify to the appropriate congressional  
20           committees that the requirement in subsection (a) has  
21           been met.

### 22           **SEC. 302. STUDY ON FOREIGN SERVICE ALLOWANCES.**

23           (a) REPORT REQUIRED.—

24           (1) IN GENERAL.—Not later than 270 days  
25           after date of the enactment of this Act, the Sec-

1       retary shall submit to the appropriate congressional  
2       committees a report detailing an empirical analysis  
3       on the effect of overseas allowances on the foreign  
4       assignment of Foreign Service officers (FSOs), to be  
5       conducted by a federally-funded research and devel-  
6       opment center with appropriate expertise in labor ec-  
7       onomics and military compensation.

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

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

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

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

19               (D) examine the Department’s strategy  
20               and process for incentivizing FSOs to bid on  
21               assignments that are historically in lower de-  
22               mand, including with monetary compensation,  
23               and whether monetary compensation is nec-  
24               essary for assignments in higher demand;

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

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

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

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

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

1 Relations of the Senate and the Committee on Foreign  
2 Affairs in the House of Representatives a briefing on the  
3 implementation of this section that includes the following:

4           (1) The name of the federally-funded research  
5           and development center that will conduct such anal-  
6           ysis.

7           (2) The scope of such analysis and terms of ref-  
8           erence for such analysis as specified between the De-  
9           partment and such federally-funded research and de-  
10          velopment center.

11       (c) AVAILABILITY OF INFORMATION.—

12           (1) IN GENERAL.—The Secretary shall make  
13           available to the federally-funded research and devel-  
14           opment center carrying out the analysis required  
15           under subsection (a)(1) all necessary and relevant  
16           information to allow such center to conduct such  
17           analysis in a quantitative and analytical manner, in-  
18           cluding historical data on the number of bids for  
19           each foreign assignment and any survey data col-  
20           lected by the Department from eligible bidders on  
21           their bid decision-making.

22           (2) COOPERATION.—The Secretary shall work  
23           with the heads of other relevant United States Gov-  
24           ernment departments and agencies to ensure such  
25           departments and agencies provide all necessary and

1 relevant information to the federally-funded research  
2 and development center carrying out the analysis re-  
3 quired under subsection (a)(1).

4 (d) INTERIM REPORT TO CONGRESS.—The Secretary  
5 shall require that the chief executive officer of the feder-  
6 ally-funded research and development center that carries  
7 out the analysis required under subsection (a)(1) submit  
8 to the Committee on Foreign Relations of the Senate and  
9 the Committee on Foreign Affairs of the House of Rep-  
10 resentatives an interim report on such analysis not later  
11 than 120 days after the date of the enactment of this Act.

12 **SEC. 303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.**

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

16 “(e) GRANTS AND COOPERATIVE AGREEMENTS RE-  
17 LATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP  
18 PROGRAMS.—

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

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

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

8   **SEC. 304. TRAVEL FOR SEPARATED FAMILIES.**

9           Section 901(15) of the Foreign Service Act of 1980  
10          (22 U.S.C. 4081(15)) is amended—

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

17           (2) in subparagraph (A)—

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

20           (B) by striking “; or” and inserting a  
21           comma;

22           (3) in subparagraph (B)—

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

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

1 (4) by inserting after subparagraph (B) the fol-  
2 lowing new subparagraph:

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

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

14 **SEC. 305. HOME LEAVE TRAVEL FOR SEPARATED FAMILIES.**

15 Section 903(b) of the Foreign Service Act of 1980  
16 (22 U.S.C. 4083(b)) is amended by adding at the end the  
17 following new sentence: “In cases in which the family  
18 members of a member of the Service reside apart from  
19 the member at authorized locations outside the United  
20 States because they are prevented by official order from  
21 residing with the member at post, the member may take  
22 the leave ordered under this section where that member’s  
23 family members reside, notwithstanding section 6305 of  
24 title 5, United States Code.”.

1 **SEC. 306. SENSE OF CONGRESS REGARDING CERTAIN FEL-**  
2 **LOWSHIP PROGRAMS.**

3 It is the sense of Congress that—

4 (1) Department fellowships that promote the  
5 employment of candidates belonging to under-rep-  
6 resented groups, including the Charles B. Rangel  
7 International Affairs Graduate Fellowship Program,  
8 the Thomas R. Pickering Foreign Affairs Fellowship  
9 Program, and the Donald M. Payne International  
10 Development Fellowship Program, represent smart  
11 investments vital for building a strong, capable, and  
12 representative national security workforce; and

13 (2) the Secretary of State and the Adminis-  
14 trator of the United States Agency for International  
15 Development should fulfill the terms of their fellow-  
16 ship agreements with each participant in the Fellow-  
17 ship Programs referred to in paragraph (1), as spec-  
18 ified in the original contractual agreements with  
19 each such participant.

20 **SEC. 307. TECHNICAL CORRECTION.**

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

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

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

6 **SEC. 308. FOREIGN SERVICE AWARDS.**

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

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

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

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

          “Sec. 614. Department awards.”.

16 **SEC. 309. DIPLOMATIC PROGRAMS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **SEC. 310. SENSE OF CONGRESS REGARDING VETERANS EM-**  
20 **PLOYMENT AT THE DEPARTMENT OF STATE.**

21 It is the sense of Congress that—

22 (1) the Department should continue to promote  
23 the employment of veterans, in accordance with sec-  
24 tion 301 of the Foreign Service Act of 1980 (22  
25 U.S.C. 3941), as amended by section 405 of this

1 Act, including those veterans belonging to tradition-  
2 ally underrepresented groups at the Department;

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

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

10 **SEC. 311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND**  
11 **PRECLUSIONS.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-  
13 gress that the Department should expand the appeal proc-  
14 ess it makes available to employees related to assignment  
15 preclusions and restrictions.

16 (b) APPEAL OF ASSIGNMENT RESTRICTION OR PRE-  
17 CLUSION.—Section 502(a)(2) of the Foreign Service Act  
18 of 1980 (22 U.S.C. 3982(a)(2)), as amended by section  
19 111 of this Act, is further amended by adding at the end  
20 the following new sentences: “Any employee subjected to  
21 an assignment restriction or preclusion shall have the  
22 same appeal rights as provided by the Department regard-  
23 ing denial or revocation of a security clearance. Any such  
24 appeal shall be resolved not later than 60 days after such  
25 appeal is filed.”.

1 (c) NOTICE AND CERTIFICATION.—Not later than 90  
2 days after the date of the enactment of this Act, the Sec-  
3 retary shall revise, and certify to the appropriate congres-  
4 sional committees regarding such revision, the Foreign Af-  
5 fairs Manual guidance regarding denial or revocation of  
6 a security clearance to expressly state that all review and  
7 appeal rights relating thereto shall also apply to any rec-  
8 ommendation or decision to impose an assignment restric-  
9 tion or preclusion to an employee.

10 **SEC. 312. RECALL AND REEMPLOYMENT OF CAREER MEM-**  
11 **BERS.**

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

14 (1) career Department employees provide in-  
15 valuable service to the United States as nonpartisan  
16 professionals who contribute subject matter expertise  
17 and professional skills to the successful development  
18 and execution of United States foreign policy; and

19 (2) re-employment of skilled former members of  
20 the Foreign and civil service who have voluntarily  
21 separated from the Foreign or civil service due to  
22 family reasons or to obtain professional skills outside  
23 government is of benefit to the Department.

24 (b) REEMPLOYMENT.—Subsection (b) of section 308  
25 of the Foreign Service Act of 1980 (22 U.S.C. 3948) is

1 amended by adding at the end the following new sentence:  
 2 “Former career tenured members of the Service seeking  
 3 reappointment, if separated for other than cause for up  
 4 to 3 years prior to the date of the enactment of this sen-  
 5 tence, shall be eligible to participate in the regular assign-  
 6 ment bidding process without restriction and shall not be  
 7 required to accept a directed first assignment upon re-  
 8 appointment.”.

9 (c) NOTICE OF EMPLOYMENT OPPORTUNITIES.—

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

13 **“CHAPTER 103—NOTICE OF EMPLOYMENT**  
 14 **OPPORTUNITIES FOR DEPARTMENT**  
 15 **OF STATE AND USAID POSITIONS**

16 **“§ 10301. Notice of Employment Opportunities for De-**  
 17 **partment of State and USAID positions**

18 “To ensure that individuals who have separated from  
 19 the Department of State or the United States Agency for  
 20 International Development and who are eligible for re-  
 21 appointment are aware of such opportunities, the Depart-  
 22 ment of State and the United States Agency for Inter-  
 23 national Development shall publicize notice of all employ-  
 24 ment opportunities, including positions for which the rel-  
 25 evant agency is accepting applications from individuals

1 within the agency’s workforce under merit promotion pro-  
2 cedures, on publicly accessible sites, including  
3 www.usajobs.gov. If using merit promotion procedures, the  
4 notice shall expressly state that former employees eligible  
5 for reinstatement may apply.”.

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

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

9 **SEC. 313. STRATEGIC STAFFING PLAN FOR THE DEPART-**  
10 **MENT.**

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

21 (1) A dataset displaying comprehensive work-  
22 force data, including all shortages in bureaus de-  
23 scribed in GAO report GAO–19–220, for all current

1 and planned employees of the Department,  
2 disaggregated by—

3 (A) Foreign Service officer and Foreign  
4 Service specialist rank;

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

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

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

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

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

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

4 (c) CONSULTATION.—The Secretary shall lead the  
5 development of the plan required under subsection (a) but  
6 may consult or partner with private sector entities with  
7 expertise in labor economics, management, or human re-  
8 sources, as well as organizations familiar with the de-  
9 mands and needs of the Department’s workforce.

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

17 **SEC. 314. CONSULTING SERVICES.**

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

21 **“§ 10302. Consulting services for the Department of**  
22 **State**

23 “Any consulting service obtained by the Department  
24 of State through procurement contract pursuant to section  
25 3109 of title 5, United States Code, shall be limited to

1 those contracts with respect to which expenditures are a  
 2 matter of public record and available for public inspection,  
 3 except if otherwise provided under existing law, or under  
 4 existing Executive order issued pursuant to existing law.”.

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

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

9 **SEC. 315. INCENTIVES FOR CRITICAL POSTS.**

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

13 **SEC. 316. EXTENSION OF AUTHORITY FOR CERTAIN AC-**  
 14 **COUNTABILITY REVIEW BOARDS.**

15 Section 301(a)(3) of the Omnibus Diplomatic Secu-  
 16 rity and Antiterrorism Act of 1986 (22 U.S.C.  
 17 4831(a)(3)) is amended—

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

21 (2) in subparagraph (A)—

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

1 (B) in clause (ii), by striking “beginning  
2 on October 1, 2005, and ending on September  
3 30, 2009” and inserting “beginning on October  
4 1, 2019, and ending on September 30, 2022”.

5 **SEC. 317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.**

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

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

11 (2) by redesignating paragraph (5) as para-  
12 graph (7);

13 (3) by inserting after paragraph (4) the fol-  
14 lowing new paragraphs:

15 “(5) Any member of the Service suspended from du-  
16 ties under this subsection may be suspended without pay  
17 only after a final written decision is provided to such mem-  
18 ber under paragraph (2).

19 “(6) If no final written decision under paragraph (2)  
20 has been provided within 1 calendar year of the date the  
21 suspension at issue was proposed, not later than 30 days  
22 thereafter the Secretary of State shall report to the Com-  
23 mittee on Foreign Affairs of the House of Representatives  
24 and the Committee on Foreign Relations of the Senate

1 in writing regarding the specific reasons for such delay.”;

2 and

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

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

5 (B) in subparagraph (A), by striking “(A)

6 The term” and inserting the following:

7 “(7) In this subsection, the term”;

8 (C) by striking subparagraph (B) (relating

9 to the definition of “suspend” and “suspension”); and

10 sion”); and

11 (D) by redesignating clauses (i) and (ii) as

12 subparagraphs (A) and (B), respectively; and

13 moving such subparagraphs 2 ems to the left.

14 **SEC. 318. FOREIGN AFFAIRS MANUAL AND FOREIGN AF-**

15 **FAIRS HANDBOOK CHANGES.**

16 (a) **IN GENERAL.**—Not later than 180 days after the

17 date of the enactment of this Act and every 180 days

18 thereafter for 5 years, the Secretary shall submit to the

19 appropriate congressional committees a report detailing all

20 changes made to the Foreign Affairs Manual or the For-

21 eign Affairs Handbook.

22 (b) **COVERED PERIODS.**—The first report required

23 under subsection (a) shall cover the 5-year period pre-

24 ceding the submission of such report. Each subsequent re-

25 port shall cover the 180 day period preceding submission.

1 (c) CONTENTS.—Each report required under sub-  
2 section (a) shall contain the following:

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

6 (2) The statutory basis for each such change.

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

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

12 **SEC. 319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPA-**  
13 **TIONAL REQUIREMENTS OF CERTAIN POSI-**  
14 **TIONS.**

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

1 ment that is transmitted to the Director of the Office of  
2 Personnel Management the rationale for the decision of  
3 the Secretary to waive such requirements.

4 **SEC. 320. STANDARDIZING DEPARTMENT PARENTAL LEAVE**  
5 **POLICIES.**

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

7 (1) afford every employee at the Department  
8 equal access to leave and workplace flexibilities for  
9 childbirth, adoption, and foster care;

10 (2) encourage the Department to work towards  
11 a parental leave policy that will help recruit and re-  
12 tain a dynamic, multi-talented, and diverse work-  
13 force capable of meeting the national security and  
14 foreign policy goals of the United States; and

15 (3) determine the impacts of flexible leave poli-  
16 cies on recruitment and retention rates.

17 (b) ESTABLISHING STANDARD PARENTAL LEAVE  
18 POLICIES.—

19 (1) IN GENERAL.—Not later than 120 days  
20 after the date of the enactment of this Act, the Sec-  
21 retary shall establish and implement a standard pa-  
22 rental leave policy applicable to Department employ-  
23 ees across all bureaus and offices within the Depart-  
24 ment and Missions abroad. Nothing in this section

1 shall be construed to provide any new category of  
2 leave not otherwise provided by law.

3 (2) REPORTS.—Not later than 180 days after  
4 the date of the enactment of this Act, the Secretary  
5 shall submit to the appropriate congressional com-  
6 mittees a report describing—

7 (A) the steps taken to implement the pol-  
8 icy required under paragraph (1) across all bu-  
9 reaus and offices within the Department and  
10 Missions abroad; and

11 (B) any costs associated with such policy.

12 **SEC. 321. APPOINTMENT OF EMPLOYEES TO THE GLOBAL**  
13 **ENGAGEMENT CENTER.**

14 The Secretary may appoint, for a 3-year period that  
15 may be extended for up to an additional 2 years, solely  
16 to carry out the functions of the Global Engagement Cen-  
17 ter, employees of the Department without regard to the  
18 provisions of title 5, United States Code, governing ap-  
19 pointment in the competitive service, and may fix the basic  
20 compensation of such employees without regard to chapter  
21 51 and subchapter III of chapter 53 of such title.

1 **SEC. 322. REST AND RECUPERATION AND OVERSEAS OPER-**  
2 **ATIONS LEAVE FOR FEDERAL EMPLOYEES.**

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

6 **“§ 6329d. Rest and recuperation leave**

7 “(a) DEFINITIONS.—In this section—

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

12 “(2) the term ‘combat zone’ means a geo-  
13 graphic area designated by an Executive order of the  
14 President as an area in which the Armed Forces are  
15 engaging or have engaged in combat, an area des-  
16 ignated by law to be treated as a combat zone, or  
17 a location the Department of Defense has certified  
18 for combat zone tax benefits due to its direct sup-  
19 port of military operations;

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

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

1           “(5) the term ‘leave year’ means the period be-  
2           ginning on the first day of the first complete pay pe-  
3           riod in a calendar year and ending on the day imme-  
4           diately before the first day of the first complete pay  
5           period in the following calendar year.

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

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

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

20          “§ 6329e. Overseas operations leave

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

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

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

3           “(3) the term ‘leave year’ means the period be-  
4           ginning with the first day of the first complete pay  
5           period in a calendar year and ending with the day  
6           immediately before the first day of the first complete  
7           pay period in the following calendar year.

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

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

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

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

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

5 **TITLE IV—A DIVERSE WORK-**  
6 **FORCE: RECRUITMENT, RE-**  
7 **TENTION, AND PROMOTION**

8 **SEC. 401. DEFINITIONS.**

9 In this title:

10 (1) APPLICANT FLOW DATA.—The term “appli-  
11 cant flow data” means data that tracks the rate of  
12 applications for job positions among demographic  
13 categories.

14 (2) DEMOGRAPHIC DATA.—The term “demo-  
15 graphic data” means facts or statistics relating to  
16 the demographic categories specified in the Office of  
17 Management and Budget statistical policy directive  
18 entitled “Standards for Maintaining, Collecting, and  
19 Presenting Federal Data on Race and Ethnicity”  
20 (81 Fed. Reg. 67398).

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

1 the Americans with Disabilities Act of 1990 (42  
2 U.S.C. 12101 et seq.).

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

5 (A) individuals serving in a position in the  
6 civil service (as defined in section 2101 of title  
7 5, United States Code);

8 (B) individuals who are members of the  
9 Foreign Service (as defined in section 103 of  
10 the Foreign Service Act of 1980 (22 U.S.C.  
11 3902));

12 (C) all individuals serving under a personal  
13 services agreement or personal services con-  
14 tract;

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

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

20 **SEC. 402. COLLECTION, ANALYSIS, AND DISSEMINATION OF**  
21 **WORKFORCE DATA.**

22 (a) INITIAL REPORT.—Not later than 180 days after  
23 the date of the enactment of this Act, the Secretary shall,  
24 in consultation with the Director of the Office of Per-  
25 sonnel Management and the Director of the Office of Man-

1 agement and Budget, submit to the appropriate congres-  
2 sional committees a report, which shall also be posted on  
3 a publicly available website of the Department in a search-  
4 able database format, that includes disaggregated demo-  
5 graphic data and other information regarding the diversity  
6 of the workforce of the Department.

7 (b) DATA.—The report under subsection (a) shall in-  
8 clude the following data:

9 (1) Demographic data on each element of the  
10 workforce of the Department, disaggregated by rank  
11 and grade or grade-equivalent, with respect to the  
12 following groups:

13 (A) Applicants for positions in the Depart-  
14 ment.

15 (B) Individuals hired to join the workforce.

16 (C) Individuals promoted during the 2-year  
17 period ending on the date of the enactment of  
18 this Act, including promotions to and within the  
19 Senior Executive Service or the Senior Foreign  
20 Service.

21 (D) Individuals serving on applicable selec-  
22 tion boards.

23 (E) Members of any external advisory com-  
24 mittee or board who are subject to appointment

1 by individuals at senior positions in the Depart-  
2 ment.

3 (F) Individuals participating in profes-  
4 sional development programs of the Depart-  
5 ment, and the extent to which such participants  
6 have been placed into senior positions within  
7 the Department after such participation.

8 (G) Individuals participating in mentorship  
9 or retention programs.

10 (H) Individuals who separated from the  
11 agency during the 2-year period ending on the  
12 date of the enactment of this Act, including in-  
13 dividuals in the Senior Executive Service or the  
14 Senior Foreign Service.

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

19 (3) Data on the overall number of individuals  
20 who are part of the workforce, the percentages of  
21 such workforce corresponding to each element listed  
22 in section 401(4), and the percentages corresponding  
23 to each rank, grade, or grade-equivalent.

24 (c) RECOMMENDATION.—The Secretary may include  
25 in the report under subsection (a) a recommendation to

1 the Director of Office of Management and Budget and to  
2 the appropriate congressional committees regarding  
3 whether the Department should collect more detailed data  
4 on demographic categories in addition to the race and eth-  
5 nicity categories specified in the Office of Management  
6 and Budget statistical policy directive entitled “Standards  
7 for Maintaining, Collecting, and Presenting Federal Data  
8 on Race and Ethnicity” (81 Fed. Reg. 67398).

9 (d) OTHER CONTENTS.—The report under sub-  
10 section (a) shall also describe and assess the effectiveness  
11 of the efforts of the Department—

12 (1) to propagate fairness, impartiality, and in-  
13 clusion in the work environment, both domestically  
14 and abroad;

15 (2) to enforce anti-harassment and anti-dis-  
16 crimination policies, both domestically and at posts  
17 overseas;

18 (3) to refrain from engaging in unlawful dis-  
19 crimination in any phase of the employment process,  
20 including recruitment, hiring, evaluation, assign-  
21 ments, promotion, retention, and training;

22 (4) to prevent illegal retaliation against employ-  
23 ees for participating in a protected equal employ-  
24 ment opportunity activity or for reporting sexual  
25 harassment or sexual assault;

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

4           (6) to recruit a representative workforce by—

5                 (A) recruiting women and minorities;

6                 (B) recruiting at women’s colleges, histori-  
7 cally Black colleges and universities, minority-  
8 serving institutions, and other institutions serv-  
9 ing a significant percentage of minority stu-  
10 dents;

11                (C) placing job advertisements in news-  
12 papers, magazines, and job sites oriented to-  
13 ward women and minorities;

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

17                (E) providing opportunities through the  
18 Foreign Service Internship Program under  
19 chapter 12 of the Foreign Service Act of 1980  
20 (22 U.S.C. 4141 et seq.) and other hiring ini-  
21 tiatives;

22                (F) recruiting mid-level and senior-level  
23 professionals through programs designed to in-  
24 crease minority representation in international  
25 affairs;

1           (G) offering the Foreign Service written  
2           and oral assessment examinations in several lo-  
3           cations throughout the United States to reduce  
4           the burden of applicants having to travel at  
5           their own expense to take either or both such  
6           examinations; and

7           (H) support recruiting and hiring opportu-  
8           nities through—

9                   (i) the Charles B. Rangel Inter-  
10                  national Affairs Fellowship Program;

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

13                   (iii) the Donald M. Payne Inter-  
14                  national Development Fellowship Program;

15                  and

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

18           (e) ANNUAL UPDATES.—Not later than 1 year after  
19           the publication of the report required under subsection (a)  
20           and annually thereafter for the following 5 years, the Sec-  
21           retary shall work with the Director of the Office of Per-  
22           sonnel Management and the Director of the Office of Man-  
23           agement and Budget to provide a report to the appro-  
24           priate congressional committees, which shall be posted on  
25           the Department’s website, which may be included in an-

1 other annual report required under another provision of  
2 law, that includes—

3 (1) disaggregated demographic data relating to  
4 the workforce and information on the status of di-  
5 versity and inclusion efforts of the Department;

6 (2) an analysis of applicant flow data; and

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

11 **SEC. 403. EXIT INTERVIEWS FOR WORKFORCE.**

12 (a) **RETAINED MEMBERS.**—The Director General of  
13 the Foreign Service and the Director of Human Resources  
14 of the Department should conduct periodic interviews with  
15 a representative and diverse cross-section of the workforce  
16 of the Department—

17 (1) to understand the reasons of individuals in  
18 such workforce for remaining in a position in the  
19 Department; and

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

24 (b) **DEPARTING MEMBERS.**—The Director General of  
25 the Foreign Service and the Director of Human Resources

1 shall provide an opportunity for an exit interview to each  
2 individual in the workforce of the Department who sepa-  
3 rates from service with the Department to better under-  
4 stand the reasons of such individual for leaving such serv-  
5 ice.

6 (c) USE OF ANALYSIS FROM INTERVIEWS.—The Di-  
7 rector General of the Foreign Service and the Director of  
8 Human Resources shall analyze demographic data and  
9 other information obtained through interviews under sub-  
10 sections (a) and (b) to determine—

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

14 (2) whether to implement any policy changes or  
15 include any recommendations in a report required  
16 under subsection (a) or (e) of section 402 relating  
17 to the determination reached pursuant to paragraph  
18 (1).

19 (d) TRACKING DATA.—The Department shall—

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

24 (2) annually evaluate such data—

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

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

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

13 **SEC. 404. RECRUITMENT AND RETENTION.**

14 (a) IN GENERAL.—The Secretary should—

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

17 (2) instruct the Director General of the Foreign  
18 Service and the Director of the Bureau of Human  
19 Resources of the Department to have a recruitment  
20 plan of action for the recruitment of people belong-  
21 ing to traditionally under-represented groups, which  
22 should include outreach at appropriate colleges, uni-  
23 versities, affinity groups, and professional associa-  
24 tions.

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

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

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

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

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

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

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

22 (1) IN GENERAL.—The Secretary shall, through  
23 the Foreign Service Institute and other educational  
24 and training opportunities—

1 (A) ensure the provision of training on  
2 anti-harassment and anti-discrimination infor-  
3 mation and policies to all individuals in the  
4 workforce;

5 (B) expand the provision of training on  
6 workplace rights and responsibilities to focus on  
7 anti-harassment and anti-discrimination infor-  
8 mation and policies, including policies relating  
9 to sexual assault prevention and response; and

10 (C) make such expanded training manda-  
11 tory for—

12 (i) individuals in senior and super-  
13 visory positions;

14 (ii) individuals having responsibilities  
15 related to recruitment, retention, or pro-  
16 motion of employees; and

17 (iii) any other individual determined  
18 by the Department who needs such train-  
19 ing based on analysis by the Department  
20 or OPM analysis.

21 (2) BEST PRACTICES.—The Department shall  
22 give special attention to ensuring the continuous in-  
23 corporation of research-based best practices in train-  
24 ing provided under this subsection.

1 **SEC. 405. LEADERSHIP ENGAGEMENT AND ACCOUNT-**  
2 **ABILITY.**

3 (a) **REWARD AND RECOGNIZE EFFORTS TO PRO-**  
4 **MOTE DIVERSITY AND INCLUSION.—**

5 (1) **IN GENERAL.—**The Secretary shall imple-  
6 ment performance and advancement requirements  
7 that reward and recognize the efforts of individuals  
8 in senior positions and supervisors in the Depart-  
9 ment in fostering an inclusive environment and culti-  
10 vating talent consistent with merit system principles,  
11 such as through participation in mentoring pro-  
12 grams or sponsorship initiatives, recruitment events,  
13 and other similar opportunities.

14 (2) **OUTREACH EVENTS.—**The Secretary shall  
15 create opportunities for individuals in senior posi-  
16 tions and supervisors in the Department to partici-  
17 pate in outreach events and to discuss issues relat-  
18 ing to diversity and inclusion with the workforce on  
19 a regular basis, including with employee resource  
20 groups.

21 (b) **EXTERNAL ADVISORY COMMITTEES AND**  
22 **BOARDS.—**For each external advisory committee or board  
23 to which individuals in senior positions in the Department  
24 appoint members, the Secretary is strongly encouraged by  
25 Congress to ensure such external advisory committee or

1 board is developed, reviewed, and carried out by qualified  
2 teams that represent the diversity of the organization.

3 **SEC. 406. PROFESSIONAL DEVELOPMENT OPPORTUNITIES**  
4 **AND TOOLS.**

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

7 (1) IN GENERAL.—The Secretary is authorized  
8 to expand professional development opportunities  
9 that support the mission needs of the Department,  
10 such as—

11 (A) academic programs;

12 (B) private-public exchanges; and

13 (C) detail assignments to relevant positions  
14 in—

15 (i) private or international organiza-  
16 tions;

17 (ii) State, local, and Tribal govern-  
18 ments;

19 (iii) other branches of the Federal  
20 Government; or

21 (iv) professional schools of inter-  
22 national affairs.

23 (2) TRAINING FOR SENIOR POSITIONS.—

24 (A) IN GENERAL.—The Secretary shall  
25 offer, or sponsor members of the workforce to

1 participate in, a Senior Executive Service can-  
2 didate development program or other program  
3 that trains members on the skills required for  
4 appointment to senior positions in the Depart-  
5 ment.

6 (B) REQUIREMENTS.—In determining  
7 which members of the workforce are granted  
8 professional development or career advancement  
9 opportunities under subparagraph (A), the Sec-  
10 retary shall—

11 (i) ensure any program offered or  
12 sponsored by the Department under such  
13 subparagraph comports with the require-  
14 ments of subpart C of part 412 of title 5,  
15 Code of Federal Regulations, or any suc-  
16 cessor thereto, including merit staffing and  
17 assessment requirements;

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

22 (iii) understand how participation in  
23 any program offered or sponsored by the  
24 Department under such subparagraph dif-  
25 fers by gender, race, national origin, dis-

1 ability status, or other demographic cat-  
2 egories; and

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

7 **SEC. 407. EXAMINATION AND ORAL ASSESSMENT FOR THE**  
8 **FOREIGN SERVICE.**

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

17 (b) FOREIGN SERVICE EXAMINATIONS.—Section  
18 301(b) of the Foreign Service Act of 1980 (22 U.S.C.  
19 3941) is amended—

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

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

24 “(2) The Secretary shall ensure that the Board of  
25 Examiners for the Foreign Service annually offers the oral

1 assessment examinations described in paragraph (1) in  
2 cities, chosen on a rotating basis, located in at least three  
3 different time zones across the United States.”.

4 **SEC. 408. PAYNE FELLOWSHIP AUTHORIZATION.**

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

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

14 **SEC. 409. VOLUNTARY PARTICIPATION.**

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

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

1                   **TITLE V—INFORMATION**  
2                                   **SECURITY**

3 **SEC. 501. DEFINITIONS.**

4           In this title:

5                   (1) **INFORMATION SYSTEM.**—The term “infor-  
6                   mation system” has the meaning given such term in  
7                   section 3502 of title 44, United States Code.

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

12                  (3) **RELEVANT CONGRESSIONAL COMMIT-**  
13                  **TEES.**—The term “relevant congressional commit-14                  tees” means—

15                         (A) the appropriate congressional commit-  
16                         tees;

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

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

21 **SEC. 502. INFORMATION SYSTEM SECURITY.**

22           (a) **DEFINITIONS.**—In this section:

23                   (1) **INCIDENT.**—The term “incident” has the  
24                   meaning given such term in section 3552(b) of title  
25                   44, United States Code.

1           (2) PENETRATION TEST.—The term “penetra-  
2           tion test” means a test methodology in which asses-  
3           sors attempt to circumvent or defeat the security  
4           features of an information system.

5           (b) CONSULTATIONS PROCESS.—Not later than 60  
6           days after the date of the enactment of this Act, the Sec-  
7           retary shall establish a process for conducting semiannual  
8           consultations with the Secretary of Defense, the Director  
9           of National Intelligence, the Secretary of Homeland Secu-  
10          rity, and any other department or agency representative  
11          who the Secretary determines to be appropriate regarding  
12          the security of United States Government and nongovern-  
13          mental information systems used or operated by the De-  
14          partment, a contractor of the Department, or another or-  
15          ganization on behalf of the Department, including any  
16          such systems or networks facilitating the use of sensitive  
17          or classified information.

18          (c) INDEPENDENT PENETRATION TESTING OF IN-  
19          FORMATION SYSTEMS.—In coordination with the consulta-  
20          tions under subsection (b), the Secretary shall commission  
21          independent, semiannual penetration tests, which shall be  
22          carried out by an appropriate Federal department or agen-  
23          cy other than the Department, such as the Department  
24          of Homeland Security or the National Security Agency,  
25          to ensure that adequate policies and protections are imple-

1 mented to detect and prevent penetrations or compromises  
2 of such information systems, including malicious intru-  
3 sions by any unauthorized individual, state actor, or other  
4 entity.

5 (d) WAIVER.—The Secretary may waive the require-  
6 ment under subsection (c) for up to 1 year if the Sec-  
7 retary—

8 (1) determines that such requirement would  
9 have adverse effects on national security or the dip-  
10 lomatic mission of the Department; and

11 (2) not later than 30 days after the commence-  
12 ment of such a determination, submits to the rel-  
13 evant congressional committees a written justifica-  
14 tion that describes how such penetration tests would  
15 undermine national security or the diplomatic mis-  
16 sion of the Department.

17 (e) INCIDENT REPORTING.—Not later than 180 days  
18 after the date of the enactment of this Act and annually  
19 thereafter for 3 years, the Secretary, in consultation with  
20 the Secretary of Defense, the Director of the National In-  
21 telligence, the Secretary of Homeland Security, and any  
22 other department or agency representative who the Sec-  
23 retary determines to be appropriate, shall securely submit  
24 to the relevant congressional committees a classified re-  
25 port that describes in detail the following:

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

6           (2) For all subsequent reporting periods, all  
7           known and suspected incidents affecting the infor-  
8           mation systems specified in subsection (b) that oc-  
9           curred since the submission of the most recent re-  
10          port.

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

14               (1) A description of the relevant information  
15               system, as specified in subsection (b), that experi-  
16               enced a known or suspected incident.

17               (2) An assessment of the date and time each  
18               such incident occurred or was suspected to have oc-  
19               curred.

20               (3) An assessment of the duration over which  
21               each such incident took place or is suspected of hav-  
22               ing taken place, including whether such incident is  
23               ongoing.

24               (4) An assessment of the volume and sensitivity  
25               of information accessed, compromised, or potentially

1       compromised by each incident, including any such  
2       information contained on information systems  
3       owned, operated, managed, or utilized by any other  
4       Federal department or agency.

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

8                       (A) The known or suspected perpetrators,  
9                       including state actors.

10                      (B) The methods used to carry out the in-  
11                      cident.

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

14               (6) A description of the actions the Department  
15       has taken or plans to take, including timelines and  
16       descriptions of any progress on plans described in  
17       prior reports, to prevent future, similar incidents af-  
18       fecting such information systems.

19       **SEC. 503. PROHIBITION ON CONTRACTING WITH CERTAIN**  
20                               **TELECOMMUNICATIONS PROVIDERS.**

21               (a) **LIST OF COVERED CONTRACTORS.**—Not later  
22       than 30 days after the date of the enactment of this Act,  
23       the Secretary, in consultation with the Director of Na-  
24       tional Intelligence, shall develop or maintain, as the case  
25       may be, and update as frequently as the Secretary deter-

1 mines appropriate, a list of covered contractors with re-  
2 spect to which the prohibition specified in subsection (b)  
3 shall apply. Not later than 30 days after the initial devel-  
4 opment of the list under this subsection, any update there-  
5 to, and annually thereafter for 5 years after such initial  
6 30 day period, the Secretary shall submit to the appro-  
7 priate congressional committees a copy of such list.

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

11 (c) REMOVAL FROM LIST.—To be removed from the  
12 list described in subsection (a), a covered contractor may  
13 submit a request to the Secretary in such manner as the  
14 Secretary determines appropriate. The Secretary, in con-  
15 sultation with the Director of National Intelligence, shall  
16 determine a process for removing covered contractors from  
17 the list, as appropriate, and publicly disclose such process.

18 (d) WAIVERS.—

19 (1) IN GENERAL.—The President or the Sec-  
20 retary may waive the prohibition specified in sub-  
21 section (b) if the President or the Secretary deter-  
22 mines that such waiver is justified for national secu-  
23 rity reasons.

24 (2) WAIVER FOR OVERSEAS OPERATIONS.—The  
25 Secretary may waive the prohibition specified in sub-

1 section (b) for United States diplomatic posts or dip-  
2 lomatic personnel overseas if the Secretary, in con-  
3 sultation with the Director of National Intelligence,  
4 determines that no suitable alternatives are avail-  
5 able.

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

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

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

1 sion, including arbitrary arrest or detention, torture,  
2 extrajudicial or politically motivated killing, or other  
3 gross violations of human rights.

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

7 **SEC. 504. PRESERVING RECORDS OF ELECTRONIC COMMU-**  
8 **NICATIONS CONDUCTED RELATED TO OFFI-**  
9 **CIAL DUTIES OF POSITIONS IN THE PUBLIC**  
10 **TRUST OF THE AMERICAN PEOPLE.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that, as a matter of rule of law and transparency  
13 in a democratic government, all officers and employees of  
14 the Department and the United States Agency for Inter-  
15 national Development must preserve all records of commu-  
16 nications conducted in their official capacities or related  
17 to their official duties with entities outside of the United  
18 States Government. It is further the sense of Congress  
19 that such practice should include foreign government offi-  
20 cials or other foreign entities which may seek to influence  
21 United States Government policies and actions.

22 (b) PUBLICATION.—Not later than 180 days after the  
23 date of the enactment of this Act, the Secretary shall pub-  
24 lish in the Foreign Affairs Manual guidance implementing  
25 chapter 31 of title 44, United States Code (commonly re-

1 ferred to as the “Federal Records Act”), to treat elec-  
2 tronic messaging systems, software, and applications as  
3 equivalent to electronic mail for the purpose of identifying  
4 Federal records, and shall also publish in the Foreign Af-  
5 fairs Manual the statutory penalties for failure to comply  
6 with such guidance. No funds are authorized to be appro-  
7 priated or made available to the Department of State  
8 under any Act to support the use or establishment of ac-  
9 counts on third-party messaging applications or other non-  
10 Government online communication tools if the Secretary  
11 does not certify to the relevant congressional committees  
12 that the Secretary has carried out this section.

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

15 The State Department Basic Authorities Act of 1956  
16 is amended—

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

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

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

23 (A) in subsection (a)(1), by striking  
24 “30” and inserting “25”; and

1 (B) in subsection (c)(1)(C), by striking  
2 “30” and inserting “25”.

3 **SEC. 506. VULNERABILITY DISCLOSURE POLICY AND BUG**  
4 **BOUNTY PILOT PROGRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) BUG BOUNTY PROGRAM.—The term “bug  
7 bounty program” means a program under which an  
8 approved individual, organization, or company is  
9 temporarily authorized to identify and report  
10 vulnerabilities of internet-facing information tech-  
11 nology of the Department in exchange for compensa-  
12 tion.

13 (2) DEPARTMENT.—The term “Department”  
14 means the Department of State.

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

19 (4) SECRETARY.—The term “Secretary” means  
20 the Secretary of State.

21 (b) DEPARTMENT OF STATE VULNERABILITY DIS-  
22 CLOSURE PROCESS.—

23 (1) IN GENERAL.—Not later than 180 days  
24 after the date of the enactment of this Act, the Sec-  
25 retary shall design, establish, and make publicly

1 known a Vulnerability Disclosure Process (VDP) to  
2 improve Department cybersecurity by—

3 (A) providing security researchers with  
4 clear guidelines for—

5 (i) conducting vulnerability discovery  
6 activities directed at Department informa-  
7 tion technology; and

8 (ii) submitting discovered security  
9 vulnerabilities to the Department; and

10 (B) creating Department procedures and  
11 infrastructure to receive and fix discovered  
12 vulnerabilities.

13 (2) REQUIREMENTS.—In establishing the VDP  
14 pursuant to paragraph (1), the Secretary shall—

15 (A) identify which Department information  
16 technology should be included in the process;

17 (B) determine whether the process should  
18 differentiate among and specify the types of se-  
19 curity vulnerabilities that may be targeted;

20 (C) provide a readily available means of re-  
21 porting discovered security vulnerabilities and  
22 the form in which such vulnerabilities should be  
23 reported;

24 (D) identify which Department offices and  
25 positions will be responsible for receiving,

1 prioritizing, and addressing security vulner-  
2 ability disclosure reports;

3 (E) consult with the Attorney General re-  
4 garding how to ensure that individuals, organi-  
5 zations, and companies that comply with the re-  
6 quirements of the process are protected from  
7 prosecution under section 1030 of title 18,  
8 United States Code, and similar provisions of  
9 law for specific activities authorized under the  
10 process;

11 (F) consult with the relevant offices at the  
12 Department of Defense that were responsible  
13 for launching the 2016 Vulnerability Disclosure  
14 Program, “Hack the Pentagon”, and subse-  
15 quent Department of Defense bug bounty pro-  
16 grams;

17 (G) engage qualified interested persons, in-  
18 cluding nongovernmental sector representatives,  
19 about the structure of the process as construc-  
20 tive and to the extent practicable; and

21 (H) award contracts to entities, as nec-  
22 essary, to manage the process and implement  
23 the remediation of discovered security  
24 vulnerabilities.

1           (3) ANNUAL REPORTS.—Not later than 180  
2 days after the establishment of the VDP under para-  
3 graph (1) and annually thereafter for the next 6  
4 years, the Secretary of State shall submit to the  
5 Committee on Foreign Affairs of the House of Rep-  
6 resentatives and the Committee on Foreign Rela-  
7 tions of the Senate a report on the VDP, including  
8 information relating to the following:

9           (A) The number and severity, in accord-  
10           ance with the National Vulnerabilities Database  
11           of the National Institute of Standards and  
12           Technology, of security vulnerabilities reported.

13           (B) The number of previously unidentified  
14           security vulnerabilities remediated as a result.

15           (C) The current number of outstanding  
16           previously unidentified security vulnerabilities  
17           and Department of State remediation plans.

18           (D) The average length of time between  
19           the reporting of security vulnerabilities and re-  
20           mediation of such vulnerabilities.

21           (E) The resources, surge staffing, roles,  
22           and responsibilities within the Department used  
23           to implement the VDP and complete security  
24           vulnerability remediation.

1 (F) Any other information the Secretary  
2 determines relevant.

3 (c) DEPARTMENT OF STATE BUG BOUNTY PILOT  
4 PROGRAM.—

5 (1) IN GENERAL.—Not later than 1 year after  
6 the date of the enactment of this Act, the Secretary  
7 shall establish a bug bounty pilot program to mini-  
8 mize security vulnerabilities of internet-facing infor-  
9 mation technology of the Department.

10 (2) REQUIREMENTS.—In establishing the pilot  
11 program described in paragraph (1), the Secretary  
12 shall—

13 (A) provide compensation for reports of  
14 previously unidentified security vulnerabilities  
15 within the websites, applications, and other  
16 internet-facing information technology of the  
17 Department that are accessible to the public;

18 (B) award contracts to entities, as nec-  
19 essary, to manage such pilot program and for  
20 executing the remediation of security  
21 vulnerabilities identified pursuant to subpara-  
22 graph (A);

23 (C) identify which Department information  
24 technology should be included in such pilot pro-  
25 gram;

1           (D) consult with the Attorney General on  
2           how to ensure that individuals, organizations,  
3           or companies that comply with the requirements  
4           of such pilot program are protected from pros-  
5           ecution under section 1030 of title 18, United  
6           States Code, and similar provisions of law for  
7           specific activities authorized under such pilot  
8           program;

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

14          (F) develop a process by which an ap-  
15          proved individual, organization, or company can  
16          register with the entity referred to in subpara-  
17          graph (B), submit to a background check as de-  
18          termined by the Department, and receive a de-  
19          termination as to eligibility for participation in  
20          such pilot program;

21          (G) engage qualified interested persons, in-  
22          cluding nongovernmental sector representatives,  
23          about the structure of such pilot program as  
24          constructive and to the extent practicable; and

1           (H) consult with relevant United States  
2           Government officials to ensure that such pilot  
3           program complements persistent network and  
4           vulnerability scans of the Department of State’s  
5           internet-accessible systems, such as the scans  
6           conducted pursuant to Binding Operational Di-  
7           rective BOD–15–01.

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

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

18               (A) the number of approved individuals,  
19               organizations, or companies involved in such  
20               pilot program, broken down by the number of  
21               approved individuals, organizations, or compa-  
22               nies that—

23                       (i) registered;

24                       (ii) were approved;

1 (iii) submitted security vulnerabilities;

2 and

3 (iv) received compensation;

4 (B) the number and severity, in accordance  
5 with the National Vulnerabilities Database of  
6 the National Institute of Standards and Tech-  
7 nology, of security vulnerabilities reported as  
8 part of such pilot program;

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

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

15 (E) the average length of time between the  
16 reporting of security vulnerabilities and remedi-  
17 ation of such vulnerabilities;

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

20 (G) the lessons learned from such pilot  
21 program.

## 22 **TITLE VI—PUBLIC DIPLOMACY**

### 23 **SEC. 601. SHORT TITLE.**

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

1 **SEC. 602. AVOIDING DUPLICATION OF PROGRAMS AND EF-**  
2 **FORTS.**

3 The Secretary shall—

4 (1) identify opportunities for greater efficiency  
5 of operations, including through improved coordina-  
6 tion of efforts across public diplomacy bureaus and  
7 offices of the Department; and

8 (2) maximize shared use of resources between,  
9 and within, such public diplomacy bureaus and of-  
10 fices in cases in which programs, facilities, or admin-  
11 istrative functions are duplicative or substantially  
12 overlapping.

13 **SEC. 603. IMPROVING RESEARCH AND EVALUATION OF**  
14 **PUBLIC DIPLOMACY.**

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

18 (1) conduct regular research and evaluation of  
19 public diplomacy programs and activities of the De-  
20 partment, including through the routine use of audi-  
21 ence research, digital analytics, and impact evalua-  
22 tions, to plan and execute such programs and activi-  
23 ties; and

24 (2) make available to Congress the findings of  
25 the research and evaluations conducted under para-  
26 graph (1).

1 (b) DIRECTOR OF RESEARCH AND EVALUATION.—

2 (1) APPOINTMENT.—Not later than 90 days  
3 after the date of the enactment of this Act, the Sec-  
4 retary shall appoint a Director of Research and  
5 Evaluation (referred to in this subsection as the  
6 “Director”) in the Office of Policy, Planning, and  
7 Resources for Public Diplomacy and Public Affairs  
8 of the Department.

9 (2) LIMITATION ON APPOINTMENT.—The ap-  
10 pointment of the Director pursuant to paragraph (1)  
11 shall not result in an increase in the overall full-time  
12 equivalent positions within the Department.

13 (3) RESPONSIBILITIES.—The Director shall—

14 (A) report to the Director of Policy Plan-  
15 ning of the Office of Policy, Planning, and Re-  
16 sources for Public Diplomacy and Public Af-  
17 fairs of the Department;

18 (B) coordinate and oversee the research  
19 and evaluation of public diplomacy programs  
20 and activities of the Department to—

21 (i) improve public diplomacy strate-  
22 gies and tactics; and

23 (ii) ensure that such programs and  
24 activities are increasing the knowledge, un-

1           derstanding, and trust of the United  
2           States by relevant target audiences;

3           (C) routinely organize and oversee audi-  
4           ence research, digital analytics, and impact  
5           evaluations across all public diplomacy bureaus  
6           and offices of the Department;

7           (D) support United States diplomatic  
8           posts' public affairs sections;

9           (E) share appropriate public diplomacy re-  
10          search and evaluation information within the  
11          Department and with other appropriate Federal  
12          departments and agencies;

13          (F) regularly design and coordinate stand-  
14          ardized research questions, methodologies, and  
15          procedures to ensure that public diplomacy pro-  
16          grams and activities across all public diplomacy  
17          bureaus and offices are designed to meet appro-  
18          priate foreign policy objectives; and

19          (G) report biannually to the United States  
20          Advisory Commission on Public Diplomacy,  
21          through the Subcommittee on Research and  
22          Evaluation established pursuant to subsection  
23          (f), regarding the research and evaluation of all  
24          public diplomacy bureaus and offices.

1           (4) GUIDANCE AND TRAINING.—Not later than  
2           1 year after the appointment of the Director pursu-  
3           ant to paragraph (1), the Director shall develop  
4           guidance and training, including curriculum for use  
5           by the Foreign Service Institute, for all public diplo-  
6           macy officers of the Department regarding the read-  
7           ing and interpretation of public diplomacy program  
8           and activity evaluation findings to ensure that such  
9           findings and related lessons learned are implemented  
10          in the planning and evaluation of all public diplo-  
11          macy programs and activities of the Department.

12          (c) PRIORITIZING RESEARCH AND EVALUATION.—

13           (1) IN GENERAL.—The Director of Policy Plan-  
14           ning of the Office of Policy, Planning, and Re-  
15           sources for Public Diplomacy and Public Affairs of  
16           the Department shall ensure that research and eval-  
17           uation of public diplomacy and activities of the De-  
18           partment, as coordinated and overseen by the Direc-  
19           tor pursuant to subsection (b), supports strategic  
20           planning and resource allocation across all public di-  
21           plomacy bureaus and offices of the Department.

22           (2) ALLOCATION OF RESOURCES.—Amounts al-  
23           located for the purpose of research and evaluation of  
24           public diplomacy programs and activities of the De-  
25           partment pursuant to subsection (b) shall be made

1 available to be disbursed at the direction of the Di-  
2 rector among the research and evaluation staff  
3 across all public diplomacy bureaus and offices of  
4 the Department.

5 (3) SENSE OF CONGRESS.—It is the sense of  
6 Congress that the Department should gradually in-  
7 crease its allocation of funds made available under  
8 the headings “Educational and Cultural Exchange  
9 Programs” and “Diplomatic Programs” for research  
10 and evaluation of public diplomacy programs and ac-  
11 tivities of the Department pursuant to subsection (b)  
12 to a percentage of program funds that is commensu-  
13 rate with Federal Government best practices.

14 (d) LIMITED EXEMPTION RELATING TO THE PAPER-  
15 WORK REDUCTION ACT.—Chapter 35 of title 44, United  
16 States Code (commonly known as the “Paperwork Reduc-  
17 tion Act”) shall not apply to the collection of information  
18 directed at any individuals conducted by, or on behalf of,  
19 the Department for the purpose of audience research,  
20 monitoring, and evaluations, and in connection with the  
21 Department’s activities conducted pursuant to any of the  
22 following:

23 (1) The United States Information and Edu-  
24 cational Exchange Act of 1948 (22 U.S.C. 1431 et  
25 seq.).

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

3           (3) Section 1287 of the National Defense Au-  
4           thorization Act for Fiscal Year 2017 (Public Law  
5           114–328; 22 U.S.C. 2656 note).

6           (4) The Foreign Assistance Act of 1961 (22  
7           U.S.C. 2151 et seq.).

8           (e) LIMITED EXEMPTION RELATING TO THE PRI-  
9           VACY ACT.—

10           (1) IN GENERAL.—The Department shall main-  
11           tain, collect, use, and disseminate records (as such  
12           term is defined in section 552a(a)(4) of title 5,  
13           United States Code) for audience research, digital  
14           analytics, and impact evaluation of communications  
15           related to public diplomacy efforts intended for for-  
16           eign audiences.

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

19           (1) shall be—

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

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

24           (f) UNITED STATES ADVISORY COMMISSION ON PUB-  
25           LIC DIPLOMACY.—



1 (2) by striking “until October 1, 2020”.

2 **SEC. 605. STREAMLINING OF SUPPORT FUNCTIONS.**

3 (a) WORKING GROUP ESTABLISHED.—Not later than  
4 90 days after the date of the enactment of this Act, the  
5 Secretary shall establish a working group to explore the  
6 possibilities and cost-benefit analysis of transitioning to a  
7 shared services model as such pertains to human re-  
8 sources, travel, purchasing, budgetary planning, and all  
9 other executive support functions for all bureaus of the  
10 Department that report to the Under Secretary for Public  
11 Diplomacy of the Department.

12 (b) REPORT.—Not later than 1 year after the date  
13 of the enactment of this Act, the Secretary shall submit  
14 to the appropriate congressional committees a plan to im-  
15 plement any such findings of the working group estab-  
16 lished under subsection (a).

17 **SEC. 606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLOMACY**  
18 **FACILITIES.**

19 (a) IN GENERAL.—Not later than 180 days after the  
20 date of the enactment of this Act, the Secretary of State  
21 shall adopt, and include in the Foreign Affairs Manual,  
22 guidelines to collect and utilize information from each dip-  
23 lomatic post at which the construction of a new embassy  
24 compound or new consulate compound would result in the  
25 closure or co-location of an American Space, American

1 Center, American Corner, or any other public diplomacy  
2 facility under the Secure Embassy Construction and  
3 Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).

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

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

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

17 (3) A process by which assessments and rec-  
18 ommendations under paragraph (2) are considered  
19 by the Secretary and the appropriate Under Secre-  
20 taries and Assistant Secretaries of the Department.

21 (4) Notification to the appropriate congres-  
22 sional committees, prior to the initiation of a new  
23 embassy compound or new consulate compound de-  
24 sign, of the intent to close any such public diplomacy

1 facility or co-locate public diplomacy staff in accord-  
2 ance with such Act.

3 (c) REPORT.—Not later than 1 year after the date  
4 of the enactment of this Act, the Secretary shall submit  
5 to the appropriate congressional committees a report con-  
6 taining the guidelines required under subsection (a) and  
7 any recommendations for any modifications to such guide-  
8 lines.

9 **SEC. 607. DEFINITIONS.**

10 In this title:

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

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

23 (3) IMPACT EVALUATION.—The term “impact  
24 evaluation” means an assessment of the changes in  
25 the audience targeted by a public diplomacy program

1 or campaign that can be attributed to such program  
2 or campaign.

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

7 (A) The Bureau of Educational and Cul-  
8 tural Affairs.

9 (B) The Bureau of Global Public Affairs.

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

13 (D) The Global Engagement Center.

14 (E) The public diplomacy functions within  
15 the regional and functional bureaus.

## 16 **TITLE VII—COMBATING PUBLIC** 17 **CORRUPTION**

### 18 **SEC. 701. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

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

23 (2) multiple Federal departments and agencies  
24 operate programs that promote good governance in

1 foreign countries and enhance such countries' ability  
2 to combat public corruption;

3 (3) the Department should promote coordina-  
4 tion among the Federal departments and agencies  
5 implementing programs to promote good governance  
6 and combat public corruption in foreign countries in  
7 order to improve effectiveness and efficiency; and

8 (4) the Department should identify areas in  
9 which United States efforts to help other countries  
10 promote good governance and combat public corrup-  
11 tion could be enhanced.

12 **SEC. 702. ANNUAL ASSESSMENT.**

13 (a) IN GENERAL.—For each of fiscal years 2020  
14 through 2026, the Secretary shall assess the capacity and  
15 commitment of foreign countries to combat public corrup-  
16 tion. Each such assessment shall—

17 (1) utilize independent, third party indicators  
18 that measure transparency, accountability, and cor-  
19 ruption in the public sector in such countries, includ-  
20 ing the extent to which public power is exercised for  
21 private gain, to identify those countries that are  
22 most vulnerable to public corruption;

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

1 (A) has adopted measures to prevent pub-  
2 lic corruption, such as measures to inform and  
3 educate the public, including potential victims,  
4 about the causes and consequences of public  
5 corruption;

6 (B) has enacted laws and established gov-  
7 ernment structures, policies, and practices that  
8 prohibit public corruption;

9 (C) enforces such laws through a fair judi-  
10 cial process;

11 (D) vigorously investigates, prosecutes,  
12 convicts, and sentences public officials who par-  
13 ticipate in or facilitate public corruption, includ-  
14 ing nationals of such country who are deployed  
15 in foreign military assignments, trade delega-  
16 tions abroad, or other similar missions who en-  
17 gage in or facilitate public corruption;

18 (E) prescribes appropriate punishment for  
19 serious, significant corruption that is commen-  
20 surate with the punishment prescribed for seri-  
21 ous crimes;

22 (F) prescribes appropriate punishment for  
23 significant corruption that provides a suffi-  
24 ciently stringent deterrent and adequately re-  
25 flects the nature of the offense;

1           (G) convicts and sentences persons respon-  
2           sible for such acts that take place wholly or  
3           partly within the country of such government,  
4           including, as appropriate, requiring the incar-  
5           ceration of individuals convicted of such acts;

6           (H) holds private sector representatives ac-  
7           countable for their role in public corruption;  
8           and

9           (I) addresses threats for civil society to  
10          monitor anti-corruption efforts; and

11         (3) further consider—

12           (A) verifiable measures taken by the gov-  
13           ernment of a country identified under para-  
14           graph (1) to prohibit government officials from  
15           participating in, facilitating, or condoning pub-  
16           lic corruption, including the investigation, pros-  
17           ecution, and conviction of such officials;

18           (B) the extent to which such government  
19           provides access, or, as appropriate, makes ade-  
20           quate resources available, to civil society organi-  
21           zations and other institutions to combat public  
22           corruption, including reporting, investigating,  
23           and monitoring;

24           (C) the extent to which an independent ju-  
25           diciary or judicial body in such country is re-

1           sponsible for, and effectively capable of, decid-  
2           ing public corruption cases impartially, on the  
3           basis of facts and in accordance with law, with-  
4           out any improper restrictions, influences, in-  
5           ducements, pressures, threats, or interferences,  
6           whether direct or indirect, from any source or  
7           for any reason;

8           (D) the extent to which such government  
9           cooperates meaningfully with the United States  
10          to strengthen government and judicial institu-  
11          tions and the rule of law to prevent, prohibit,  
12          and punish public corruption;

13          (E) the extent to which such government—

14               (i) is assisting in international inves-  
15               tigations of transnational public corruption  
16               networks and in other cooperative efforts  
17               to combat serious, significant corruption,  
18               including cooperating with the govern-  
19               ments of other countries to extradite cor-  
20               rupt actors;

21               (ii) recognizes the rights of victims of  
22               public corruption, ensures their access to  
23               justice, and takes steps to prevent such  
24               victims from being further victimized or

1           persecuted by corrupt actors, government  
2           officials, or others; and

3                   (iii) refrains from prosecuting legiti-  
4           mate victims of public corruption or whis-  
5           tleblowers due to such persons having as-  
6           sisted in exposing public corruption, and  
7           refrains from other discriminatory treat-  
8           ment of such persons; and

9                   (F) contain such other information relating  
10          to public corruption as the Secretary considers  
11          appropriate.

12          (b) IDENTIFICATION.—After conducting each assess-  
13          ment under subsection (a), the Secretary shall identify the  
14          countries described in paragraph (1) of such subsection  
15          that are—

16                  (1) meeting minimum standards to combat pub-  
17          lic corruption;

18                  (2) not meeting such minimum standards but  
19          making significant efforts to do so; and

20                  (3) neither meeting such minimum standards  
21          nor making significant efforts to do so.

22          (c) REPORT.—Not later than 180 days after the date  
23          of the enactment of this Act and annually thereafter  
24          through fiscal year 2026, the Secretary shall submit to  
25          the appropriate congressional committees and make pub-

1 licly available a report that identifies the countries de-  
2 scribed in subsection (a)(1) and paragraphs (2) and (3)  
3 of subsection (b), including a description of the method-  
4 ology and data utilized in the assessments under sub-  
5 section (a) and the reasons for such identifications.

6 (d) BRIEFING IN LIEU OF REPORT.—The Secretary  
7 may waive the requirement to submit and make publicly  
8 available a written report under subsection (c) if the Sec-  
9 retary—

10 (1) determines that publication of such report  
11 would—

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

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

16 (2) provides a briefing to the appropriate con-  
17 gressional committees that identifies the countries  
18 described in subsection (a)(1) and paragraphs (2)  
19 and (3) of subsection (b), including a description of  
20 the methodology and data utilized in the assessment  
21 under subsection (a) and the reasons for such identi-  
22 fications.

23 **SEC. 703. TRANSPARENCY AND ACCOUNTABILITY.**

24 For each country identified under paragraphs (2) and  
25 (3) of section 702(b), the Secretary, in coordination with

1 the Administrator of the United States Agency for Inter-  
2 national Development, as appropriate, shall—

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

6 (2) utilize appropriate mechanisms to combat  
7 corruption in such countries, including by ensur-  
8 ing—

9 (A) the inclusion of anti-corruption clauses  
10 in contracts, grants, and cooperative agree-  
11 ments entered into by the Department or the  
12 Agency for or in such countries, which allow for  
13 the termination of such contracts, grants, or co-  
14 operative agreements, as the case may be, with-  
15 out penalty if credible indicators of public cor-  
16 ruption are discovered;

17 (B) the inclusion of appropriate clawback  
18 or flowdown clauses within the procurement in-  
19 struments of the Department and the Agency  
20 that provide for the recovery of funds misappro-  
21 priated through corruption;

22 (C) the appropriate disclosure to the  
23 United States Government, in confidential  
24 form, if necessary, of the beneficial ownership  
25 of contractors, subcontractors, grantees, cooper-

1           ative agreement participants, and other organi-  
2           zations implementing programs on behalf of the  
3           Department or Agency; and

4                   (D) the establishment of mechanisms for  
5           investigating allegations of misappropriated re-  
6           sources and equipment.

7 **SEC. 704. DESIGNATION OF EMBASSY ANTI-CORRUPTION**  
8                   **POINTS OF CONTACT.**

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

15          (b) **RESPONSIBILITIES.**—Each designated anti-cor-  
16          ruption point of contact under subsection (a) shall be re-  
17          sponsible for coordinating and overseeing implementation  
18          of a whole-of-government approach among the relevant  
19          Federal departments and agencies that operate programs  
20          that promote good governance in foreign countries and en-  
21          hance such countries' ability to combat public corruption  
22          in order to accomplish such objectives in the country to  
23          which such point of contact is posted, including through  
24          the development and implementation of corruption risk as-  
25          sessment tools and mitigation strategies.

1 (c) TRAINING.—The Secretary shall implement ap-  
2 propriate training for designated anti-corruption points of  
3 contact under subsection (a).

4 **SEC. 705. REPORTING REQUIREMENTS.**

5 (a) ANNUAL REPORT.—

6 (1) IN GENERAL.—The Secretary shall, for each  
7 of fiscal years 2020 through 2026, submit to the ap-  
8 propriate congressional committees a report on im-  
9 plementation of this title, including a description of  
10 the following:

11 (A) The offices within the Department and  
12 the United States Agency for International De-  
13 velopment that are engaging in significant anti-  
14 corruption activities.

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

19 (C) The training implemented under sec-  
20 tion 704(c).

21 (D) Management of the whole-of-govern-  
22 ment effort referred to in section 704(b) to  
23 combat corruption within the countries identi-  
24 fied in section 702 and efforts to improve co-

1 ordination across Federal departments and  
2 agencies.

3 (E) The risk assessment tools and mitiga-  
4 tion strategies utilized by the Department and  
5 the Agency.

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

8 (2) FORM OF REPORT.—Each report under this  
9 subsection shall be submitted in an unclassified for-  
10 mat but may include a classified annex.

11 (b) ONLINE PLATFORM.—The Secretary shall con-  
12 solidate existing reports with anti-corruption components  
13 into one online, public platform, which should—

14 (1) include—

15 (A) the annual Country Reports on  
16 Human Rights Practices;

17 (B) the annual Fiscal Transparency Re-  
18 port;

19 (C) the annual Investment Climate State-  
20 ments;

21 (D) the annual International Narcotics  
22 Control Strategy Report;

23 (E) the Country Scorecards of the Millen-  
24 nium Challenge Corporation; and

25 (F) any other relevant public reports; and

1           (2) link to third-party indicators and compli-  
2           ance mechanisms used by the United States Govern-  
3           ment to inform policy and programming, such as—

4                   (A) the International Finance Corpora-  
5                   tion's Doing Business surveys;

6                   (B) the International Budget Partnership's  
7                   Open Budget Index; and

8                   (C) multilateral peer review anti-corruption  
9                   compliance mechanisms, such as the Organiza-  
10                  tion for Economic Co-operation and Develop-  
11                  ment's Working Group on Bribery in Inter-  
12                  national Business Transactions and the United  
13                  Nations Convention Against Corruption, done  
14                  at New York October 31, 2003, to further high-  
15                  light expert international views on country chal-  
16                  lenges and country efforts.

17           (c) TRAINING.—The Secretary and the Administrator  
18           of the United States Agency for International Develop-  
19           ment shall incorporate anti-corruption components into  
20           existing Foreign Service and Civil Service training courses  
21           to—

22                   (1) increase the ability of Department and  
23                   Agency personnel to support anti-corruption as a  
24                   foreign policy priority; and



1           (3) Providing technical assistance to foreign  
2 governments or multilateral institutions regarding  
3 screening foreign investments.

4           (4) Designating points of contact at each  
5 United States mission to foreign governments and  
6 multilateral institutions, and in associated regional  
7 bureaus, to coordinate efforts described in this para-  
8 graph.

9           (c) COORDINATION.—If the Secretary determines  
10 such is appropriate, the designated points of contact re-  
11 ferred to in subsection (b)(4) may be the same individual  
12 designated under section 704(a).

## 13 **TITLE VIII—MATTERS RELATING** 14 **TO INTERNATIONAL SECURITY**

### 15 **SEC. 801. SHORT TITLE.**

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

### 18 **SEC. 802. SECURITY ASSISTANCE DEFINED.**

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

20           (1) assistance under chapter 8 (relating to  
21 international narcotics control) of part I of the For-  
22 eign Assistance Act of 1961;

23           (2) assistance under chapter 2 (military assist-  
24 ance), chapter 5 (international military education  
25 and training), chapter 6 (peacekeeping operations),

1 chapter 8 (antiterrorism assistance), and chapter 9  
2 (nonproliferation and export control assistance) of  
3 part II of the Foreign Assistance Act of 1961;

4 (3) assistance under section 23 of the Arms Ex-  
5 port Control Act (relating to the Foreign Military  
6 Financing program); and

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

## 11 **Subtitle A—Reform Relating to** 12 **Security Assistance**

### 13 **SEC. 811. ORGANIZATIONAL REFORM.**

14 (a) WORKING GROUP.—

15 (1) ESTABLISHMENT.—The Secretary shall es-  
16 tablish a Working Group on matters relating to se-  
17 curity assistance (in this subtitle referred to as the  
18 “Working Group”).

19 (2) MEMBERSHIP.—

20 (A) IN GENERAL.—The Working Group  
21 shall be composed of—

22 (i) the Deputy Secretary of State; and

23 (ii) each Under Secretary of State re-  
24 sponsible for matters relating to security  
25 assistance.

1 (B) CHAIR.—The Deputy Secretary shall  
2 serve as the chair of the Working Group.

3 (3) MEETINGS.—The Working Group shall  
4 meet not later than 90 days after the date of the en-  
5 actment of this Act and on a quarterly basis there-  
6 after.

7 (4) DUTIES.—The duties of the Working Group  
8 shall include—

9 (A) within the Department and across  
10 United States diplomatic posts—

11 (i) providing strategic policy guidance  
12 on objectives and priorities for security as-  
13 sistance;

14 (ii) ensuring strategic integration of  
15 budgets and planning for security assist-  
16 ance; and

17 (iii) advising the Secretary on all  
18 budgets, programs, and activities for secu-  
19 rity assistance; and

20 (B) overseeing Department of State coordi-  
21 nation with the Secretary of Defense, the Ad-  
22 ministrator of the United States Agency for  
23 International Development (USAID), and the  
24 heads of other relevant Federal departments

1           and agencies on all matters relating to security  
2           assistance.

3           (b) OFFICE OF SECURITY ASSISTANCE.—

4           (1) IN GENERAL.—Not later than 1 year after  
5           the date of the enactment of this Act, the Secretary  
6           shall designate an existing office or establish a new  
7           office to be the Office of Security Assistance (in this  
8           subtitle referred to as the “Office”), which shall re-  
9           port to an Under Secretary who is a member of the  
10          Working Group.

11          (2) COORDINATOR.—The head of the Office  
12          shall be the Coordinator for Security Assistance (in  
13          this subtitle referred to as the “Coordinator”), who  
14          shall be an individual of demonstrated competency in  
15          the fields of security assistance and international di-  
16          plomacy.

17          (3) DUTIES.—The duties of the Coordinator  
18          shall include—

19                  (A) within the Department and across  
20                  United States diplomatic posts—

21                          (i) guiding and supporting security as-  
22                          sistance;

23                          (ii) advising the Working Group on all  
24                          matters relating to security assistance;

1 (iii) establishing the framework de-  
2 scribed in section 813(a);

3 (iv) coordinating the assessment, mon-  
4 itoring, and evaluation program established  
5 under section 813(c); and

6 (v) maintaining the common database  
7 described in section 814(a); and

8 (B) acting as a Department of State point  
9 of contact with the Department of Defense, the  
10 United States Agency for International Devel-  
11 opment (USAID), and other relevant Federal  
12 departments and agencies on all matters relat-  
13 ing to security assistance.

14 (c) COORDINATION WITHIN DEPARTMENT.—

15 (1) DESIGNATION.—Not later than 1 year after  
16 the date of the enactment of this Act, and subject  
17 to paragraph (2), the head of each bureau of the  
18 Department that is involved in directing or imple-  
19 menting security assistance shall designate an officer  
20 of such bureau to be responsible for coordinating the  
21 responsibilities of such bureau with respect to secu-  
22 rity assistance.

23 (2) NON-ELIGIBILITY.—An officer of a bureau  
24 of the Department shall not be eligible to be des-  
25 igned pursuant to paragraph (1) if the officer is

1 responsible for conducting human rights vetting pur-  
2 suant to 620M of the Foreign Assistance Act of  
3 1961 (22 U.S.C. 2378d).

4 (3) TRAINING.—Each individual designated  
5 pursuant to paragraph (1) shall successfully com-  
6 plete the training described in section 812.

7 (d) COORDINATION WITHIN UNITED STATES DIPLO-  
8 MATIC POSTS.—

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

17 (2) DUTIES.—The senior diplomatic officer des-  
18 igned pursuant to paragraph (1) shall be respon-  
19 sible for—

20 (A) overseeing personnel and activities of  
21 Federal departments and agencies at the rel-  
22 evant embassy or diplomatic post with respect  
23 to the provision of security assistance for the  
24 country; and

1 (B) ensuring implementation of section  
2 620M of the Foreign Assistance Act of 1961  
3 (22 U.S.C. 2378d) and section 362 of title 10,  
4 United States Code, with respect to the coun-  
5 try.

6 (3) TRAINING.—Each individual designated  
7 pursuant to paragraph (1) shall successfully com-  
8 plete the training described in section 812.

9 (e) PLAN FOR ORGANIZATIONAL STRUCTURE.—

10 (1) IN GENERAL.—Not later than 180 days  
11 after the date of the enactment of this Act, the Sec-  
12 retary shall submit to the Committee on Foreign Af-  
13 fairs of the House of Representatives and the Com-  
14 mittee on Foreign Relations of the Senate a plan for  
15 the organizational structure of the Department re-  
16 lating to security assistance programs.

17 (2) MATTERS TO BE INCLUDED.—The plan re-  
18 quired under paragraph (1) shall include the fol-  
19 lowing:

20 (A) An identification of each bureau and  
21 office of the Department that carries out func-  
22 tions relating to planning, coordination, integra-  
23 tion, implementation, or evaluation of security  
24 assistance, a description of the organizational  
25 hierarchy and decision-making processes used

1 to coordinate across such bureaus and offices  
2 and with United States diplomatic posts and  
3 other Federal departments and agencies, and a  
4 description of how the Working Group and the  
5 Coordinator will facilitate coordination among  
6 each such bureau and office.

7 (B) A description of—

8 (i) the reasons for—

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

12 (II) selecting the Under Sec-  
13 retary to which the Office will report;

14 (ii) the organizational structure of the  
15 Office;

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

22 (iv) the process by which the require-  
23 ment for training described in section 812  
24 will be fulfilled.

1 (C) The benefits, feasibility, and steps nec-  
2 essary to detail personnel—

3 (i) on a reimbursable basis from the  
4 relevant bureaus and offices of the Depart-  
5 ment to provide staff to the Office; and

6 (ii) from USAID, the Department of  
7 Defense, and other relevant Federal de-  
8 partments and agencies to provide staff to  
9 the Office.

10 (D) An identification of lessons learned  
11 from the Security Governance Initiative (SGI),  
12 an assessment of the utility of expanding the  
13 SGI or a similar initiative globally, and a de-  
14 scription of where best to locate the SGI or  
15 similar initiative within the Department.

16 (E) An identification of an appropriate bu-  
17 reau or office of the Department, whose head  
18 does not report to the Under Secretary de-  
19 scribed in subsection (b)(1), to select and retain  
20 the independent research entity described in  
21 section 813(c)(4).

22 (F) A list of recommendations for any ad-  
23 ditional legislative measures necessary to im-  
24 prove the capacity and capabilities of the De-

1           partment to plan and implement security assist-  
2           ance programs and activities.

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

6           (4) CONSULTATION.—Not later than 90 days  
7           after the date of the enactment of this Act, the Sec-  
8           retary shall consult with the Committee on Foreign  
9           Affairs of the House of Representatives and the  
10          Committee on Foreign Relations of the Senate re-  
11          garding the development and implementation of the  
12          plan required under paragraph (1).

13 **SEC. 812. WORKFORCE DEVELOPMENT.**

14          Not later than 180 days after the date of the enact-  
15          ment of this Act, the Secretary shall carry out the fol-  
16          lowing:

17           (1) Establish curriculum at the Department's  
18          Foreign Service Institute to provide employees of the  
19          Department of State with specialized training with  
20          respect to security assistance. The training should  
21          be aligned with the Security Cooperation Workforce  
22          Development Program and developed in coordination  
23          with the Defense Security Cooperation Agency, in-  
24          cluding through an agreement under section 1535(a)  
25          of title 31, United States Code (commonly referred

1 to as the “Economy Act”) or any other appropriate  
2 agency-specific authority. The training shall include  
3 the following:

4 (A) Awareness of the full range of agen-  
5 cies, offices, personnel, statutory authorities,  
6 funds, and programs involved in security assist-  
7 ance and transfers and the respective decision-  
8 making timelines.

9 (B) Familiarity with relevant military and  
10 police security force systems and structures and  
11 institutions at the time such training is occur-  
12 ring.

13 (C) Familiarity with security assistance re-  
14 form, research regarding options for improve-  
15 ment, and United States interagency and exter-  
16 nal resources and experts.

17 (D) Familiarity with planning, implemen-  
18 tation, and monitoring and evaluation for pro-  
19 grammatic activities.

20 (E) Familiarity with implementation of—

21 (i) section 620M of the Foreign As-  
22 sistance Act of 1961 (22 U.S.C. 2378d)  
23 and section 362 of title 10, United States  
24 Code;

1 (ii) arms transfer requirements under  
2 the Arms Export Control Act (22 U.S.C.  
3 2751 et seq.); and

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

6 (F) Awareness of common risks to effec-  
7 tiveness of security assistance, including corrup-  
8 tion, political instability, and challenges relating  
9 to absorptive capacity, partner commitment,  
10 and transparency.

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

1 **SEC. 813. SECURITY ASSISTANCE PLANNING.**

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

12 (1) Identification and prioritization of overall  
13 goals and objectives for security assistance, in ac-  
14 cordance with the relevant National Security Strat-  
15 egy.

16 (2) Criteria for—

17 (A) determining the commitment and polit-  
18 ical will of countries receiving assistance to use  
19 such assistance in a manner that achieves  
20 United States objectives;

21 (B) identifying opportunities and risks cre-  
22 ated by the provision of security assistance; and

23 (C) tailoring and sequencing such assist-  
24 ance accordingly.

25 (3) Guidance for—

1 (A) incorporating the assessment, moni-  
2 toring, and evaluation program described in  
3 subsection (c) into the strategic planning cycle;

4 (B) increasing coordination, as appro-  
5 priate, with other major international donors to  
6 maximize resources and unity of efforts;

7 (C) aligning the security assistance pro-  
8 grams, projects, and activities of the Depart-  
9 ment with other United States goals of engage-  
10 ment with foreign countries, such as the pro-  
11 motion of democracy, human rights, govern-  
12 ance, and economic growth, as well as with  
13 other United States assistance authorities, re-  
14 sources, programmatic capabilities, and activi-  
15 ties; and

16 (D) assessing the impact on Department  
17 security assistance objectives, programs, and  
18 activities of United States military activities in  
19 the country or region covered by country or re-  
20 gional strategy, including the number of United  
21 States forces deployed, the duration of deploy-  
22 ment, the purpose for which they were de-  
23 ployed, and the authority under which they are  
24 operating.

1           (4) Metrics for assessing the effectiveness of se-  
2       curity assistance in—

3                   (A) increasing the operational access and  
4       influence of the United States;

5                   (B) improving partner capacity and com-  
6       mitment to countering shared threats and in-  
7       creased burden sharing, including in ways that  
8       enable reallocation of United States military de-  
9       ployments to other high priority missions;

10                  (C) reducing the underlying drivers of  
11       state fragility; and

12                  (D) contributing to the maintenance of ex-  
13       isting peace treaties between recipients of as-  
14       sistance.

15           (5) A process to ensure that transfers regulated  
16       by the Department that are outside the scope of se-  
17       curity assistance, such as certain direct commercial  
18       sales, are factored into—

19                   (A) the implementation of the assessment,  
20       monitoring, and evaluation program described  
21       in subsection (c); and

22                   (B) the planning process described in sub-  
23       section (d).

1 (b) DEFINITIONS PROMULGATED BY THE WORKING  
2 GROUP.—Not later than 18 months after the date of the  
3 enactment of this Act, the Working Group shall—

4 (1) in consultation with the Coordinator and  
5 bureaus and offices of the Department that are in-  
6 volved in the planning, coordination, integration, im-  
7 plementation, or evaluation of security assistance,  
8 develop and promulgate a definition of the level of  
9 security assistance programs, projects, or activities  
10 that mark a country as a recipient of “significant”  
11 security assistance to merit inclusion in the assess-  
12 ment, monitoring, and evaluation process described  
13 in subsection (c); and

14 (2) in consultation with the Coordinator, the  
15 Bureau of Democracy , Human Rights, and Labor,  
16 and the heads of other relevant bureaus of the De-  
17 partment, develop and promulgate a definition of  
18 baseline norms for governance and the rule of law,  
19 including a rubric to assess whether a recipient of  
20 security assistance is abiding by such baseline.

21 (c) ASSESSMENT, MONITORING, AND EVALUATION.—

22 (1) IN GENERAL.—Not later than 18 months  
23 after the date of the enactment of this Act, the Co-  
24 ordinator shall develop an assessment, monitoring,  
25 and evaluation program to be conducted for any

1 country receiving significant security assistance, as  
2 defined in accordance with subsection (b)(1).

3 (2) ELEMENTS.—The program described in  
4 paragraph (1) shall include each of the following ele-  
5 ments:

6 (A) Baseline assessments that consider  
7 factors, including—

8 (i) recipient country threat percep-  
9 tions and the manner in which such per-  
10 ceptions may inform the use of security as-  
11 sistance;

12 (ii) the recipient's approach to govern-  
13 ance and commitment to rule of law, in-  
14 cluding the transparency and account-  
15 ability of security forces, and the manner  
16 in which such approach is likely to be in-  
17 fluenced by security assistance;

18 (iii) the recipient's capacity to absorb  
19 the security assistance given and to achieve  
20 the objectives of such assistance;

21 (iv) the human rights record of the re-  
22 cipient, including for purposes of section  
23 620M of the Foreign Assistance Act of  
24 1961 (22 U.S.C. 2378d) and section 362  
25 of title 10, United States Code, and any

1 relevant attempts by such recipient to rem-  
2 edy such record;

3 (v) country- or region-specific oppor-  
4 tunities and risks that could enhance or  
5 impair the outcomes associated with pro-  
6 viding security assistance; and

7 (vi) indicators of efficacy for security  
8 assistance programs, projects, and activi-  
9 ties, for purposes of planning, monitoring,  
10 and evaluation.

11 (B) Monitoring implementation of security  
12 assistance programs, projects, and activities to  
13 measure progress toward achieving specific tar-  
14 gets, metrics, or indicators, as well as desired  
15 outcomes.

16 (C) Evaluation of the efficiency and effec-  
17 tiveness of security assistance in achieving de-  
18 sired outcomes.

19 (D) Identification of lessons learned in car-  
20 rying out security assistance and recommenda-  
21 tions for improving future assistance.

22 (3) OVERSIGHT AND FRAMEWORK.—The Coor-  
23 dinator shall guide and support, in coordination with  
24 relevant regional and functional bureaus, the assess-

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

3 (4) INDEPENDENT RESEARCH ENTITY.—Not  
4 later than 18 months after the date of the enact-  
5 ment of this Act, the Secretary shall enter into a  
6 contract with an independent research entity, such  
7 as a federally funded research and development cen-  
8 ter or other non-profit entity, that demonstrates ap-  
9 propriate expertise and analytical capability to evalu-  
10 ate the capacity of security assistance to achieve de-  
11 sired outcomes in accordance with the framework  
12 created pursuant to paragraph (3).

13 (5) SENSE OF CONGRESS.—It is the sense of  
14 Congress that the ability of the Department to  
15 measure and assess the effects of United States se-  
16 curity assistance programs and activities on govern-  
17 ance, rule of law, professionalism of recipient secu-  
18 rity forces, and institutional capacity weaknesses of  
19 recipient security forces would benefit from the in-  
20 creased availability of independent research and  
21 data.

22 (d) SECURITY ASSISTANCE PLANNING.—

23 (1) PRIORITIZATION.—Not later than 2 years  
24 after the date of the enactment of this Act, and an-  
25 nually thereafter, the Working Group shall develop

1 a list of priority recipient countries to receive secu-  
2 rity assistance, on the basis of policy objectives de-  
3 termined by the Department, and submit such infor-  
4 mation in accordance with subsection (f).

5 (2) INCLUSION IN REGIONAL AND COUNTRY  
6 STRATEGIES.—Any comprehensive regional strategy,  
7 such as a joint regional strategy or its equivalent,  
8 and any country strategy, such as an integrated  
9 country strategy or its equivalent, that is produced  
10 on or after the date that is 2 years after the date  
11 of the enactment of this Act, and each successor  
12 strategy to such strategy, shall integrate security as-  
13 sistance planning in a manner that incorporates the  
14 elements of the framework created pursuant to sub-  
15 section (a) and include an annex relating to security  
16 assistance, which shall include—

17 (A) the assessment, monitoring, and eval-  
18 uation metrics described in subsection (c);

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

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

24 (3) COORDINATION OF RESOURCES.—In devel-  
25 oping annexes relating to security assistance for in-

1 clusion in comprehensive regional strategies or coun-  
2 try strategies in accordance with paragraph (2), the  
3 relevant bureau, office, or diplomatic post shall co-  
4 ordinate with—

5 (A) the Office;

6 (B) the Office of Foreign Assistance Re-  
7 sources, or an equivalent entity in the Depart-  
8 ment, regarding the allocation of resources in  
9 line with priorities of the Department of State  
10 for security assistance; and

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

15 (4) SECURITY ASSISTANCE, GOVERNANCE, AND  
16 RULE OF LAW.—Not later than 2 years after the  
17 date of the enactment of this Act, any annex relat-  
18 ing to security assistance described in paragraph (2)  
19 that is included in a country strategy shall include  
20 an assessment by the Under Secretary responsible  
21 for civilian security, democracy, and human rights  
22 whether such country abides by baseline norms for  
23 governance and the rule of law using the rubric pro-  
24 mulgated in accordance with subsection (b)(2). A se-  
25 curity assistance annex developed in accordance with

1 paragraph (2) for a country receiving a negative de-  
2 termination shall also include the following:

3 (A) Reforms the recipient could undertake,  
4 where practicable, to improve governance and  
5 rule of law in order to create more effective se-  
6 curity.

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

10 (i) expand or increase security assist-  
11 ance upon verifiable progress made toward  
12 such reforms; and

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

17 (C) An assessment of the benefits and like-  
18 lihood of reaching agreement with the recipient  
19 country to devote 1 percent of the total value  
20 of all security assistance to such country for  
21 training in-country civilian professionals on  
22 methods to evaluate the fiscal and functional ef-  
23 fectiveness of the security institutions in such  
24 country.

1           (D) The manner in which security assist-  
2           ance will be used to improve governance, rule of  
3           law, and human rights reforms in such country.

4           (E) Steps to ensure consultation with the  
5           national legislature and with civil society groups  
6           that operate in such country on the provision of  
7           security assistance, including for the formula-  
8           tion of a compact in accordance with subsection  
9           (e)(2).

10       (e) SECURITY ASSISTANCE COMPACTS.—

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

17                   (A) A joint diagnosis of the strengths and  
18                   challenges of the recipient country's security in-  
19                   stitutions, including priority capacity and capa-  
20                   bility requirements.

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

23                           (i) a commitment by the recipient  
24                           specifying the manner in which security as-

1 assistance will be used, within a defined  
2 timeframe;

3 (ii) plans for sustainment by the re-  
4 cipient of any capacity or capabilities built  
5 as a result of such assistance; and

6 (iii) mutually agreed oversight mecha-  
7 nisms for security assistance and metrics,  
8 to determine whether such assistance is ac-  
9 complishing the agreed-upon objectives.

10 (2) SPECIAL PROVISIONS.—If the Under Sec-  
11 retary described in subsection (d)(3) assesses that a  
12 country is not abiding by baseline norms for govern-  
13 ance or the rule of law, a compact under this sub-  
14 section with such country should, where practicable,  
15 be formulated in consultation with the national legis-  
16 lature and domestic civil society groups and include  
17 mutually agreed upon reforms and conditions based  
18 on those established as a result of such determina-  
19 tion in accordance with subsection (d)(4).

20 (f) REPORTING REQUIREMENTS.—Beginning 3 years  
21 after the date of the enactment of this Act and annually  
22 thereafter, the Secretary shall include with any materials  
23 submitted in support of the budget for that fiscal year that  
24 is submitted to Congress by the President under section

1 1105(a) of title 31 an unclassified report, that may in-  
2 clude a classified annex, with the following:

3 (1) A list of priority security assistance recipi-  
4 ents, along with descriptions of the policy objectives  
5 that the Secretary seeks to achieve by providing  
6 such assistance to such recipients, developed pursu-  
7 ant to subsection (d)(1).

8 (2) A description of the results of the evalua-  
9 tions conducted pursuant to subsection (c)(4).

10 (3) A description of the manner in which the  
11 Department will allocate, monitor, and evaluate all  
12 security assistance pursuant to the program de-  
13 scribed in subsection (c) and the planning process  
14 described in subsection (d).

15 (4) A description of any updates made during  
16 the previous year to the framework described in sub-  
17 section (d)(1) and annex relating to security assist-  
18 ance required under subsection (d)(2).

19 (5) The status and impact on United States ob-  
20 jectives of any compacts entered into in accordance  
21 with subsection (e) and of any ongoing efforts to  
22 enter into new compacts in accordance with such  
23 subsection.

1 **SEC. 814. INTERAGENCY COORDINATION OF SECURITY AS-**  
2 **SISTANCE, TRANSFERS, AND SECURITY CO-**  
3 **OPERATION.**

4 (a) CREATION OF A COMMON DATABASE.—Not later  
5 than 2 years after the date of the enactment of this Act,  
6 the Secretary, in coordination with the Secretary of De-  
7 fense and other appropriate Federal departments and  
8 agencies, shall maintain a common database of informa-  
9 tion to permit the identification of security assistance pro-  
10 grams, funding, and transfers by recipient country.

11 (b) COORDINATION WITH THE DEPARTMENT OF DE-  
12 FENSE.—

13 (1) IN GENERAL.—Not later than 1 year after  
14 the date of the enactment of this Act, the Secretary,  
15 in coordination with the Secretary of Defense, shall  
16 submit a report to the appropriate congressional  
17 committees that assesses existing mechanisms, in-  
18 cluding provisions under title 10, United States  
19 Code, that require the concurrence of the Secretary  
20 of State, and other applicable provisions of law that  
21 provide for coordination between security assistance  
22 programs, projects, and activities of the Department  
23 of State and security cooperation programs, projects,  
24 and activities of the Department of Defense that in-  
25 cludes the following:

1           (A) An identification of existing coordina-  
2           tion mechanisms for planning, executing, and  
3           overseeing security assistance and security co-  
4           operation programs, projects, and activities, the  
5           purpose of such mechanisms, and their efficacy  
6           in practice.

7           (B) An identification of additional meas-  
8           ures that would improve the speed, simplicity,  
9           or agility of each identified mechanism, with a  
10          focus on mechanisms requiring the concurrence  
11          of the Secretary.

12          (C) An identification of any programs, au-  
13          thorities, or resources that do not require co-  
14          ordination under existing law.

15          (D) An identification of the specific mecha-  
16          nisms to improve coordination between Depart-  
17          ment of State bureaus and offices involved in  
18          planning, executing, or overseeing security as-  
19          sistance programs and activities and the United  
20          States combatant command or commands rel-  
21          evant to such bureaus and offices.

22          (E) An assessment of the advisability and  
23          feasibility of expanding existing mechanisms or  
24          establishing new mechanisms to detail employ-  
25          ees from Department of State bureaus and of-

1           fices involved in planning, executing, or over-  
2           seeing security assistance programs and activi-  
3           ties to United States combatant commands and  
4           from the Department of Defense to such De-  
5           partment of State bureaus and offices for the  
6           purpose of improving coordination on security  
7           assistance planning and implementation.

8           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
9           TEES DEFINED.—In this subsection, the term “ap-  
10          propriate congressional committees” means—

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

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

17          (c) SENSE OF CONGRESS.—It is the sense of Con-  
18          gress that the Secretary of State and the Secretary of De-  
19          fense should jointly establish a pilot program to evaluate  
20          the advisability and feasibility of a joint entity to conduct  
21          collaborative planning of security assistance and security  
22          cooperation. The pilot program should—

23                   (1) establish one or more joint planning cells to  
24                   conduct collaborative planning between the Depart-  
25                   ment of State and the Department of Defense for

1 security assistance and security cooperation pro-  
2 grams, projects, and activities in a specific region or  
3 regions;

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

7 (3) assess the advantages and disadvantages of  
8 collaborative interagency planning of security assist-  
9 ance, and determine whether there are organiza-  
10 tional, legal, policy, or resource barriers to broader  
11 adoption of such a model.

12 **SEC. 815. RULE OF CONSTRUCTION.**

13 Nothing in this subtitle shall affect the implementa-  
14 tion of subsection (h) of section 36 of the Arms Export  
15 Control Act (22 U.S.C. 2776).

16 **Subtitle B—Foreign Military**  
17 **Assistance**

18 **SEC. 821. STRATEGIC ALLOCATION OF EXCESS DEFENSE**

19 **ARTICLES.**

20 (a) IN GENERAL.—Section 516 of the Foreign Assist-  
21 ance Act of 1961 (22 U.S.C. 2321j), is amended—

22 (1) in subsection (b)—

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

1 (B) by redesignating subparagraphs (A)  
2 through (F) as paragraphs (1) through (6), re-  
3 spectively, and moving the margins of each such  
4 paragraph 2 ems to the left; and

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

7 (2) in subsection (c)—

8 (A) by striking paragraph (2) and insert-  
9 ing the following:

10 “(2) PRIORITY.—Notwithstanding any other  
11 provision of law, excess defense articles under this  
12 section shall be transferred in accordance with  
13 United States foreign policy, including national secu-  
14 rity priorities as jointly determined by the Secretary  
15 of State, in consultation with the Secretary of De-  
16 fense, to the maximum extent feasible.”; and

17 (B) by adding at the end the following:

18 “(3) SUPPORTING COSTS.—The Department of  
19 State is authorized to expend funds available for se-  
20 curity assistance for the refurbishment or upgrade of  
21 excess defense articles transferred under the author-  
22 ity of this section and for training of foreign security  
23 forces directly in relation to excess defense articles  
24 transferred under the authority of this section, if—

1           “(A) such assistance is necessary to ad-  
2 vance the national security objectives of the  
3 United States in relation to the recipient coun-  
4 try or countries; and

5           “(B) such costs do not exceed \$10 million  
6 in relation to a single transfer of excess defense  
7 articles under this section.”;

8           (3) in subsection (f)(1), by striking  
9 “\$7,000,000” and inserting “\$25,000,000”; and

10          (4) in subsection (g)(1), by striking  
11 “\$500,000,000” and inserting “\$600,000,000”.

12 **SEC. 822. MODIFICATION OF PURPOSES FOR WHICH MILI-**  
13 **TARY SALES BY THE UNITED STATES ARE AU-**  
14 **THORIZED.**

15          Section 4 of the Arms Export Control Act (22 U.S.C.  
16 2754) is amended in the first sentence by striking “inter-  
17 nal security” and inserting “legitimate internal security  
18 (including for anti-terrorism purposes)”.

19 **SEC. 823. RETURN OF DEFENSE ARTICLES.**

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

22           (1) by striking “(B) is not” and inserting  
23 “(B)(i) is not”;

24           (2) by striking “; and” and inserting “; or”;  
25 and

1 (3) by adding at the end the following:

2 “(ii) is significant military equipment (as  
3 defined in section 47(9) of this Act) and the  
4 Secretary of State has provided prior approval  
5 of the return of such defense article from the  
6 foreign country or international organization;  
7 and”.

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

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

12 (1) in the subsection heading—

13 (A) by striking “COUNTRY”; and

14 (B) by striking “TO FOREIGN COUN-  
15 TRIES”;

16 (2) in paragraph (1)(A)—

17 (A) in the matter preceding clause (i)—

18 (i) by striking “a foreign country”  
19 and inserting “the North Atlantic Treaty  
20 Organization, any member country of that  
21 Organization, the Republic of Korea, Aus-  
22 tralia, New Zealand, Japan, or Israel”;

23 (ii) by inserting “(except that the  
24 President may not so exempt such Organi-  
25 zation, member country, or other country

1 that is not eligible to acquire defense items  
2 under any other provision of law)” after  
3 “with respect to exports of defense items”;  
4 and

5 (iii) by striking “the foreign country”  
6 and inserting “such Organization, member  
7 country, or other country”; and

8 (B) in clause (ii)—

9 (i) by striking “the foreign country”  
10 and inserting “such Organization, member  
11 country, or other country”; and

12 (ii) by striking “under their domestic  
13 laws”;

14 (3) in paragraph (2)—

15 (A) in subparagraph (A)—

16 (i) in the matter preceding clause  
17 (i)—

18 (I) by striking “, at a min-  
19 imum,”;

20 (II) by striking “the foreign  
21 country” and inserting “the Organiza-  
22 tion, member country, or other coun-  
23 try referred to in paragraph (1)”;

24 (III) by striking “to revise its  
25 policies and practices, and promulgate

1 or enact necessary modifications to its  
2 laws and regulations to establish” and  
3 inserting “to establish and maintain”;

4 (ii) in clause (i), by striking “the for-  
5 eign country” and inserting “such Organi-  
6 zation, member country, or other country”;  
7 and

8 (iii) in clause (ii), by striking “re-  
9 transfer control commitments, including  
10 securing” and inserting “retransfer con-  
11 trols that secure”;

12 (B) in subparagraph (B)—

13 (i) in the matter preceding clause  
14 (i)—

15 (I) by striking “, at a min-  
16 imum,”;

17 (II) by striking “the foreign  
18 country” and inserting “the Organiza-  
19 tion, member country, or other coun-  
20 try referred to in paragraph (1)”;

21 (III) by striking “to revise its  
22 policies and practices, and promulgate  
23 or enact necessary modifications to its  
24 laws and regulations”; and

1 (ii) in clause (iv), by striking “the for-  
2 eign country” and inserting “the member  
3 country or other country”; and

4 (4) in paragraph (3)—

5 (A) in the matter preceding subparagraph  
6 (A), by striking “a foreign country” and insert-  
7 ing “the Organization, member country, or  
8 other country referred to in paragraph (1)”;

9 (B) in subparagraph (A), by striking “that  
10 foreign country” and inserting “such Organiza-  
11 tion, member country, or other country”;

12 (C) in subparagraph (B)—

13 (i) by striking “the foreign country”  
14 and inserting “such Organization, member  
15 country, or other country”; and

16 (ii) by striking “has promulgated or  
17 enacted all necessary modifications to its  
18 laws and regulations to comply” and in-  
19 serting “has taken such actions to com-  
20 ply”; and

21 (D) in subparagraph (C)—

22 (i) by striking “a foreign country”  
23 and inserting “such Organization, member  
24 country, or other country”; and

1 (ii) by striking “that country” and in-  
2 serting “such Organization, member coun-  
3 try, or other country”.

4 **SEC. 825. AMENDMENT TO GENERAL PROVISIONS.**

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

9 **SEC. 826. TECHNICAL AMENDMENTS TO ARMS EXPORT**  
10 **CONTROL ACT.**

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

15 **SEC. 827. SENSE OF CONGRESS ON LICENSING UNDER**  
16 **UNITED STATES ARMS EXPORT CONTROL**  
17 **PROGRAMS.**

18 It is the sense of Congress that, in implementing re-  
19 forms of United States arms export licensing regimes, the  
20 President should prioritize the development of a new  
21 framework to improve and streamline licensing, including  
22 by seeking to revise the Special Comprehensive Export Au-  
23 thorizations for exports to the North Atlantic Treaty Or-  
24 ganization, any member country of that Organization,  
25 Sweden, or any other country described in section

1 36(c)(2)(A) of the Arms Export Control Act (22 U.S.C.  
2 2776(c)(2)(A)) under section 126.14 of title 15, Code of  
3 Federal Regulations (relating to the International Traffic  
4 in Arms Regulations).

5 **SEC. 828. EXTENSION OF WAR RESERVE STOCKPILE AU-**  
6 **THORITY.**

7 (a) DEPARTMENT OF DEFENSE APPROPRIATIONS  
8 ACT, 2005.—Section 12001(d) of the Department of De-  
9 fense Appropriations Act, 2005 (Public Law 108–287;  
10 118 Stat. 1011) is amended by striking “2020” and in-  
11 serting “2021”.

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

17 **SEC. 829. PEACEKEEPING OPERATIONS AND OTHER NA-**  
18 **TIONAL SECURITY PROGRAMS.**

19 (a) AUTHORITY.—

20 (1) IN GENERAL.—Section 551 of the Foreign  
21 Assistance Act of 1961 (22 U.S.C. 2348) is amend-  
22 ed—

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

1 (B) by adding at the end the following:

2 “(b) Funds authorized to be appropriated under this  
3 chapter may also be used to provide assistance to enhance  
4 the capacity of foreign civilian security forces (as such  
5 term is defined in section 841(c) of the International Se-  
6 curity Assistance Act of 2019) to participate in peace-  
7 keeping and counterterrorism operations, and to promote  
8 greater participation of women in such peacekeeping oper-  
9 ations.

10 “(c) Funds authorized to be appropriated under this  
11 chapter to provide assistance to friendly foreign countries  
12 for purposes other than support for multilateral peace-  
13 keeping operations shall be subject to the certification re-  
14 quirements of section 36 of the Arms Export Control Act  
15 (22 U.S.C. 2776).”.

16 (2) DISARMAMENT AND REINTEGRATION.—

17 (A) IN GENERAL.—Notwithstanding any  
18 other provision of law, funds authorized to be  
19 appropriated under any provision of law for  
20 peacekeeping operations may be made available  
21 to support programs to disarm, demobilize, and  
22 reintegrate into civilian society former members  
23 of foreign terrorist organizations, and to pro-  
24 mote greater participation of women in such  
25 programs.

1           (B) CONSULTATION.—The Secretary shall  
2           consult with the Committee on Foreign Affairs  
3           and the Committee on Appropriations of the  
4           House of Representatives and the Committee  
5           on Foreign Relations and the Committee on  
6           Appropriations of the Senate prior to obligating  
7           funds described in subparagraph (A).

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

13          (b) NOTIFICATION.—The Secretary shall notify the  
14          Committee on Foreign Affairs and the Committee on Ap-  
15          propriations of the House of Representatives and the  
16          Committee on Foreign Relations and the Committee on  
17          Appropriations of the Senate at least 15 days prior to obli-  
18          gating funds under any provision of law for peacekeeping  
19          operations.

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

1 **SEC. 830. OTHER AMENDMENTS TO MILITARY ASSISTANCE**

2 **AUTHORITIES.**

3 The Foreign Assistance Act of 1961 is amended as  
4 follows:

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

6 (A) in subsection (a), by striking “coun-  
7 tries” and inserting “countries, regional organi-  
8 zations, and international organizations”;

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

13 (C) in subsection (c)(1), by striking “re-  
14 cipient country” and inserting “recipient coun-  
15 try or organization”;

16 (D) in subsection (f)(2)—

17 (i) in subparagraph (A), by striking  
18 “country” each place it appears and insert-  
19 ing “country or organization”; and

20 (ii) in subparagraph (C), by striking  
21 “countries” and inserting “countries or or-  
22 ganizations”; and

23 (E) in subsection (h), by striking “coun-  
24 try” and inserting “country and organization”.

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

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

6           (B) by adding at the end the following:

7           “(e) REPORT.—

8           “(1) IN GENERAL.—Not later than January 31  
9           of each year, the Secretary of State shall submit to  
10          the Committee on Foreign Affairs and the Com-  
11          mittee on Appropriations of the House of Represent-  
12          atives and the Committee on Foreign Relations and  
13          the Committee on Appropriations of the Senate, a  
14          report on the vetting process of units of security  
15          forces of foreign countries established to comply with  
16          this section.

17          “(2) MATTERS TO BE INCLUDED.—The report  
18          required under paragraph (1) shall include the fol-  
19          lowing:

20                 “(A) The total number of units submitted  
21                 for vetting during the prior calendar year, and  
22                 the number of such units that were approved,  
23                 suspended, or rejected for human rights rea-  
24                 sons.

1           “(B) The name of such units rejected dur-  
2           ing the prior calendar year and a description of  
3           the steps taken to assist the government of the  
4           foreign country in bringing the responsible  
5           members of such units to justice, in accordance  
6           with subsection (c).

7           “(C) An updated list of the units with re-  
8           spect to which no assistance is to be furnished  
9           pursuant to subsection (a).”.

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

13           (4) In section 656(a)(1) (22 U.S.C.  
14           2416(a)(1)), by striking “January 31” and inserting  
15           “March 1”.

16 **SEC. 831. REPEAL OF REPORTS.**

17           (a) REPEAL OF ANNUAL REPORT ON WORLD MILI-  
18           TARY EXPENDITURES AND ARMS TRANSFERS.—Section  
19           404 of the Arms Control and Disarmament Act (22  
20           U.S.C. 2593b) is hereby repealed.

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

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

5           (1) by striking subsection (b); and

6           (2) by redesignating subsection (c) as sub-  
7 section (b).

8 **SEC. 832. DEFENSE TRADE CONTROLS REGISTRATION**  
9           **FEES.**

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

12           (1) in the first sentence—

13           (A) by inserting “defense trade controls”  
14 after “100 percent of the”; and

15           (B) by striking “the Office of Defense  
16 Trade Controls of”; and

17           (2) in the second sentence—

18           (A) in the matter preceding paragraph (1),  
19 by inserting “management, licensing, compli-  
20 ance, and policy activities in the defense trade  
21 controls function, including” after “incurred  
22 for”;

23           (B) in paragraph (1), by striking “contract  
24 personnel to assist in”;

1 (C) in paragraph (2), by striking “and” at  
2 the end;

3 (D) in paragraph (3), by striking the pe-  
4 riod at the end and inserting a semicolon; and

5 (E) by adding at the end the following:

6 “(4) the facilitation of defense trade policy de-  
7 velopment and implementation, review of commodity  
8 jurisdiction determinations, public outreach to indus-  
9 try and foreign parties, and analysis of scientific and  
10 technological developments as they relate to the ex-  
11 ercise of defense trade control authorities; and

12 “(5) contract personnel to assist in such activi-  
13 ties.”.

14 **SEC. 833. WITHHOLDING OF ASSISTANCE TO UNITS OF FOR-**  
15 **EIGN SECURITY FORCES THAT ENGAGED IN**  
16 **SEXUAL EXPLOITATION OR ABUSE IN PEACE-**  
17 **KEEPING OPERATIONS.**

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

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

24 “(a) IN GENERAL.—The Secretary of State should  
25 withhold assistance to any unit of the security forces of

1 a foreign country if the Secretary has credible information  
2 that such unit has engaged in sexual exploitation or abuse,  
3 including while serving in a United Nations peacekeeping  
4 operation, until the Secretary determines that the govern-  
5 ment of such country is taking effective steps to hold the  
6 responsible members of such unit accountable and to pre-  
7 vent future incidents.

8 “(b) NOTICE.—The Secretary of State—

9 “(1) shall promptly notify the government of  
10 each country subject to any withholding of assist-  
11 ance pursuant to this section; and

12 “(2) shall notify the appropriate congressional  
13 committees of such withholding not later than 10  
14 days after a determination to withhold such assist-  
15 ance is made.

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

21 “(d) APPROPRIATE CONGRESSIONAL COMMITTEES  
22 DEFINED.—In this section, the term ‘appropriate congres-  
23 sional committees’ means—



1     **Subtitle C—Studies on Authorities**  
2                             **and Programs**

3     **SEC. 841. REQUIREMENT FOR STUDY BY BUREAU OF INTER-**  
4                             **NATIONAL NARCOTICS AND LAW ENFORCE-**  
5                             **MENT AFFAIRS.**

6             (a) IN GENERAL.—Not later than 1 year after the  
7     date of enactment of this Act, the Assistant Secretary for  
8     the Bureau of International Narcotics and Law Enforce-  
9     ment, in consultation with the heads of other relevant bu-  
10    reaus of the Department, shall submit to the Committee  
11    on Foreign Affairs of the House of Representatives and  
12    the Committee on Foreign Relations of the Senate a re-  
13    port detailing all existing programs, and their statutory  
14    authorities, that provide training, advice, equipment, and  
15    other support to eligible foreign civilian security forces and  
16    institutions.

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

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

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

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

4           (A) the potential opportunities such repeal  
5 would create for expanding existing programs  
6 or establishing new programs to improve the ca-  
7 pacity, capabilities, and professionalism of such  
8 civilian security forces and institutions, includ-  
9 ing with respect to pay and promotions, bene-  
10 fits, leadership, and administration; and

11           (B) the required elements necessary to en-  
12 sure that any such program would enhance rule  
13 of law and safeguard human rights.

14       (c) CIVILIAN SECURITY FORCES.—In this section,  
15 the term “civilian security forces” includes non-military  
16 security forces at the national, state, district, or local level  
17 that are responsible for internal security, do not report  
18 to a defense ministry or similar or related defense or mili-  
19 tary entity of a foreign government, and are assigned re-  
20 sponsibility for one or more of the following:

21           (1) Law enforcement.

22           (2) Border security.

23           (3) Maritime and port security.

24           (4) Customs law enforcement.

25           (5) Sanctions monitoring and enforcement.

- 1 (6) Counterterrorism.
- 2 (7) Counter-narcotics.
- 3 (8) Counterproliferation.
- 4 (9) Counter-transnational organized crime.
- 5 (10) Improving the administration of justice.
- 6 (11) Promoting respect for human rights.
- 7 (12) Promoting the rule of law.

8 **SEC. 842. REQUIREMENT FOR INDEPENDENT STUDY OF EX-**  
9 **ISTING SECURITY ASSISTANCE AUTHORITIES.**

10 (a) IN GENERAL.—Not later than 60 days after the  
11 date of the enactment of this Act, the Secretary shall enter  
12 into a contract with a federally funded research and devel-  
13 opment center with appropriate expertise and analytical  
14 capability to carry out the study described in subsection  
15 (b).

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

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

21 (2) areas in which—

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

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

1           (3) recommendations for consolidating, replac-  
2           ing, or otherwise adapting such authorities, as well  
3           as for establishing new ones, to include recommenda-  
4           tions for differentiating authorities based on the ca-  
5           pacity and capabilities they build as opposed to by  
6           issue or purpose.

7           (c) REPORT.—

8           (1) TO THE SECRETARY.—Not later than 1  
9           year after the date on which , the Secretary enters  
10          into a contract pursuant to subsection (a), the inde-  
11          pendent research entity that has entered into a con-  
12          tract with the Secretary shall submit to the Sec-  
13          retary a report containing—

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

16                (B) such recommendations to improve the  
17                effectiveness of existing security assistance au-  
18                thorities as the entity considers to be appro-  
19                priate.

20          (2) TO CONGRESS.—Not later than 30 days  
21          after receipt of the report under paragraph (1), the  
22          Secretary shall submit such report, together with  
23          any additional views or recommendations of the Sec-  
24          retary, to the Committee on Foreign Affairs of the

1 House of Representatives and the Committee on  
2 Foreign Relations of the Senate.

3 **TITLE IX—MISCELLANEOUS**

4 **SEC. 901. CASE-ZABLOCKI ACT REFORM.**

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

7 (1) in subsection (a), by striking “Committee  
8 on International Relations” and inserting “Com-  
9 mittee on Foreign Affairs”; and

10 (2) by amending subsection (b) to read as fol-  
11 lows:

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

17 “(1) shall be a current employee of such depart-  
18 ment or agency;

19 “(2) shall serve concurrently as Chief Inter-  
20 national Agreements Officer; and

21 “(3) subject to the authority of the head of  
22 such department or agency, shall have department  
23 or agency-wide responsibility for efficient and appro-  
24 priate compliance with subsection (a) to transmit the  
25 text of any international agreement to the Depart-

1       ment of State not later than 20 days after such  
2       agreement has been signed.”.

3 **SEC. 902. LIMITATION ON ASSISTANCE TO COUNTRIES IN**  
4                                   **DEFAULT.**

5       Section 620(q) of the Foreign Assistance Act of 1961  
6 (22 U.S.C. 2370(q)) is amended—

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

9               “(1) No assistance”;

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

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

14              (4) by striking “determines” and all that fol-  
15       lows and inserting “determines, after consultation  
16       with the Committee on Foreign Affairs and the  
17       Committee on Appropriations of the House of Rep-  
18       resentatives and the Committee on Foreign Rela-  
19       tions and the Committee on Appropriations of the  
20       Senate, that assistance for such country is in the na-  
21       tional interest of the United States.”; and

22              (5) by adding at the end the following:

23              “(2) No assistance shall be furnished under this  
24       Act, the Peace Corps Act, the Millennium Challenge  
25       Act of 2003, the African Development Foundation

1 Act, the BUILD Act of 2018, section 504 of the  
2 FREEDOM Support Act, or section 23 of the Arms  
3 Export Control Act to the government of any coun-  
4 try which is in default during a period in excess of  
5 1 calendar year in payment to the United States of  
6 principal or interest or any loan made to the govern-  
7 ment of such country by the United States unless  
8 the President determines, following consultation with  
9 the congressional committees specified in paragraph  
10 (1), that assistance for such country is in the na-  
11 tional interest of the United States.”.

12 **SEC. 903. PROHIBITION ON ASSISTANCE TO GOVERNMENTS**  
13 **SUPPORTING INTERNATIONAL TERRORISM.**

14 (a) PROHIBITION.—Subsection (a) of section 620A of  
15 the Foreign Assistance Act of 1961 (22 U.S.C. 2371) is  
16 amended by striking “that the government of that coun-  
17 try” and all that follows and inserting “that the govern-  
18 ment of that country—

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

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

24 “(3) otherwise supports international terrorism;  
25 or

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

5           (b) RESCISSION.—Subsection (c) of such section is  
6           amended by striking “and the Chairman of the Committee  
7           on Foreign Relations of the Senate” and inserting “, the  
8           Committee on Foreign Affairs of the House of Representa-  
9           tives, the Committee on Foreign Relations of the Senate,  
10          and the Committees on Appropriations of the House of  
11          Representatives and the Senate”.

12          (c) WAIVER.—Subsection (d)(2) of such section is  
13          amended by striking “and the chairman of the Committee  
14          on Foreign Relations of the Senate” and inserting “, the  
15          Committee on Foreign Affairs of the House of Representa-  
16          tives, the Committee on Foreign Relations of the Senate,  
17          and the Committees on Appropriations of the House of  
18          Representatives and the Senate”.

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

22                 “(e) PROHIBITION ON LETHAL MILITARY EQUIP-  
23          MENT EXPORTS.—

24                         “(1) PROHIBITION.—

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

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

16           “(C) APPLICABILITY.—This subsection ap-  
17 plies with respect to lethal military equipment  
18 provided under a contract entered into after Oc-  
19 tober 1, 1997.

20           “(2) WAIVER.—The President may waive the  
21 prohibition on assistance under paragraph (1) with  
22 respect to a foreign government if the President de-  
23 termines that to do so is important to the national  
24 interest of the United States.

1           “(3) REPORT.—Upon the exercise of the waiver  
2 authority pursuant to paragraph (2), the President  
3 shall submit to the appropriate congressional com-  
4 mittees a report with respect to the furnishing of as-  
5 sistance under the waiver authority, including—

6           “(A) a detailed explanation of the assist-  
7 ance to be provided;

8           “(B) the estimated dollar amount of such  
9 assistance; and

10           “(C) an explanation of how the assistance  
11 furthers the national interest of the United  
12 States.

13           “(4) APPROPRIATE CONGRESSIONAL COMMIT-  
14 TEES DEFINED.—In this subsection, the term ‘ap-  
15 propriate congressional committees’ means—

16           “(A) the Committee on Foreign Affairs  
17 and the Committee on Appropriations of the  
18 House of Representatives; and

19           “(B) the Committee on Foreign Relations  
20 and the Committee on Appropriations of the  
21 Senate.”.

22 **SEC. 904. ESTABLISHING A COORDINATOR FOR ISIS DE-**  
23 **TAINEE ISSUES.**

24           (a) IN GENERAL.—Not later than 90 days after the  
25 date of the enactment of this Act, the President, acting

1 through the Secretary, may designate an existing official  
2 within the Department to serve as senior-level coordinator  
3 to coordinate, in conjunction with other relevant Federal  
4 departments and agencies, all matters for the United  
5 States Government relating to the long-term disposition  
6 of ISIS detainees, including all matters in connection  
7 with—

8           (1) repatriation, transfer, prosecution, and in-  
9           telligence-gathering;

10           (2) coordinating a whole-of-government ap-  
11           proach with other countries and international orga-  
12           nizations, including INTERPOL, to ensure secure  
13           chains of custody and locations of ISIS detainees;

14           (3) coordinating the provision of technical and  
15           evidentiary assistance to foreign countries to aid in  
16           the successful prosecution of ISIS detainees; and

17           (4) all multilateral and international engage-  
18           ments led by the Department and other relevant  
19           Federal departments and agencies that are related  
20           to the current and future handling, detention, or  
21           prosecution of ISIS detainees.

22           (b) RETENTION OF EXISTING AUTHORITY.—The ap-  
23           pointment of a senior-level coordinator pursuant to sub-  
24           section (a) shall not deprive any Federal department or

1 agency of any existing authority to independently perform  
2 the functions of that agency relating to ISIS detainees.

3 (c) ISIS DETAINEE DEFINED.—In this section, the  
4 term “ISIS detainee” means a captured individual—

5 (1) who allegedly fought for or supported the  
6 Islamic State of Iraq and Syria; and

7 (2) who is a national of a country other than  
8 Iraq or Syria.

9 **SEC. 905. SEAN AND DAVID GOLDMAN CHILD ABDUCTION**  
10 **PREVENTION AND RETURN ACT OF 2014**  
11 **AMENDMENT.**

12 Subsection (b) of section 101 of the Sean and David  
13 Goldman International Child Abduction Prevention and  
14 Return Act of 2014 (22 U.S.C. 9111; Public Law 113–  
15 150) is amended—

16 (1) in paragraph (2)—

17 (A) in subparagraph (A)—

18 (i) by inserting “, respectively,” after  
19 “access cases”; and

20 (ii) by inserting “and the number of  
21 children involved” before the semicolon at  
22 the end;

23 (B) in subparagraph (D), by inserting “re-  
24 spectively, the number of children involved,”  
25 after “access cases,”;

1           (2) in paragraph (7), by inserting “, and num-  
2           ber of children involved in such cases” before the  
3           semicolon at the end;

4           (3) in paragraph (8), by striking “and” after  
5           the semicolon at the end;

6           (4) in paragraph (9), by striking the period at  
7           the end and inserting “; and”; and

8           (5) by adding at the end the following new  
9           paragraph:

10           “(10) the total number of pending cases the  
11           Department of State has assigned to case officers  
12           and number of children involved for each country  
13           and as a total for all countries.”.

14 **SEC. 906. MODIFICATION OF AUTHORITIES OF COMMISSION**  
15                           **FOR THE PRESERVATION OF AMERICA’S HER-**  
16                           **ITAGE ABROAD.**

17           (a) IN GENERAL.—Chapter 3123 of title 54, United  
18           States Code, is amended as follows:

19           (1) In section 312302, by inserting “, and  
20           unimpeded access to those sites,” after “and historic  
21           buildings”.

22           (2) In section 312304(a)—

23                   (A) in paragraph (2)—

1 (i) by striking “and historic build-  
2 ings” and inserting “and historic buildings,  
3 and unimpeded access to those sites”; and

4 (ii) by striking “and protected” and  
5 inserting “, protected, and made acces-  
6 sible”; and

7 (B) in paragraph (3), by striking “and  
8 protecting” and inserting “, protecting, and  
9 making accessible”.

10 (3) In section 312305, by inserting “and to the  
11 Committee on Foreign Affairs of the House of Rep-  
12 resentatives and the Committee on Foreign Rela-  
13 tions of the Senate” after “President”.

14 (b) REPORT.—Not later than 90 days after the date  
15 of the enactment of this Act, the Commission for the Pres-  
16 ervation of America’s Heritage Abroad shall submit to the  
17 President and to the Committee on Foreign Affairs of the  
18 House of Representatives and the Committee on Foreign  
19 Relations of the Senate a report that contains an evalua-  
20 tion of the extent to which the Commission is prepared  
21 to continue its activities and accomplishments with respect  
22 to the foreign heritage of United States citizens from east-  
23 ern and central Europe, were the Commission’s duties and  
24 powers extended to include other regions, including the

1 Middle East and North Africa, and any additional re-  
2 sources or personnel the Commission would require.

3 **TITLE X—BUDGETARY EFFECTS**

4 **SEC. 1001. DETERMINATION OF BUDGETARY EFFECTS.**

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

Passed the House of Representatives July 25, 2019.

Attest:

*Clerk.*



116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 3352**

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**AN ACT**

To provide for certain authorities of the  
Department of State, and for other purposes.